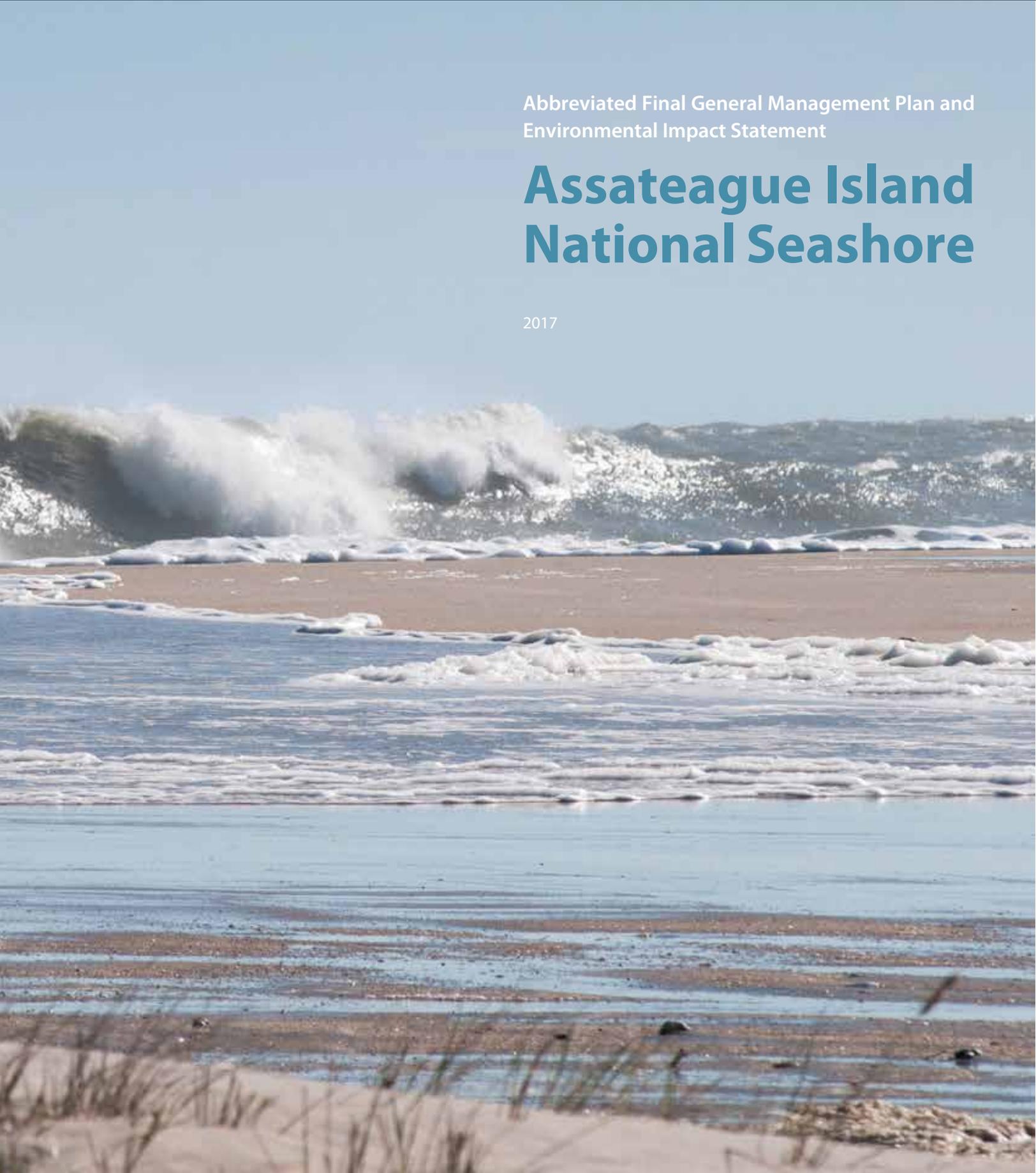




Abbreviated Final General Management Plan and  
Environmental Impact Statement

# Assateague Island National Seashore

2017



Cover Photo: Allen Sklar

Final Abbreviated General Management Plan  
and Environmental Impact Statement

# Assateague Island National Seashore

2017



UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ABBREVIATED FINAL GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT

Assateague Island National Seashore, Maryland and Virginia

Assateague Island National Seashore (the seashore), established in 1965, preserves the outstanding Mid-Atlantic coastal resources of Assateague Island and its adjacent waters and the natural processes upon which they depend. The seashore also provides high quality resource-compatible recreation experiences. To support these purposes, the National Park Service (NPS) has prepared a new general management plan (GMP) for the seashore, to replace the seashore's existing GMP completed in 1982.

The *Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS)* was available for public and agency review from January 29, 2016 through May 1, 2016. The document presents and evaluates four alternatives for management of the seashore.

**Alternative 1.** The NPS would continue to manage resources and visitor uses as it does today. The seashore enabling legislation and the existing *General Management Plan* (NPS 1982) would continue to guide seashore management. The NPS would manage seashore resources and visitor use as it does today, with no major change in direction.

**Alternative 2.** Most visitors would enjoy traditional beach recreation concentrated within a high density developed area accessible by private vehicle. This alternative would likely require significant manipulation of the natural environment to protect facilities and infrastructure in the island developed area. Outside the developed area, natural processes and the effects of climate change/sea level rise would be the primary forces influencing the condition and evolution of natural resources.

**Alternative 3 (NPS Preferred Alternative).** Over time, visitor use infrastructure would evolve to more sustainable designs and likely shift to more stable locations both on and off the island. Most recreational uses and activities would continue while new water-based points of access would provide access to additional low density visitor use in the seashore's backcountry. Natural processes and the effects of climate change/sea level rise would be the primary forces influencing the condition and evolution of natural resources. Alternative 3 represents a long-term shifting of seashore facilities and assets to adapt to climate change.

**Alternative 4.** Visitors would continue to use existing facilities and infrastructure until they are lost and/or damaged by natural coastal processes and/or the effects of climate change/sea level rise. Lost or damaged facilities would either not be replaced or would be minimally replaced with sustainable substitutes. Visitor use would become almost entirely limited to day-use activities, although some primitive camping would remain available. Natural coastal processes and the effects of climate change/sea level rise would be the primary forces influencing the condition and evolution of natural resources. Alternative 4 represents a quicker adaptation of seashore facilities and assets to the effects of climate change, as the seashore shifts from a more traditional developed place to a more primitive place.

The *Draft GMP/EIS* addresses the environmental impacts that would result from implementation of the alternatives. Impact topics include water resources, vegetation, wildlife, federally listed threatened or endangered species, historic structures, cultural landscapes, seashore operations, access and circulation, visitor use and experience, and the socio-economic environment.

This document is an *Abbreviated Final General Management Plan/Environmental Impact Statement* for the seashore. It responds to and incorporates the public comments received on the *Draft GMP/EIS*. An abbreviated final GMP/EIS is used because the comments received require only minor responses and editorial changes to the *Draft GMP/EIS*. For clarification purposes, some minor changes have been made to the descriptions of alternatives and the impact analysis findings presented in the *Draft GMP/EIS*. Therefore, alternative 3 remains as the NPS preferred alternative. The public release of the *Abbreviated Final GMP/EIS* will be followed by a 30-day no action period, after which the NPS will prepare a record of decision to document the selected alternative and set forth any stipulations for implementation of the GMP.

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## United States Department of the Interior



NATIONAL PARK SERVICE  
Assateague Island National Seashore  
7206 National Seashore Drive  
Berlin, MD 21811

Dear Reader:

I am pleased to share with you this *Abbreviated Final General Management Plan/Environmental Impact Statement* (GMP/EIS) for Assateague Island National Seashore. The document includes an analysis of comments received on the *Draft GMP/EIS* with NPS responses, errata sheets detailing editorial corrections to the *Draft GMP/EIS*, and copies of agency and substantive public comments. The plan will guide long-term decisions about the management of Assateague Island National Seashore.

Over the past few years, the public has participated in the planning process through public meetings, formal and informal consultation, newsletters, and materials posted on the internet. In early 2016, the *Draft GMP/EIS* was available for public review for 90 days. Approximately 27 interested individuals, agencies, and organizations received either a digital copy or paper copy of the *Draft GMP/EIS*. An additional 400 individuals, agencies, and organizations received newsletters announcing availability of the *Draft GMP/EIS* and providing information on how to obtain copies (hard copy or digital) or to view the document on-line. The NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov//ASIS>) offered interested parties an opportunity to review and comment on the *Draft GMP/EIS* via the internet. On March 29, 30, and 31, 2016, the NPS hosted open houses in Salisbury (MD), Berlin (MD), and Chincoteague (VA), respectively, where the public had opportunities to review the *Draft GMP/EIS* and provide comments.

The National Park Service (NPS) received 268 pieces of correspondence on the draft plan. This commentary was thoughtful, helpful, and sincere. I would like to thank the people who commented for sharing their insights. I also would like to express our appreciation to the many people—partners, advisors, and members of the public—who provided input throughout the planning process. Your input has confirmed our belief that alternative 3 is the preferred alternative and that the management actions it proposes will best guide long-term stewardship of Assateague Island National Seashore.

The enclosed document is in an abbreviated form because comments received during the public review period required only minor responses and editorial changes to the *Draft GMP/EIS*. For clarification purposes, some minor changes have been made to the description of alternatives and the impact analysis findings presented in the *Draft GMP/EIS*. Alternative 3 remains the NPS preferred alternative. The abbreviated format has allowed us to produce a simple brief document and to avoid costly reprinting of the entire 650-page document.

The public release of the *Abbreviated Final GMP/EIS* will be followed by a 30-day no-action period, after which the NPS will prepare a Record of Decision to document the selected alternative. The *Abbreviated Final GMP/EIS* and the *Draft GMP/EIS* constitute the documentation upon which the Record of Decision will be based.

Sincerely,

Deborah Darden  
Superintendent

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## Acronyms

<b>CCP/EIS</b>	Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan and Environmental Impact Statement
<b>COLREGS</b>	collision regulations (for preventing collisions at sea)
<b>EIS</b>	environmental impact statement
<b>GMP</b>	general management plan
<b>MD DNR</b>	Maryland Department of Natural Resources
<b>NPS</b>	National Park Service
<b>NWS</b>	National Weather Service
<b>PEPC</b>	Planning, Environment, and Public Comment (website)
<b>USACE</b>	U.S. Army Corps of Engineers
<b>VMRC</b>	Virginia Marine Resources Commission

## 1. Introduction

This document is the *Abbreviated Final General Management Plan/Environmental Impact Statement (Draft GMP/EIS)* for Assateague Island National Seashore (ASIS). It is composed of the NPS responses to public comments on the *Draft GMP/EIS*, errata detailing editorial changes to the *Draft GMP/EIS*, copies of substantive comments received from agencies and others, and copies of other agency comments that did not contain substantive comments.

Public review of the *Draft GMP/EIS* occurred from January 29, 2016 through May 1, 2016. EPA published a notice of availability in the *Federal Register* on January 29, 2016. Approximately 27 interested individuals, agencies, and organizations received either a digital copy or paper copy of the *Draft GMP/EIS*. An additional 400 individuals, agencies, and organizations received newsletters announcing availability of the *Draft GMP/EIS* and providing information on how to obtain copies (hard copy or digital) or to view the document on-line. The NPS made the *Draft GMP/EIS* available at seashore headquarters, the Assateague Island Visitor Center (MD), and the Toms Cove Visitor Center (VA). The NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov//ASIS>) offered interested parties an opportunity to review and comment on the *Draft GMP/EIS* via the internet. On March 29, 30, and 31, 2016, the NPS hosted open houses in Salisbury (MD), Berlin (MD), and Chincoteague (VA), respectively, where the public had opportunities to review the *Draft GMP/EIS* and provide comments. Press releases in local newspapers, the seashore's website, and Facebook announced the availability of the *Draft GMP/EIS*, as well as the public open house dates and times.

This *Abbreviated Final GMP/EIS* responds to and incorporates the public and agency comments received on the *Draft GMP/EIS*. An abbreviated final GMP/EIS is used because the comments received on the *Draft GMP/EIS* require only minor responses and editorial changes to the document (40 CFR 1503.4(c)). The *NPS NEPA Handbook* (NPS 2015), section 4.6(B), defines minor as “changes involving only factual corrections or explanations of why comments do not warrant further response.” As a result of public comment, for clarification purposes some minor changes have been made to the description of the alternatives and to the impact analysis findings presented in the *Draft GMP/EIS*.

Following the public release of this *Abbreviated Final GMP/EIS*, there will be a 30-day no action period, after which the NPS will prepare a record of decision. The record of decision will document the selected alternative and set forth any stipulations for implementing the GMP.

## 2. Comments and Responses Summary

The seashore superintendent received 268 pieces of correspondence in the form of letters (32), comment sheets from the open houses (5), electronic comments submitted through the NPS PEPC website (185), and emails (46). While some comments had similar content, the NPS has treated each as a unique piece of correspondence because they were “personalized.”

The GMP Planning Team carefully reviewed and considered each piece of correspondence received. From the correspondence, the GMP Planning Team identified 46 “comments” or statements regarding a particular issue. The team then categorized these comments as substantive or non-substantive, pursuant to guidelines of the Council on Environmental Quality (40 CFR 1503.4). NPS Director's Order 12, section 4.6 defines substantive comments as:

*Substantive comments are those that do one or more of the following:*

- *question, with reasonable basis, the accuracy of information in the EIS*
- *question, with reasonable basis, the adequacy of environmental analysis*
- *present reasonable alternatives other than those presented in the EIS*
- *cause changes or revisions in the proposal*

*In other words, they raise, debate, or question a point of fact or analysis. Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive and do not require a formal response.*

Responses are required for all substantive comments. NPA may also respond to non-substantive comments that warrant clarification of NPS policy or the content of the *Draft GMP/EIS*. In this *Abbreviated Final GMP/EIS*, responses are provided for substantive comments as well as for non-substantive comments that warrant clarification. Comments with questions or suggestions regarding implementation of management actions described in the *Draft GMP/EIS* are also summarized and responses are provided, as needed.

All correspondence containing substantive comments is reprinted in full. All other agency correspondence not containing substantive comments is also reprinted. A full set of the correspondence is available upon request.

Eighty-nine (89) commenters identified a preference among the alternatives presented in the Draft GMP. Of these, approximately 83 percent selected alternative 3 as their preferred alternative. Many commenters stated support for particular components of alternative 3. Ten (10) percent preferred alternative 1, one (1) percent preferred alternative 2, and six (6) percent preferred alternative 4.

Topics on which more than three comments were received included:

- Substantive Comments
  - Natural Resources, Horseshoe Crabs and Aquaculture, Economic Impacts
  - Natural Resources, Horseshoe Crabs/Aquaculture/Duck Blinds/Oyster Houses, Cultural Heritage Impacts
- Non-Substantive Comments Requiring Clarification
  - Visitor Experience, Oversand Vehicle Use, Carsonite Markers
  - Visitor Experience, Oversand Vehicle Use, Continued Use in Alternative 3
  - Visitor Experience, Oversand Vehicle Use, Access Trail/Back Road
  - Visitor Facilities, Future Ferry in Alternative 3
  - Visitor Facilities, Seashore Access, MD Entry Station
  - Visitor Facilities, Seashore Access, Verrazano Bridge
  - Natural Resources, Coastal Processes, Protecting Chincoteague Beach
  - Natural Resources, Coastal Processes, Protecting Maryland and Virginia Communities
  - Natural Resources, Wilderness, Opposition/Support
  - Natural Resources, Horseshoe Crabs, NPS Jurisdiction
  - Natural Resources, Aquaculture, NPS Jurisdiction
  - Natural Resources, Watch Houses and Blinds, NPS Jurisdiction
  - Planning Process, Use of "Consider", "Would" and "If" in the Document
- Non-Substantive Comments with Suggestions for Implementation
  - Visitor Facilities, Seashore Access, Future Ferry in Alternative 3
  - Natural Coastal Processes, Breach Management
  - Future GMP Implementation, Compliance

## 2.1 Substantive Comments Requiring Responses

The following section summarizes the substantive comments received and presents the corresponding NPS response. The correspondence for each of the substantive comments is reprinted in its entirety in appendix E.

### Topic S3001: Natural Resources, Floodplains, Database

**Concern Statement.** Worcester County suggested that the NPS revise the draft GMP to incorporate findings of the updated and adopted floodplain study that the Federal Emergency Management Agency completed in 2015.

**Representative Quote: Mayor, Town of Ocean City**

Description is not current and should include a section for new Coastal RiskMAP analysis completed by FEMA in 2015.

**NPS Response.** Section 3.4.5 (page 3-19) of the *Draft GMP/EIS* has been updated via errata (see section 3.1 below) to include findings of the updated and adopted *Flood Risk Report: Worcester County, Maryland Coastal Study* (Worcester County 2015). Also, the references have been updated via errata (see section 3.2 below) to include the 2015 update.

### Topic S3002: Natural Resources, Horseshoe Crabs, Justification for Ban

**Concern Statement.** The Commonwealth of Virginia questioned the management reasons for justifying a ban on horseshoe crab harvest, and questioned the analysis of impacts on horseshoe crabs potentially associated with implementing such a ban.

**Representative Quote: Virginia Marine Resources Commission**

There is no demonstrable fisheries management reason to institute a ban on the harvest of horseshoe crabs within a half-mile of mean low water in the Assateague Island area. A ban on horseshoe crabs within this area would have the negative impact of creating additional horseshoe crab harvest pressures in other areas, specifically areas east of the COLREGS line.

**Representative Quote: Virginia Marine Resources Commission**

The GMP claims that "prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS) would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, resulting in a beneficially [sic] impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area (US FWS 2015)". This horseshoe crab harvest prohibition, as described, would not result in an overall increase in the number of spawning crabs. Harvest prohibitions in this area could put additional pressure on the horseshoe crab stock in other areas, specifically areas east of the COLREGS demarcation lines, an especially important region in the existing horseshoe crab fisheries management plan for protecting the Delaware Bay horseshoe crab stock.

**NPS Response.** The *Draft GMP/EIS* proposes future management of horseshoe crabs in a manner compatible with NPS regulations and the U.S. Fish and Wildlife Service's (FWS) management goals for the adjoining Chincoteague Wildlife Refuge, as described in the recently completed *Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS)* (US FWS 2015)." During the CCP/EIS planning process, the FWS determined in a *Justification for a Finding of Appropriateness of a Refuge*

Use, that horseshoe crab harvesting “is not a priority public use of the National Wildlife Refuge System” (see CCP/EIS appendix Q). Specifically, FWS determined that:

- “horseshoe crab harvesting could, based on available information, contribute to the decline of horseshoe crabs on the refuge
- a decline in horseshoe crabs could negatively impact shorebirds by reducing available food supplies during critical migration periods” (see CCP/EIS page Q-15)

The *Justification of a Finding of Appropriateness of a Refuge Use*, summarized above, provided the basis for NPS consideration of the potential impacts of horseshoe crab harvesting and supported its management decision regarding horseshoe crab harvesting in seashore waters.

The NPS proposes to 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. Consultation would consider broader issues related to horseshoe crab fishery management in Delaware Bay, including the additional pressure on the horseshoe crab stock in other areas, such as areas east of the COLREGS demarcation lines that might result from the FWS and NPS management decisions at Toms Cove.

The GMP has been changed (pages xiv, xxxvi, xxxviii, xl, xliii, xlv, xlvii, 2-32, 2-35, 2-86, 2-89, 2-95, 2-103, 2-109, 4-63, 4-76, 4-82, and 4-183) via errata (see section 3.1 below) to clarify the proposed NPS management actions regarding horseshoe crabs.

### **Topic S3003: Natural Resources, Horseshoe Crabs, Clarification of Proposed Action**

**Concern Statement.** Accomack County and others noted the importance of horseshoe crab harvest to medical research. The county also requested clarification as to whether the proposed ban would apply to crabs taken for bleeding (and returned to the water).

#### **Representative Quote: Accomack County Government**

It is unclear if your proposed ban would include the taking of animals for bleeding (and return to the water). If so, the value of the fishery stated in the document appears to be very low, as one of blood [sic] is said to be valued at \$15,000. This use of the animal is very important to human life and safety. Blood removed from the animals has unique properties in the testing of medical equipment and vaccines for bacterial infections. See <http://www.iflscience.com/plantsand-animals/how-horseshoe-crab-blood-saves-millions-lives> for further information. According to this source, it saves millions of lives.

**NPS Response.** As stated in our response to the previous concern statement, the NPS proposes to 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. Early in this consultation process, the agencies would determine if the ban would apply to horseshoe crabs taken for bleeding (and returned to the water).

The GMP has been changed (pages xiv, xxxvi, xxxviii, xl, xliii, xlv, xlviii, 2-32, 2-35, 2-86, 2-89, 2-95, 2-103, 2-109, 4-63, 4-76, 4-82, and 4-183) via errata (see section 3.1 below) to clarify the proposed NPS management actions regarding horseshoe crabs.

**Topic S3004: Natural Resources, Horseshoe Crabs, Migratory Bird Impacts**

**Concern Statement.** The Commonwealth of Virginia questioned findings of the impact analysis in the draft GMP/EIS regarding the impacts of the proposed ban on harvesting horseshoe crabs. The state noted that the current practice of harvesting horseshoe crabs does not have negative effects on migratory birds and that the proposed ban would not improve food availability for migratory red knots.

**Representative Quote: Virginia Marine Resources Commission**

Furthermore, this ban would not improve food availability for the migratory red knots because these birds do not primarily subsist on horseshoe crab eggs during stopover in Virginia (Cohen et al., 2011).

**Representative Quote: Virginia Marine Resources Commission**

The GMP claims that the harvest of horseshoe crabs has negative effects on migrating birds during stopover in Delaware Bay due to the depletion of critical food supplies. Virginia and surrounding states jointly manage the harvest of horseshoe crabs to limit the number and manner in which each state can harvest horseshoe crabs that are from Delaware Bay origin. The ecosystem based Adaptive Resource Management (ARM) model takes this harvest into account when determining ideal harvest packages to ensure long-term sustainability for horseshoe crabs and red knots. Furthermore, recent studies by Virginia Polytechnic Institute and State University show that red knots that stopover in Virginia during migration do not use horseshoe crabs as their main food source, but rather forage on abundant mollusks (Cohen et al. 2014). This same information is referenced by the GMP stating the "The diet of red knots in Virginia includes coquina clams (*Don [sic] (JX variabilis)*) and blue mussels (*Mytilus edulis*; Truitt et al. 2001), as was also the case historically (MacKay 1893), and lacks the horseshoe crab (*Limulus polyphemus*) eggs that are a staple in the Delaware Bay."

**NPS Response.** The draft GMP/EIS proposes future management of horseshoe crabs in a manner compatible with NPS regulations and the FWS management goals for the adjoining Chincoteague Wildlife Refuge, as described in the recently completed *Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan (CCP/EIS) and Environmental Impact Statement (US FWS 2015).*"

The CCP/EIS notes the following in the analysis of impacts related to horseshoe crabs for all alternatives considered:

"The horseshoe crab is an endemic species found on the east coast of the United States, with the center of abundance between New Jersey and Virginia. This species spawns in the spring during new and full moon periods starting the end of April and lasting into June. This period of time coincides with the spring migration of shorebirds. Migration is an extremely energetic undertaking for these birds and their success or failure is dependent upon finding sufficient energy (food) to complete migration and then to breed. Studies have shown that horseshoe crab eggs that wash up on beaches after a spawning cycle are known to supply some or the entire energy requirement to complete migration." (US FWS 2015, page 4-17)

Furthermore, the *Justification for a Finding of Appropriateness of a Refuge Use* determined that horseshoe harvesting "is not a priority public use of the National Wildlife Refuge System", concluding that:

- a decline in horseshoe crabs could negatively impact shorebirds by reducing available food supplies during critical migration periods" (see US FWS 2015, appendix Q, page Q-15)

These findings provide the basis for NPS statements in the draft GMP/EIS saying that enforcement of existing federal laws prohibiting harvest of horseshoe crabs would result in reduced decline of spawning crabs. This could

result in a benefit to shorebirds for which horseshoe crab eggs are an important food source during critical migration periods.

Note that the Virginia Marine Resources Commission (VMRC) commenter incorrectly states that, “This same information is referenced by the GMP stating: “The diet of red knots in Virginia includes coquina clams (*Don [sic] (JX variabilis)* and blue mussels (*Mytilus edulis*; Truitt et al. 2001), as was also the case historically (MacKay 1893), and lacks the horseshoe crab (*Limulus polyphemus*) eggs that are a staple in the Delaware Bay.” The GMP does not reference the information as stated.

**Topic S3005: Natural Resources, Horseshoe Crabs/Aquaculture, Economic Impacts**

**Concern Statement.** The Commonwealth of Virginia and several others noted that the proposed ban on horseshoe crab harvest would have an adverse economic impact on local watermen.

The Commonwealth of Virginia noted that the prohibition of aquaculture in Virginia waters around Assateague Island would adversely affect the livelihood of over 50 local watermen and remove millions of dollars from the local economy.

**Representative Quote: Unaffiliated Individual**

Lastly banning horseshoe crab harvest will directly put people out of a job. Horseshoe crabs are quite [sic] protected in many other coastal areas and the permit holder who fishes for these locally has built a livelihood doing so. The public will not see any benefit to stopping a horseshoe crab harvest in the area.

**Representative Quote: Unaffiliated Individual**

Watermen have been harvesting horseshoe crabs in Toms Cove for 56 years and have not depleted the supply. If you "phase out" harvesting you are just creating another problem for Assateague Island and will put the watermen out of business.

**Representative Quote: Virginia Marine Resources Commission**

The Commonwealth believes that if Alternatives 2 through 4 are adopted in the final GMP, it would likely result in a negative economic impact to local watermen permitted to harvest horseshoe crabs in Virginia.

**Representative Quote: Virginia Marine Resources Commission**

The prohibition of aquaculture around Assateague Island National Seashore would adversely affect the livelihood of over 50 local watermen, remove millions of dollars from the local economy (Table 1), and displace a significant historical community and way of life.

Table 1 Total reported harvest, and dockside value, of aquacultured oysters and clams from leases within NPS boundaries from the years 2007 through 2015.

Year	Species	Total Pounds (meat weight)	Total Dockside Value
2007-2015	Private Oysters	71,282	\$518,163.37
2007-2015	Private Hard Clams	255,590	\$1,702,079.44
2007-2015	Total Private Harvest	326,872	\$2,220,242.82

**NPS Response.** Regarding horseshoe crabs, section 4.11.3 (page 4-182) of the draft GMP/EIS acknowledges that enforcement of existing federal laws prohibiting harvest of horseshoe crabs would effectively eliminate unauthorized horseshoe crab harvesting in the Toms Cove area, likely resulting in a negative impact to some commercial watermen (US FWS 2015). The annual value of horseshoe crab harvesting in the Toms Cove area is estimated at approximately \$55,261 (US FWS 2015). The NPS proposes to 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. This would enable commercial watermen to continue harvesting until they are able to relocate their harvesting activities outside of seashore waters or until they no longer depend upon the activity for their livelihood.

Regarding aquaculture, the NPS is not proposing to prohibit aquaculture in Virginia waters around Assateague Island. As noted in GMP section 2.4.5 (page 2-32, paragraph 3), in recognition of the long history of aquaculture within seashore waters predating establishment of the seashore, the NPS would issue a special use permit under 36 CFR§ 2.60(3)b to the VMRC within the Commonwealth of Virginia to allow for the continued practice of commercial aquaculture and maintenance of the historic setting. VMRC would continue to issue commercial aquaculture leases and have regulatory oversight over the activity and would continue to be responsible for managing the leases and ensuring that commercial aquaculture within seashore waters is consistent with the special use permit.

The GMP has been changed (pages xiv, xxxvi, xxxviii, xl, xliii, xlv, xlviii, 2-32, 2-35, 2-86, 2-89, 2-95, 2-103, 2-109, 4-63, 4-76, 4-82, and 4-183) via errata (see section 3.1 below) to clarify the proposed NPS management actions regarding horseshoe crabs. No changes have been made to the GMP regarding aquaculture.

### **Topic S3006: Natural Resources, Horseshoe Crabs/Aquaculture/Duck Blinds/Oyster Houses, Cultural Heritage Impacts**

**Concern Statement.** The Commonwealth of Virginia, the Town of Chincoteague, the Chincoteague Chamber of Commerce, and others expressed opposition to the proposed ban on horseshoe crab harvest and aquaculture because it would destroy a historic and cultural way of life in Chincoteague that has been handed down from generation to generation in Chincoteague Island families.

The Town of Chincoteague, the Chincoteague Chamber of Commerce, and others expressed opposition to the proposed removal of unauthorized oyster watch houses and duck blinds located within the seashore's Virginia waters. The town noted that almost all oyster watch houses and duck blinds have been handed down from generation to generation to those family members that live on Chincoteague Island. One commenter noted that the structures have provided a traditional and historic way of life for local residents to earn a living since long before establishment of the seashore and should be allowed to continue without interference or restrictions.

#### **Representative Quote: Virginia Marine Resources Commission**

The harvest of horseshoe crabs in the Delmarva region is a historical fishery, where horseshoe crabs have been harvested for fertilizer and livestock feed for over two centuries. Early reported annual harvests range from 4 million pounds of horseshoe crabs in the 1870's to about 2 million pounds from the 1880's through the 1920's (Finn. 1990, Shuster. 1985). Since that time management framework has been developed. [sic] which has allowed this fishery to remain active in this region and supply a majority of the region's bait for the eel and conch fisheries.

**Representative Quote: Virginia Marine Resources Commission**

The Commonwealth believes that if Alternatives 2 through 4 are adopted in the final GMP, it would likely displace a significant historical community and way of life.

**Representative Quote: Joseph T. Thornton, Oyster Watch House Owners**

All of the Watch Houses in the Virginia boundaries predate the National Sea Shore Act of 1965, and by definition are historical. These properties have been handed down generations by owners to their families and relatives for the preservation of cultural and livelihood as a way to protect the oyster grounds they own. I can remember stories from many owners which predate the combustible outboard engine. The owners would oar or scull their skiffs miles to get to their cabins to protect and harvest their clams and oysters. In closing, we would like to reiterate the historical importance of the watch houses to our local area and the proven ownership which goes back generations. Please remove them from the plan so that the use of the structures may continue for generations to come.

**Representative Quote: Chincoteague Chamber of Commerce**

We ask that language in the GMP should state "no action will be taken relative to watch houses and duck blinds" due to their historical and cultural significance. Virginia Department of Health regularly monitors Chincoteague waters for contamination from wastewater discharge from such private structures, therefore no intervening action should be taken by NPS.

**Representative Quote: Mayor, Town of Chincoteague**

The town objects to any reference of denying horseshoe crab harvesting in the GMP, which is a historical and cultural way of life on Chincoteague. This harvesting has been handed down from generation to generation in Chincoteague Island families and would be a disaster to see a family's way of life discontinued.

**Representative Quote: Virginia Marine Resources Commission**

The Commission would like to thank the NPS for highlighting the historic, economic, and ecological significance of shellfishing and shellfish aquaculture in the Commonwealth and on the Eastern Shore. The prohibition of aquaculture around Assateague Island National Seashore would adversely affect the livelihood of over 50 local watermen, remove millions of dollars from the local economy (Table 1), and displace a significant historical community and way of life.

**Representative Quote: Thomas Clark**

I am opposed to the NPS setting any type of controls on harvesting and aquaculture activities that occur within the water column you claim ownership of. What a shame it is that the Government has- or thinks it has, the right to just take from the public. Oyster and Clamming have been done in Toms Cove for well over 150 years.

**NPS Response.** The NPS recognizes that horseshoe crab harvesting, aquaculture, and uses associated with privately owned structures (oyster houses and hunting blinds) are traditional uses of the seashore that are important to community members living near the seashore. A recent ethnographic overview and assessment report documented some of these traditional activities. It concluded that continued access to the seashore's resources is important in relation to the continuity and preservation of lifeways in the seashore's nearby

communities and in terms of the contribution of such resources to local or family socioeconomic systems (Chambers and Sullivan 2012).

Regarding aquaculture, the NPS is not proposing to prohibit aquaculture in Virginia waters around Assateague Island. As noted in GMP section 2.4.5 (page 2-32, paragraph 3), in recognition of the long history of aquaculture within seashore waters predating establishment of the seashore, the NPS would issue a special use permit under 36 CFR§ 2.60(3)b to the VMRC within the Commonwealth of Virginia to allow for the continued practice of commercial aquaculture and maintenance of the historic setting. VMRC would continue to hold commercial aquaculture leases and have regulatory oversight over the activity and would continue to be responsible for managing the leases and ensuring that commercial aquaculture within seashore waters is consistent with the special use permit. Consequently, GMP management actions would not affect the livelihood of local waterman and would not displace a significant historical community and way of life in Chincoteague.

Regarding horseshoe crab harvesting, the NPS recognizes that the prohibition on harvest of horseshoe crabs would adversely impact the historic and cultural way of life in Chincoteague by eliminating access to horseshoe crab harvest in Toms Cove. The NPS proposes to mitigate the impact on the historic community and way of life in Chincoteague by:

- Consulting with the Commonwealth of Virginia and the State of Maryland to develop a process to gradually reduce and eliminate horseshoe crab harvesting within seashore waters over a reasonable period of time. This would enable commercial watermen to continue harvesting horseshoe crabs at Toms Cove until they are able to relocate their harvesting activities outside of seashore waters or until they no longer depend upon the activity for their livelihood.
- Completing an evaluation of commercial fishing operations within and adjacent to the seashore that will provide information needed to inform the collaboration with the states (as noted in the previous bullet). This study will compile and analyze landings data and other information for the seashore's ocean and bay waters, identify and quantify annual commercial harvest of horseshoe crabs since the seashore's establishment in 1965, evaluate the impacts of horseshoe crab harvest on the seashore's marine and estuarine resources, identify the number of currently active commercial operators within the seashore's boundaries, and estimate the economic value of commercial horseshoe crab harvest within the seashore.
- Working collaboratively with local communities, Accomack and Worcester Counties, local watermen, the Commonwealth of Virginia, the State of Maryland, and Chincoteague National Wildlife Refuge to understand and document the history and tradition of watermen in the Chincoteague/Sinepuxent Bay region. GMP section 2.4.5 notes that studies would include surveying the traditional knowledge within eastern shore communities and evaluating the maritime cultural landscape. In addition, the NPS would work collaboratively with these groups to understand the status of the seashore's marine resources, and the best ways to ensure their continued resilience and productivity.

Regarding privately-owned structures, NPS would initiate an assessment of the structures to determine their legal status and the authority for their presence. Only those that are unauthorized would be removed. To document the traditional use of these structures, NPS would conduct an ethnographic study. Based on findings of the study, as noted in section 2.4.5 of the draft GMP/EIS, the NPS would collaborate with local and regional cultural and academic institutions to develop interpretive programming and other visitor information that would further illuminate the significance of activities associated with oyster watch houses and hunting blinds to the cultural heritage of the eastern shore and Assateague Island.

The GMP has been changed (pages xiv, xxxvi, xxxviii, xl, xliii, xlv, xlviii, 2-32, 2-35, 2-86, 2-89, 2-95, 2-103, 2-109, 4-63, 4-76, 4-82, and 4-183) via errata (see section 3.1 below) to clarify the proposed NPS management actions regarding horseshoe crabs. The GMP has been changed (pages xiv, 2-32, and 2-35) via errata (see section 3.1 below) to clarify the proposed NPS management actions regarding oyster watch houses and duck blinds. No changes have been made to the GMP regarding aquaculture.

### **Topic S3010: Natural Resources, North End Restoration, Management Zoning**

**Concern Statement.** Worcester County and the Town of Ocean City noted that a subzone is needed for the North End Restoration Project. Desired future conditions within the subzone should ensure that future management could include sand nourishment and other restoration actions associated with the North End Restoration Project.

#### **Representative Quote: Worcester County Government**

Management Zone for the North End Restoration Project - The Natural Resource Zone designation for the North End Restoration project should permit and encourage the restoration tasks to continue. Sand nourishment at the north end of Assateague Island helps to maintain a healthy beach and dune system, provide materials to fill areas that may be subject to breaching, and support the supply of sand material for the active recreational beach areas on this section of the island. We request that either by amendment, overlay, or designation, the tasks needed to continue this important sand nourishment project be specifically referenced as permitted actions within the Natural Resource Zone.

#### **Representative Quote: Mayor, Town of Ocean City**

Management Zones - The use of zones and subzones to identify management approaches that are unique to a specific area is encouraged. Please consider the addition of a North End Restoration Project subzone that includes the northern 6 miles of Assateague Island in Maryland (Fig. 2.3).

**NPS Response.** The North End Restoration Project includes management actions crucial to the natural functioning of Assateague Island and to the protection of the threatened Piping Plover. The NPS intends to continue this project as long as NPS and the USACE concur that the management actions meet the project objectives and funding is available. As noted in section 2.4.5 of the draft GMP/EIS, the North End Restoration Project is common to the action alternatives (alternatives 2, 3, and 4). Page 2-31, paragraph 3 reads, "In alternatives 2, 3, and 4, the NPS would also continue to partner with the U.S. Army Corps of Engineers 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 at the historic pre-Ocean City Inlet rate."

The NPS believes that these statements are clear with respect to the intent to continue to implement the North End Restoration Project and that a separate subzone is not needed. However, to provide additional clarity, the GMP has been changed via errata (pages xii, xiv, 2-14, 2-20, 2-25, 2-26, and 2-34) to note that the impacts of the Ocean City Inlet would continue to be mitigated by the North End Restoration Project as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

## 2.2 Non-Substantive Comments Requiring Clarification

### Topic C1001: Visitor Experience, North End, Access, Permit Fee

**Concern Statement.** Two commenters stated their opposition to implementing a docking/entrance fee on the north end for visitors boating to the seashore.

**Representative Quote: Worcester County Government**

We are adamantly opposed to the proposed implementation of a docking/entrance fee and associated facilities on the bayside of the island, specifically along the northern end of Assateague, as referenced on page 2-50 and 2-56. The NPS must recognize that considerable water access is already conducted by boating visitors to the area and perhaps a different management approach would better address the strategies for that portion of the park.

**NPS Response.** The draft GMP/EIS section 2.6.2 (pages 2-48 and 2-29) addresses visitor use in the north end in alternative 3 (preferred alternative). The NPS recognizes that considerable water access already occurs by boating visitors to the area and is concerned that visitors are adversely impacting resources and that crowding is diminishing the visitor experience. In alternative 3 visitor use of the north end via boating would continue. To address chronic visitor use impacts on resources, the NPS would increase ranger presence and provide additional visitor facilities, such as a vessel with a restroom. The docking/entrance fee is needed to help reduce crowding and to minimally offset the increased cost of seashore operations for visitor services and resource protection. Currently, users of the north end are the only seashore visitors who do not pay a fee for using the seashore. Adding a permit or fee would ensure that all visitors pay a fair share towards the maintenance and upkeep of the seashore.

### Topic C1004: Visitor Experience, Oversand Vehicle Use, Access Trail/Back Road

**Concern Statement.** Some commenters asked that the Back Road be reopened to provide an alternative route around sensitive resource areas within the OSV zone that are subject to seasonal closures.

**Representative Quote: unaffiliated individual**

I would support further investigation for opening the back road again, to bypass ORV closures due to habitat or temporary over wash issues. Most times we (family and myself) head further south down the ORV (past km 25) as we enjoy the less crowded areas and fishing. Over the last few years this area is closed for the various reasons due to habitat closures and over wash areas, which may cover a small area, and could be bypassed.

**NPS Response.** The “Back Trail” that once ran parallel to the ocean beach in the MD OSV zone was closed to public use in 1999 due to changes in island geomorphology and habitat dynamics, as well as reassessment of the laws, regulations and policies influencing off-road vehicle use at Assateague Island. The NPS determined that closure of this alternative travel route along an overwash-dominated barrier island system was necessary to ensure fiscal sustainability, to comply with policy directives regarding the protection of wilderness and threatened and endangered species, and to prevent impairment of wetlands and other natural resources and processes fundamental to ecosystem health. Now, the “Back Trail” is no longer discernible in many locations, experiences overwash, and is used by piping plover as foraging and nesting habit. Therefore, even if portions of the “Back

Trail” were to be reopened, they would be subject to seasonal closures similar to those occurring on the existing OSV route.

**Topic C2003: Visitor Facilities, Seashore Access, Verrazano Bridge**

**Concern Statement.** Many commenters opposed the federal government taking ownership of the Verrazano Bridge. The perception is that the State of Maryland would be more likely to make available the funds needed for bridge maintenance and repairs. This would better ensure long-term vehicular access to the island.

**Representative Quote: unaffiliated individual**

The bridge going to AI needs to remain in control of the state. This will help maintain access to AI and limit financial responsibility for NPS.

**Representative Quote: unaffiliated individual**

The ownership, maintenance, and control of the Assateague Bridge will be kept as is. I oppose transfer of ownership, maintenance of the bridge, or control of the bridge in any way to the Federal Government and the NPS.

**NPS Response.** The NPS does not intend to take ownership of the Verrazano Bridge nor is there any mention in the draft GMP/EIS of the NPS taking ownership of the bridge or responsibility for its management. If a new consolidated, jointly operated entrance station to Assateague Island were to be located on the mainland, there would be no change to the current ownership of the Verrazano Bridge by the State of Maryland and associated state responsibility for bridge maintenance.

**Topic C3002: Natural Resources, Coastal Processes, Protecting Virginia and Maryland Communities**

**Concern Statement.** Many commenters from the Town of Chincoteague, Accomack County, the Town of Ocean City, and Worcester County expressed concerns that not fortifying the island would expose their communities to increased risks from coastal storms and storm surge.

**Representative Quote: unaffiliated individual**

As residents of Chincoteague Island, our biggest concern is that our island (Chincoteague) may be threatened by direct hits from the ocean if the federal government agencies responsible for Assateague abandon any maintenance of the beach at the southern end, where it has been for many years. It seems likely that the ocean can break through Assateague and hit the south end of Chincoteague during storms and storm surges. The rip-rap at both the north end of Assateague which protects Ocean City, and now at the south end of Assateague to protect Wallops Island facilities, leave the residential community of Chincoteague in an ever more vulnerable position. Please do not proceed with any plans that would negatively affect our island's safety

**Representative Quote: unaffiliated individual**

By not preserving and building up the beach you risk the loss of Assateague as a barrier island for Chincoteague. You are risking not only our livelihoods related to tourism but also our homes, businesses, and heritage.

**Representative Quote: Worcester County Government**

The management of the dune system provides protection to the mainland from coastal storms and storm surges. We are specifically concerned that if the dune management strategy was to be diminished, such actions would have a significantly negative impact on the ratings for our potentially vulnerable mainland areas adjacent to the northern part of the island.

**NPS Response.** The NPS is concerned with the issues of community resiliency that face the Town of Chincoteague, the Town of Ocean City, and other coastal communities. As noted in draft GMP/EIS, section 2.4.2 (page 2-21), the NPS would 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. The efforts would evaluate potential effects of breach management, modifications to infrastructure, and other related actions on local communities and infrastructure. Together, stakeholders would explore ways to mitigate hazards and increase the resiliency of surrounding communities and infrastructure. This effort would make use of new information regarding sea level rise available from various sources. However, it is important to note that the NPS can only work within its mission and funding. The NPS believes that supporting natural barrier island processes—including episodic overwash—will provide the maximum long-term coastal storm protection benefits to adjacent communities.

**Topic C3007: Natural Resources, Wilderness, Opposition/Support**

**Concern Statement.** Many comments were received regarding designation of wilderness on Assateague Island. The vast majority of commenters stated that the island has never met requirements for wilderness over the past 35 years and that a wilderness designation is not appropriate on a barrier island that is continually moving westward. Several noted that with climate change (global warming) and sea level rise, eventually there would be no beach access for OSVs once the ocean level has reached the designated wilderness boundary. Many also noted that public money should not be spent to complete a wilderness study. Only three commenters supported designation of wilderness on the island.

**Representative Quote: unaffiliated individual**

I personally question why any Wilderness area should be on a barrier island that is continually changing. The longitudinal and latitude done originally in no way are in place today. Much of the original area is now under water.

**Representative Quote: unaffiliated individual**

Second, there is mention of a wilderness designation on Assateague Island a total of 252 times within the GMP. I strongly oppose a wilderness designation on the island due to the instability of the island. I feel very strongly that the island has never met the requirements desired for a wilderness designation over the past 35 years, so therefore the idea should be abandoned and never be revisited.

**Representative Quote: Worcester County**

The County opposes the creation and/or expansion of any wilderness area designations on Assateague which we understand provides the highest level of conservation protection for federal lands and often restricts public use and enjoyment of these public lands. While we support managed use of the parklands to preserve and protect the natural environment, we believe that public access should not be prohibited in any areas of the park. If it is determined that wilderness designations must be considered, we urge that

you complete an updated wilderness study, as mentioned in the GMP, to assess the true eligibility of the proposed portions of the island that do not have the wilderness designation.

**Representative Quote: The Nature Conservancy**

We also support the proposed assessment and study to establish a Wilderness Area on the island. As climate change and sea level rise limit human use and access, and as the island evolves over time, large portions of the island will become more amenable to this designation.

**NPS Response.** In 1974, the NPS and the FWS jointly evaluated the suitability of portions of Assateague Island for wilderness designation (NPS and FWS 1974). The study concluded that portions of the island retained “primeval character and influence” and that about 6,500 acres of land qualified for wilderness designation, including 5,200 acres managed by the NPS and 1,300 managed by the FWS. In 1974, President Gerald Ford recommended to Congress that 440 acres of the 5,200 acres managed by the NPS be formally designated wilderness. The balance of the NPS managed lands—4,760 acres—were identified as potential wilderness, to become eligible for wilderness designation when non-conforming features and uses were eliminated. Congress failed to act on the president’s recommendation. The seashore’s subsequent 1982 *General Management Plan* (NPS 1982b) concluded that wilderness designation should be reconsidered once the island’s natural zone (encompassing the potential wilderness areas) is free of non-conforming features present due to the retained rights of use and occupancy by 11 former property owners.

The last of the retained rights of use and occupancy within the island’s natural zone (encompassing the potential wilderness areas) expired in 2002. As a result, the NPS decided to make management recommendations in this draft GMP/EIS regarding the continued management of potential wilderness at the seashore. NPS must complete a new wilderness eligibility assessment, as summarized in the draft GMP/EIS section 1.7 (page 1-45) and section 2.4.5 (page 2-32). Until the wilderness eligibility assessment is completed and action taken by the Director of the National Park Service regarding wilderness eligibility, the NPS will continue to manage land within the recommended and potential wilderness at the seashore to preserve, restore, and enhance natural ecological conditions and wilderness qualities while providing limited opportunities for low density, low impact primitive recreational experiences.

The new wilderness eligibility assessment will determine if the seashore’s lands and waters possess the characteristics and values of wilderness, as defined in the Wilderness Act. The Wilderness Act and *NPS Management Policies* (NPS 2006c) define primary eligibility criteria and additional considerations in determining eligibility, as well as the process to be used in completing the assessment. The NPS is required to involve the public in the wilderness eligibility assessment process. During this process, the NPS would address the many questions raised by the public regarding the suitability of seashore lands for wilderness designation.

If the new wilderness eligibility assessment determines that seashore lands are eligible for wilderness designation, then the NPS would complete a wilderness study/EIS. The purpose of the wilderness study will be to provide the detailed review necessary to develop official proposals and recommendations for wilderness designation to the Director, the Department, the President, and Congress.

**Topic C3008: Natural Resources, Horseshoe Crabs, NPS Jurisdiction**

**Concern Statement.** The Commonwealth of Virginia and others indicated that the state has jurisdiction over the harvest of horseshoe crabs within a half-mile of mean low water in the Assateague Island area. Some commenters

also said that the argument that horseshoe crabs are not subject to regulation by the NPS because that are arachnids is specious.

**Representative Quote: Senate of Virginia**

A similar observation could be made regarding the horseshoe crab harvest. I understand that the distinction made with the horseshoe crab harvest and fin fishing and aquaculture activities is the somewhat unusual designation of the horseshoe crab as an "animal". That technical distinction should not overcome the reality of the situation which places the horseshoe crab in the same context and category, on a practical basis, as fin fishing and aquaculture.

**NPS Response.** A 1985 *Federal Register* notice provided a new seashore map (Map 622-30-003), replacing the boundary map included in the seashore authorizing legislation (Map NS-AL-7100A). Map 622-30-003 represents the official depiction of the seashore's boundary, showing the general shape and location of that line. NPS jurisdiction over these waters included in the park boundary is established through 36 CFR 1.2(a)(3), which states that waters are "subject to the jurisdiction of the United States within. . . park units. . .without regard to ownership of the submerged lands."

As noted in the draft GMP/EIS, section 3.6.2 (page 3-20, 4<sup>th</sup> paragraph), horseshoe crabs are arachnids (arthropods), not crustaceans. Therefore, horseshoe crabs are wildlife and their harvest is prohibited in national parks (36 CFR§2.2).

**Topic C3009: Natural Resources, Aquaculture, NPS Jurisdiction**

**Concern Statement.** The Commonwealth of Virginia, Accomack County, the Town of Chincoteague and others disagree with the NPS contention that it has jurisdiction over aquaculture in Virginia and that the NPS has authority to issue a special use permit regarding aquaculture in Virginia.

**Representative Quote: Accomack County Government**

§ 2.60 Livestock use and agriculture.

(a) The running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:

(1) As specifically authorized by Federal statutory law; or

(2) As required under a reservation of use rights arising from acquisition of a tract of land; or

(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

(b) Activities authorized pursuant to any of the exceptions provided for in paragraph (a) of this section shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of the terms and conditions of a license, permit or lease issued in accordance with this paragraph is prohibited and may result in the suspension or revocation of the license, permit, or lease .

This commenter reads this language very differently than the Service. Clearly, if you were using this section to claim jurisdiction over agricultural activities on the land, you'd have a straight, clear argument. However, your effort to extend jurisdiction over activities not envisioned or stated in the regulation in such a manner is a significant overreach. Regulations should mean what they say, not what interpreters wish them to say. For these reasons, the statement on page 1-35 that aquaculture is considered agriculture is likewise unsupported and to our view, an improper overreach and assertion of authority.

While we understand and appreciate that the Service has found a way, for now, to "issue" a special use permit to VMRC, we question your right by law to do that. We strongly believe that the state should take a more firm view on this matter and wish very sincerely that you not mistake their seeming acquiescence to your position as acceptable to us. It is not

**Representative Quote: Mayor, Town of Chincoteague**

The executive summary and alternative one of the GMP states leasing of submerged lands by the Commonwealth of Virginia, within the seashore boundary, for commercial aquaculture, would continue. The other three alternatives, including the preferred alternative, states "in recognition of this long history of use, NPS would 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."

The town's position and as stated in Public Law 89-195, Sec 5, "That nothing in this Act shall limit or interfere with the authority of the State to permit or to regulate shell fishing in any waters included in the National Seashore." This is the same public law that sets up the boundaries of the national seashore on Assateague Island. 36 CFR 2.60(3)b would obstruct Virginia's authority in this matter.

The town insists the GMP preferred alternative language be changed throughout the GMP to match the executive summary and alternative one, where it states "leasing of submerged lands by the Commonwealth of Virginia within the seashore boundary for commercial aquaculture would continue."

**NPS Response.** NPS continues to assert that, in accordance with 36 C.F.R. §2.60, commercial aquaculture for consumption is agriculture, which is prohibited in parks except when specifically authorized by federal statute, required under a reservation of use rights, or needed for a recreational activity or historic scene. The draft GMP/EIS acknowledges the history and importance of this use to the region, and would permit it by working with the VMRC to issue such a permit.

**Topic C3011: Natural Resources, Fishing Impacts**

**Concern Statement.** Some commenters believe that the NPS should show harm associated with fishing activities as the basis for management decisions related to aquaculture, horseshoe crab harvest, and fishing, and not rely mainly upon NPS law and regulation.

**Representative Quote: Senate of Virginia**

From a public policy standpoint, if an activity has been ongoing for generations and poses no threat or impediment to the mission of the Park Service, I see no reason why it should not be allowed to continue

to the extent the Park Service even has any authority to disallow it. It would further seem to be in the best interest of the Park Service from a community relations standpoint as well.

**Representative Quote: Senate of Virginia**

"What negative impact do any of these activities [fin fishing, aquaculture and horseshoe crab fishery] have on the Park Services' mission?" Thus far, I have not received any indication that any of these activities, which have gone on for generations, pose any threat to the Park Services' mission and, in fact, an important part of the economy and of the cultural heritage of the area.

**NPS Response.** Regarding management decisions related to fishing, the draft GMP/EIS does not propose any new management decisions related to fishing, in general. However, as noted on pages xiv, 2-31, 2-35 (table 2.5), and 2-110 (table 2.15) of the draft GMP/EIS, the NPS has committed to completing an evaluation of commercial fishing operations within and adjacent to the seashore that will provide information needed to inform future management of the seashore's marine resources. This study will compile and analyze landings data and other information for the seashore's ocean and bay waters, identify and quantify annual commercial harvest by species and type of gear within and/or adjacent to the seashore's boundary since its establishment in 1965, evaluate the impacts of commercial fishing on the seashore's marine and estuarine resources, identify the number of currently active commercial operators within the seashore's boundaries, and estimate the economic value of commercial harvest by species within the seashore.

Regarding management decisions related to horseshoe crab harvesting, the draft GMP/EIS proposes future management of horseshoe crabs in a manner compatible with NPS regulations and FWS management goals for the adjoining Chincoteague Wildlife Refuge, as described in the recently completed *Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan (CCP/EIS) and Environmental Impact Statement* (US FWS 2015)." During the CCP/EIS planning process, FWS determined in a *Justification for a Finding of Appropriateness of a Refuge Use*, that horseshoe harvesting "is not a priority public use of the National Wildlife Refuge System" (see CCP/EIS appendix Q). Specifically, FWS determined that:

- "horseshoe crab harvesting could, based on available information, contribute to the decline of horseshoe crabs on the refuge
- a decline in horseshoe crabs could negatively impact shorebirds by reducing available food supplies during critical migration periods" (see CCP/EIS page Q-15)

The *Justification of a Finding of Appropriateness of a Refuge Use*, summarized above, was used to inform NPS's decision to prohibit horseshoe crab harvesting in seashore waters.

Regarding management decisions related to aquaculture, the NPS is not proposing to prohibit aquaculture in Virginia waters around Assateague Island. As noted in GMP section 2.4.5 (page 2-32, paragraph 3), in recognition of the long history of aquaculture within seashore waters predating establishment of the seashore, the NPS would issue a special use permit under 36 CFR§ 2.60(3)b to the VMRC within the Commonwealth of Virginia to allow for the continued practice of commercial aquaculture and maintenance of the historic setting. VMRC would continue to hold commercial aquaculture leases and have regulatory oversight over the activity and would continue to be responsible for managing the leases and ensuring that commercial aquaculture within seashore waters is consistent with the special use permit. Consequently, GMP management actions would not affect the livelihood of local waterman and would not displace a significant historical community and way of life in Chincoteague.

**Topic C5001: Socio-economic, Local Economy, Impacts**

**Concern Statement.** One commenter stated that the draft GMP/EIS does not address the economic impact of proposed management actions.

**Representative Quote: unaffiliated individual**

Missing in the GMP is the economic impact that the various options would have on the local economy. As recently reported:

"The report conducted by the U.S. Geological Survey and National Park Service economists showed the two million plus visitors to Assateague Island National Seashore in 2013 spent \$84.3 million in communities near the park. The direct and indirect spending supported 1,052 jobs in areas around the barrier island."

**NPS Response.** Section 3.14.4 (page 3-95) of the draft GMP/EIS provides an overview of the economic benefits of the seashore to the local economy in terms of visitor spending, employment impacts, and value added, as summarized in *2014 National Park Visitor Spending Effects—Economic Contributions to Local Communities, States, and the Nation* (NPS 2015a). As noted in section 3.14.4, this study found that in 2014 visitors to the seashore spent approximately \$90,417,200 in the local economy, creating approximately 1,241 jobs (NPS 2015a). Section 4.11 (pages 4-178 to 4-196) of the draft GMP/EIS analyzes the economic impacts of the proposed management actions.

**Topic C6001: Partnerships, Army Corps of Engineers**

**Concern Statement.** The Town of Ocean City requested that the *Draft GMP/EIS* identify the US Army Corps of Engineers as a federal agency partner, particularly with respect to its involvement in the North End Restoration Project.

**Representative Quote: Mayor, Town of Ocean City**

Please identify the USACE as a federal agency partner (Sec. 2.6.7)

**NPS Response.** Section 2.4 of the draft GMP/EIS summarizes the management guidance and actions common to the action alternatives (alternatives 2, 3, and 4). Section 2.4.5 (page 2-31, paragraph 3) notes, "In alternatives 2, 3, and 4, the NPS would also continue to partner with the U.S. Army Corps of Engineers 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 at the historic, pre-Ocean City Inlet rate." Section 2.4.8 (page 2034, paragraph 1) further notes, "As in alternative 1, the U.S. Army Corps of Engineers would continue to partner with the NPS to address the chronic sand supply impacts to the north end of Assateague Island from the jetty-stabilized Ocean City Inlet." Table 2.5 (page 2-35) includes an action to achieve desired conditions in the Chincoteague Bay, Sinepuxent Bay and Atlantic Ocean Zone to "continue to implement the North End Restoration Project to mitigate environmental impacts of the Ocean City Inlet jetties and the Ocean City Inlet (with the U.S. Army Corps of Engineers)." The NPS intends to continue this project as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Topic C9002: Planning Process, Public Review, Public Comment Period**

**Concern Statement.** One commenter noted that the time available for public review and comment was not reasonable.

**Representative Quote: unaffiliated individual**

The month of April does not seem a reasonable time (30 days) to absorb all the information from the Newsletter No. 3 dated Winter 2016 together with the meeting discussion in order to submit input which will have an effect on Chincoteague Island people for the next 15 years.

**NPS Response.** The draft GMP/EIS was available for public review and comment for a total of 90 days, beginning January 29, 2016, and ending May 1, 2016.

The start of the public review period was formally announced through publication of a notice of availability (NOA) in the *Federal Register* on February 4, 2016. NPS widely announced availability of the draft GMP/EIS. NPS mailed approximately 400 copies of a newsletter to individuals and organizations on the seashore's mailing list; sent 27 personal letters to political entities and stakeholders, along with a copy of the GMP in hard copy, on a thumb drive, or both, as requested; sent 13 consultation letters to federal, state, and local agencies; sent press releases to the seashore's press release list; published a notice on Facebook; sent a hard copy of the GMP to three local libraries; added a GMP link and GMP public meeting notices on the NPS PEPC site; and sent email notices to all 96 seashore employees and to 74 other contacts. NPS posted to PEPC and to the park's website a summary newsletter along with the draft GMP/EIS to assist the public in their review but was not intended to substitute for the full draft GMP/EIS.

On March 29, 30, and 31, 2016, approximately eight weeks after the draft GMP/EIS was made publicly available, the NPS held public information sessions at locations in Maryland and Virginia to provide general information and to answer questions. The public information sessions were purposely scheduled to allow the public adequate time to review the draft GMP/EIS before the sessions were held, and leave approximately 30 days after the information sessions and before the end of the public comment period on May 1 to submit comments, if reviewers chose to do so. The 90-day public review period was double the 45-day period mandated by the Council on Environmental Quality's regulations that implement the National Environmental Policy Act (40 CFR 1506.10(c)) and 30 days longer than the 60-day public review period for an EIS that is recommended in the *NPS NEPA Handbook* (NPS 2015) (section 4.6B, page 66). We understand that the draft GMP/EIS is, by its nature, a lengthy and complex document because of the many issues that must be carefully and thoroughly examined. It was for that reason that we extended the public review period beyond what was required or recommended. We believe that the time allowed for public review and comment on the draft GMP/EIS was adequate and reasonable.

**Topic C9003: Planning Process, Public Comments, Availability for Public Review**

**Concern Statement.** A few commenters asked that the public be able to see all of the comments received by the NPS on the *Draft GMP/EIS*.

**Representative Quote: unaffiliated individual**

I also think the public commenting should be able to see all of the comments from the public instead of your keeping them sedcret [sic] for your own uses and perversions of what the public tells you. when you keep them secret you can get away with a lot of sneakiness. and that goes on in this courrupt govt [sic] we have right now.

**NPS Response.** Following close of the public comment period on May 1, 2016, the NPS made available for public viewing all correspondences received on the draft GMP/EIS. All correspondences received by the NPS via email, the NPS Planning, Environment, and Public Comment (PEPC) system, or letter (postmarked by May 1, 2016) were posted to the seashore's website at [www.parkplanning.nps.gov/ASIS](http://www.parkplanning.nps.gov/ASIS) on June 14, 2016.

#### **Topic C9004: Planning Process, Timeframe for the Plan**

**Concern Statement.** The U.S. Environmental Protection Agency asked that the timeframe for the GMP be more clearly stated.

**Representative Quote: U.S. Environmental Protection Agency**

We suggest that the timeframe for this plan be clearly stated.

**NPS Response.** In the past, it was common for the NPS to assign a specific timeframe to a general management plan. However, the NPS has changed its strategic planning framework to acknowledge that a general management plan (GMP) is intended to be a long-term plan—that is a broad umbrella document that sets the long-term goals for a unit of the national park system, based upon the unit's foundation statement. NPS has found that during the life of a GMP, specific items may need updating and further NEPA planning, but the entirety of the GMP generally does not need to be updated. Therefore, NPS refers to GMPs as long-term plans, without a set timeframe. Consistent with the agency's strategic planning framework, the new seashore GMP defines the seashore's basic approaches to natural and cultural resource management, interpretation, the visitor experience, and partnerships over the long-term. This statement appears in the draft GMP/EIS in the executive summary (page ii, paragraph 2) and in chapter 1 (section 1.1, end paragraph 2).

#### **Topic C9005: Planning Process, Use of "Consider", "Would" and "If" in the document.**

**Concern Statement.** Many commenters noted the NPS frequently used the terms "consider", "could", and "if" with respect to future management actions at the seashore. They generally felt that this type of wording would leave too much up to the discretion of future seashore managers. This was of particular concern to those commenting on the location of the carsonite markers that delineate the oversand vehicle use area. These commenters expressed the desire to change the management action wording related to the oversand vehicle use area in alternative 3 to say that the carsonite markers "will be moved each year as the island moves westward."

**Representative Quote: unaffiliated individual**

The GMP states "the NPS will consider repositioning the markers each year." NPS uses the word "consider" far too often. That word is too vague and leaves too much open to interpretation. NPS needs to learn how to use the words "shall" or "will."

**Representative Quote: unaffiliated individual**

The four alternatives that were offered to the public in the GMP seemed to be one sided with a lot of "could be's" , "maybe's" and "if the appropriate funds are available".

**NPS Response.** The purpose of the new GMP is to provide a decision-making framework that ensures that management decisions effectively and efficiently carry out the NPS mission at the seashore. It will provide guidance needed by managers over the long term to make decisions in a manner that is consistent with the purposes for which the 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.

*NPS Park Planning Program Standards* (NPS 2008b) direct that GMPs should not include further details or commitments to more specific management actions to achieve desired conditions; these are to be deferred to implementation planning which focuses on how to implement an activity or project needed to achieve a long-term goal that typically requires a level of detail and analysis that goes well beyond that which is appropriate at the general management planning level. As a result, the terms “consider”, “would” and “if” are suitable for use in a draft GMP/EIS document and are intentionally used to provide guidance for seashore managers without requiring specific actions to be taken during the life of the plan, in the event that conditions change.

Accordingly, in the GMP the planning team has described the preferred alternative (alternative 3) for future management of the seashore as a set of desired future conditions for subareas (zones and subzones) within the seashore, along with a summary of management actions that respond to the seashore management issues and concerns raised during the GMP planning process. If implemented, these actions would help the seashore move from existing conditions to desired conditions within each seashore management zone. The actions are examples of the kinds of actions that future managers could consider.

NPS response to the use of the word “consider” regarding the location of the carsonite markers that delineate the oversand vehicle use area is provided above under the topic Visitor Experience, Oversand Vehicle Use, Carsonite Markers.

### 2.3 Non-Substantive Comments Requiring Clarification and Text Change

#### Topic C1002: Visitor Experience, Oversand Vehicle Use, Carsonite Markers

**Concern Statement.** Many commenters requested that specific language be added to the GMP ensuring that the carsonite markers delineating the oversand vehicle zone be repositioned annually to allow for the maximum beach driving area as the island rolls over on itself in the future.

**Representative Quote: Assateague Mobile Sportfishing Association**

First off the word "consider" is found 206 times within the GMP and one is where the white marker is to be relocated each year. The GMP worded the NPS will consider repositioning the marker each year. Please include in your comments that the carsonite markers in the OSV Zone are to be moved each year to allow maximum beach driving area in the future. If this doesn't happen as the island rolls over itself eventually the ocean will touch the carsonite markers and there will be no room for vehicles to drive east of the carsonite markers.

**Representative Quote: unaffiliated individual**

The GMP states the NPS will "consider" repositioning the (carsonite) markers each year. I believe that this is a must as the island is "moved" by mother nature every year and the marks should move as well to maintain our access in a safe manner.

**Representative Quote: unaffiliated individual**

The GMP states "the NPS will consider repositioning the marker each year". I feel the carsonite markers in the OSV Zone are to be moved each year to allow maximum beach driving area in the future. If this doesn't happen, as the island rolls over itself, eventually the ocean will touch the carsonite markers and there will be no room for vehicles to drive east of the carsonite markers. The right and pleasure to drive upon the beach should not be infringed or slowly taken away.

**NPS Response.** NPS reviews the location of the carsonite markers annually and would continue to review them annually under all alternatives presented in the draft GMP/EIS. The primary travel corridor in the public OSV route is the seaward portion of the ocean beach. The western limit of the route is located at or near the average winter high tide line. This definable feature provides a point of demarcation that limits vehicular travel to that portion of the ocean beach receiving significant natural disturbance from tidal action on an annual basis. It intentionally segregates vehicles from sensitive biological communities that occur on the upper beach face and adjacent dune fields. Route markers delineate the boundaries of the public OSV route and are placed at or near the average winter high tide line. Generally, the NPS adjusts this boundary on an annual basis in late winter and following any significant coastal storm event.

The draft GMP/EIS (pages xv and 2-28) has been edited via errata (see section 3.1 below) to state that NPS would continue to review the location of the carsonite markers annually under all alternatives.

### **Topic C1003: Visitor Experience, Oversand Vehicle Use, Continued Use in Alternative 3**

**Concern Statement.** Many commenters expressed concern regarding the statement found on page 2-50 of the draft GMP/EIS stating, "Opportunities for driving on the beach (and associated recreation activities) in Maryland would continue within the seashore's existing OSV use area until conditions change." Commenters were concerned that future managers might misinterpret the statement. They desired clarification as to what "conditions" would have to be present for OSV use to be restricted or prohibited. Many suggested changing "until conditions change" to "until irreversible natural causes prohibit the safe use of the OSV zone on the island."

#### **Representative Quote: Assateague Mobile Sportfishing Association**

Fourthly the wording OSV will continue "until conditions change" need to be reworded to say "until irreversible natural causes prohibits the safe use of the OSV Zone" on the island.

#### **Representative Quote: unaffiliated individual**

"OSV will continue until conditions change" needs to be reworded/rewritten to say "OSV will continue until irreversible natural causes prohibits safe use of OSV zone on island".

#### **Representative Quote: unaffiliated individual**

OSV Use. Item 3 leads me to wording that is vague with regard to OSV usage. I am speaking of the phrase "OSV use will continue until conditions change." I really think a more definite wording about what "conditions" would have to be present for OSV use to be restricted or prohibited would enhance the Plan. The wording needs to clearly state that conditions that would prohibit OSV use would be such that cause danger to the public or their safety. Such conditions also need to be defined as to duration. OSV use should not be curtailed unless the conditions for such restriction are permanent and caused by natural conditions on the Seashore.

**NPS Response.** The draft GMP/EIS section 2.6.2 (page 2-50) addresses oversand vehicle use in the active beach subzone in alternative 3 (preferred alternative).

The GMP (pages xii, xxii, and 2-50) has been edited via errata (see section 3.1 below) to replace the first sentence under the subheading "Oversand Vehicle Use Area" with the following sentence: "Opportunities for driving on the beach (and associated recreation activities) in Maryland would continue within the seashore's existing OSV use area. However, if a persistent breach occurs and the breach management plan recommends the breach remain open, or land is lost due to beach erosion, access to the OSV use area could be reduced or lost."

**Topic C2001: Visitor Facilities, Future Ferry in Alternative 3**

**Concern Statement.** Many commenters requested clarification regarding future ferry access to the island if vehicular access is lost. The language in the plan is confusing as to whether the ferry would be for passengers only or would accommodate vehicles as well as passengers. Those commenting requested that ferry service provide access for both vehicles and passengers.

**Representative Quote: unaffiliated individual**

The Draft GMP mentions the use of a "passenger ferry" system if vehicular access would be lost. I generally support this system of access, if ever needed, but I'd like to see the use of a vehicular ferry system as well, not just passenger. In the event that "passenger" does already mean both people and vehicles, then it should be more clearly defined in the GMP that the passenger ferry system includes private vehicular access to the island.

**NPS Response.** In alternative 3, one component of the water based system would be a ferry. The draft GMP/EIS section 2.6.3 (page 2-51 for alternative 3) (under the subheading Maryland Access and Transportation) addresses the potential shift to water-based access to the island if vehicular access by road to the island is no longer feasible. One component of the water-based system would be a ferry for passengers and vehicles.

The GMP (pages xxi, xxii, xxiii, xxv, 2-47, 2-51, 2-55, 2-56, 2-57, 2-60, 2-85, 4-22, 4-47, 4-74, 4-127, 4-132, 4-136, 4-149, 4-152, 4-153, 4-154, 4-155, 4-173, 4-188, and 4-190) has been edited via errata (see section 3.1 below) to replace all references to a "passenger ferry" with the words "passenger/vehicle ferry".

**Topic C2002: Visitor Facilities, Seashore Access, Maryland Entry Station**

**Concern Statement.** Many commenters opposed construction of a new joint entry station on the mainland in lieu of maintaining separate fee areas for the state park and the national park.

**Representative Quote: Snug Harbor Civic Association**

The current situation with the separate fee areas should remain, the toll booth should not be on the west side of the bridge.

**Representative Quote: Worcester County Government**

Alternative Transportation Strategies for Access from MD 611 - The County opposes redesigning the entrance to the park and establishing a fee/toll station for the Verrazano Bridge. The GMP recognizes that a joint entrance station could not be operated without amendments to the State legislation that authorized the bridge and which prohibits tolls. We respectfully request that the NPS abandon any planning or programming measures for such a facility.

**NPS Response.** The *Draft GMP/EIS* section 2.4.4 (page 2-30, paragraph 5) (under the subheading Maryland Access and Transportation) notes that, for all the action alternatives, the NPS and MD DNR would explore the potential for a consolidated, jointly operated entrance station to Assateague Island located on the mainland in order to gain 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. In addition to the operational and visitor experience concerns supporting the need to relocate the entrance station (noted on page 2-30), the NPS recognizes that given the likely impacts of climate change/sea level rise on the island, relocation of the entrance station may at some time become unavoidable. In the event that happens, the NPS would like to be prepared to

respond quickly with consideration of alternatives. Consequently, NPS would prefer to retain future relocation of the entrance station to the mainland as a possible future management action.

If in the future conditions on the island change such that relocation of the entrance station appears necessary, the NPS would initiate a separate planning study to consider relocation alternatives both on and off the island. The study would be completed in accordance with NPS planning program standards and applicable compliance requirements. This process would involve significant public involvement and consultation with local, state, and federal agencies and partners. At that time, the planning team would address the issue of fee collection on a state highway property (the Verrazano Bridge) for non-transportation purposes, which is currently prohibited by state law.

The draft GMP/EIS (pages xvi, xxxviii, xlii, xlvii, 2-30, 2-35, 2-72, 2-85, 2-110) has been edited via errata (see section 3.1 below) to note that if in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, the NPS and MD DNR would 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.

#### **Topic C2004: Visitor Facilities, Seashore Access, Bike/Hike Connections**

**Concern Statement.** Worcester County asked that the GMP recognize the county's ongoing efforts to establish a trails system for the Berlin to Assateague corridor and include a commitment on the part of the NPS to assist the county with implementing its trails plan.

##### **Representative Quote: Worcester County Government**

Our Land Preservation, Parks and Recreation Plan notes that Assateague National Seashore is part of Maryland's Greenways and Water Trails Program. This Plan references a trails system for the Berlin to Assateague corridor. We request that the NPS recognize ongoing planning efforts underway to make that network a reality and include a reference in the GMP to assist us in providing any linkages necessary to connect with these trail systems on the mainland.

**NPS Response.** The draft GMP/EIS (pages 2-30, 2-35, and 3-67) has been edited via errata (see section 3.1 below) to include reference to the proposed trail system along the Berlin to Assateague corridor and to note that the NPS would collaborate with Worcester County to implement the proposed trail system.

#### **Topic C3001: Natural Resources, Coastal Processes, Protecting Chincoteague Beach**

**Concern Statement.** Several commenters noted that the recreational beach should remain in its current location with better protection from storm damage through a variety of measures, such as beach renourishment, dunes reestablishment, berm construction, installation of sand fencing, and/or planting seagrass.

##### **Representative Quote: unaffiliated individual**

NPS should maintain the existing beach and parking lots. The millions of dollars currently slated for establishing a new parking lot and beach should be used to put the dunes back on the existing beach and down the OVP section to the point. If NPS had maintained the dunes on the existing beaches and parking lots we would not be having this debate; the beach would not be in the shape it is today.

**Representative Quote: unaffiliated individual**

Our request to The Park Service and the Fish and Wildlife and the Interior Department is to please leave the recreational beach at Assateague Island, Virginia at the current location. We really need some sand dunes pushed up and some sand for beach replenishment. Sand fencing would also be great. Anything to hold the sand and preserve the current location.

**NPS Response.** The FWS manages federally-owned land within the Chincoteague National Wildlife Refuge and is responsible for the decision as to where the recreational beach is located at the refuge. FWS recently completed the *Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS)* (US FWS 2015) which provides the proposed framework for future refuge management. The Final CCP/EIS preferred alternative finds that, “In recognition of the vulnerability of the current parking, the refuge would 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”. (US FWS 2015, 2-51) The Final CCP/EIS’s preferred alternative proposes that the transition to the new recreational beach location would occur within eight years, or sooner, if funding were available (US FWS 2015, page 2-69). In the meantime, NPS would maintain beach recreation and parking at the current location, so long as the land base is available to support the use with 961 automobile parking spaces, in accordance with its memorandum of agreement with the FWS (GMP appendix B).

Since establishment of the seashore, the NPS has employed numerous strategies to protect the recreational beach including planting dune grass, repairing dunes, relocating dunes, rebuilding dunes, and installing sand fencing. Through the 1980s and 1990s, as the dunes were built, overwhelmed by storms and knocked down, and then rebuilt, it became obvious to seashore and refuge managers that the artificial dune system failed to prevent significant facility and infrastructure damage. In addition, it was evident that the recreational beach had begun to narrow, restricting the area available for beach use, especially during high tide.

In the late 1990s, NPS’s accumulated knowledge—gleaned from significant new research and NPS’ experience at Chincoteague and several national seashores up and down the east coast—showed that building and maintaining artificial dunes actually accelerates ongoing erosion rather than protects against it, and actually could narrow the existing beach. Evidence suggests that artificial dunes could threaten the island’s stability and resistance to narrowing and breaching, a threat to Toms Cove, its fishery, and ultimately to Chincoteague Island. Artificially maintained dunes prevent overwash, which brings sand to the bayside (thereby supporting the creating and maintenance of salt marsh) and to the island’s interior (thereby elevating the island and increasing its resilience and sand supply).

Today, NPS remains concerned that artificial, higher dunes increase the risk of island narrowing and potential breaching that could unintentionally threaten Toms Cove and Chincoteague Island. For this reason, we do not believe planting dune grass or placing sand fencing that might create a permanent barrier would increase the stability of the island. NPS hopes that new research underway would provide better and more specific guidance on the best way to manage and preserve the recreational beach at Toms Cove until it the new beach 1.5 miles north replaces it.

The draft GMP/EIS (page 3-13) has been edited via errata (see section 3.1 below) to include information on the history of dune management at the seashore.

**Topic C3005: Natural Resources, North End Restoration, Impact Analysis**

**Concern Statement.** Worcester County and the Town of Ocean City requested clarification as to whether proposed management actions in alternative 3 (as analyzed in chapter 4) are consistent with the North End Restoration Project.

**Representative Quote: Mayor, Town of Ocean City**

Coastal Response Management Actions (4-17, 4-43, 4-70, 4-95, 4-169) Alternate 3 directs seashore management actions that would allow the island to evolve naturally... (and) would no longer work with the USACE to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investment would be made in dune fortification through planting and fencing installation.

Please clarify whether the proposed management actions in Alternative 3 are consistent with the North End Restoration Project, and whether this policy would apply to the north end of Assateague Island in 12 years.

**NPS Response.** Management actions associated with all three action alternatives (alternatives 2, 3, and 4) in the draft GMP/EIS are consistent with the North End Restoration Project. The draft GMP/EIS, page 231, paragraph 3 states, "In alternatives 2, 3, and 4, the NPS would also continue to partner with the 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 at the historic pre-Ocean City Inlet rate." The NPS intends to continue this project as long as the USACE believes that the management actions meet the project objectives and funding is available.

The draft GMP/EIS (pages 4-37, 4-43, 4-50, 4-63, 4-70, 4-77, 4-89, 4-95, 4-102) has been edited via errata (see section 3.1 below) to clarify that the NPS intends to continue the North End Restoration project as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Topic C3006: Natural Resources, North End Restoration, Continuation**

**Concern Statement.** Worcester County and the Town of Ocean City asked that more specific language be added to the description of management actions needed to achieve desired conditions in alternative 3 related to continuation and expansion of the North End Restoration Project

**Representative Quote: Worcester County Government**

We request that the future budget for sand replenishment reflect continued funding beyond 2028. We further suggest that Table 2.7 be amended to include a working group that includes the Corps and local partners to review the future of sand replenishment activities and actions.

**Representative Quote: Worcester County Government**

We request that that actions necessary to continue and expand the North End Restoration Project should be included in Table 2.7.

**NPS Response.** Actions necessary to continue the North End Restoration Project are included in alternative 3 (preferred alternative). As noted in the opening paragraph to section 2.4 of the draft GMP/EIS, "A number of management actions are common to all action alternatives (alternatives 2, 3, and 4) and therefore are described

here rather than repeated under each action alternative description.” Because continuation of the North End Restoration Project is common to the action alternatives, it is addressed only once in the draft GMP/EIS in section 2.4.

Specifically, subsection 2.4.5 addresses common natural resource management actions, including continuation of the North End Restoration Project. Page 2-31, paragraph 3 reads, “In alternatives 2, 3, and 4, the NPS would also continue to partner with the U. S. Army Corps of Engineers 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 at the historic pre-Ocean City Inlet rate.” This action is also included in table 2.5 (not table 2.7 as requested by commenters) as an example of actions needed to achieve desired future conditions in the Chincoteague Bay, Sinepuxent Bay and Atlantic Ocean management zone that is common to the action alternatives (alternatives 2, 3 and 3). The NPS intends to continue this project as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available. The NPS notes that the project currently relies upon a robust working group (of which the Town of Ocean City is a member) to determine the annual plan for this project.

The draft GMP/EIS (pages xii, xiv, 2-8, 2-12, 2-18, 2-31, 2-35, 4-37, 4-43, 4-50, 4-63, 4-70, 4-77, 4-89, 4-95, 4-102) has been edited via errata (see section 3.1 below) to clarify its stated intention in the draft GMP/EIS to continue the North End Restoration project. The edit clarifies the commitment, noting that the project would continue “as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.”

#### **Topic C3010: Natural Resources, Watch Houses and Blinds, NPS Jurisdiction**

**Concern Statement.** Accomack County, the Town of Chincoteague and others disagree with the NPS contention that it has jurisdiction over oyster watch houses and duck blinds located with the seashore's waters.

##### **Representative Quote: Accomack County Government**

These structures are not and should not be the subject of Federal regulation. They are allowed under local and state oversight and the Service has stated no legitimate basis for its assertion of authority over them. Any effort to remove or regulate them as opposed to local and state control should and ought to be resisted.

##### **Representative Quote: Mayor, Town of Chincoteague**

In the executive summary, and alternative of the GMP it states "continue to take no action related to privately owned structures (oyster watch houses and duck blinds) associated with submerged land leases." However, in the other three alternatives (including the preferred alternative in the GMP) it states "to initiate an assessment of privately owned structures (e.g. oyster watch houses and duck blinds) located within Virginias seashore and work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses)." The town's understanding is the Virginia health department takes adequate samples per year of the waters around Chincoteague, to determine if it has contaminated discharge of nutrients, pathogens, etc. resulting from wastewater discharge. Wastewater treatment and disposal is and has been a function of the Commonwealth of Virginia, nothing in the Seashore Act gives joint or sole authority to the NPS.

Also, the GMP states "Working with Virginia, NPS would assess the legal status of privately owned

structures (oyster watch houses and hunting blinds) located within the seashore's Virginia waters, and pursue removal of those found to be unauthorized." The town is taking a very strong position on the historical and cultural decisions set on oyster watch houses and duck blinds. Almost all oyster watch houses and duck blinds have been handed down from generation to generation, to those family members that live on Chincoteague Island. All of which precede the state code of 1975 allowing oyster watch houses, most of which also proceeded [sic] the Seashore Act of 1965 without requiring any kind of permits. Also, since annexation of the town's corporate limits in 1989, to the low water mark of Assateague Island the town currently allows oyster watch houses and hunting blinds within our town limits. Duck blinds and hunting are controlled by the Commonwealth of Virginia, they issue the License to hunt and enforce Virginia's laws as such. Hunting and duck blinds proceeded [sic] the Seashore Act of 1965 and [sic] before the creation of the National Wildlife Refuge.

The town insists the GMP preferred alternative language be changed throughout the GMP to match that which is stated in the executive summary and alternative one, where no action will be taken relative to oyster watch houses and duck blinds.

**NPS Response.** The NPS understands the concerns of Accomack County and the Town of Chincoteague regarding NPS jurisdiction over privately owned structures (oyster watch houses and hunting blinds) within the seashore's Virginia waters. The NPS believes that additional study is needed to assess the historic and cultural significance of oyster watch houses and duck blinds, as well as federal authority over these privately-owned structures. The NPS remains committed to completing an assessment of privately owned structures located within the seashore's waters to determine their legal status, including a review of the law and policy surrounding NPS, commonwealth, county, and town jurisdiction over them. To document the traditional use of these structures, NPS would conduct an ethnographic study. Based on findings of the study (as noted in section 2.4.5 of the draft GMP/EIS), the NPS would collaborate with local and regional cultural and academic institutions to develop interpretive programming and other visitor information that would further illuminate the significance of activities associated with oyster watch houses and hunting blinds to the cultural heritage of the eastern shore and Assateague Island.

The draft GMP/EIS (pages xiv, xxiii, xxviii, 2-32, 2-35, 2-62, 2-75, and 2-109) has been edited via errata (see section 3.1 below) to clarify management actions related to privately-owned structures.

#### **Topic C4001: Cultural Resources, Archaeological Resources, Protection**

**Concern Statement.** The Commonwealth of Virginia asked the NPS to include in the draft GMP/EIS management actions to develop baseline data about the seashore's archaeological resources and periodic monitoring of identified resources. The state also requested that the NPS include analysis of impacts to archaeological resources in chapter 4 of the draft GMP/EIS.

##### **Representative Quote: Division of Resource Services and Review, Virginia Department of Historic Resources**

The section, Assessing Impacts, on page 4.1.3, states: "The NPS is an agency with a "conservation" mandate and identifies fundamental resources and values in its GMPs". In section 1.4.3 of the Draft GMP/EIS, Cultural Resources are included under Other Important Resources, ranging from historic structures to archaeological objects and sites. We strongly encourage NPS not to drop archaeological resources from consideration in the GMP but to include archaeological resources together with other Cultural Resources (Historic Structures and Cultural Landscapes).

**Representative Quote: Division of Resource Services and Review, Virginia Department of Historic Resources**

We recommend that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) includes a management strategy of conducting baseline archaeological survey and monitoring. Failure to do is in our opinion may be considered an adverse impact, and inconsistent with the directives of Section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, as well as Bulletin 28.

**Representative Quote: Division of Resource Services and Review, Virginia Department of Historic Resources**

Stating that occasional discoveries of aboriginal projectile points in the ocean surf zone constitute the only physical evidence of Native American use of Assateague Island (or presumably on other barrier islands within the jurisdiction of the NPS) ignores the critical need to collect baseline data about these sites spatial, historical and cultural contexts, followed by periodic monitoring of identified resources in order to more effectively manage them.

**NPS Response.** Archeological resources were dismissed from detailed analysis because the GMP planning team determined that there were no significant issues (meaning pivotal issues or issues of critical importance), as defined in section 4.2 D and E of the *NPS NEPA Handbook* (NPS 2015), related to management of the seashore’s archeological resources among the alternatives considered. Section 1.6.2 (pages 1-40 and 1-41) of the draft GMP/EIS provides a summary of the reasons for dismissal.

However, while the NPS determined that there were no significant issues associated with archeological resources that required detailed analysis in the draft GMP/EIS, all alternatives considered include actions for managing archeological resources. Section 1.6.2 (page 1-41, paragraph 4) notes that completion of an island wide archeological overview and assessment is included as part of alternative 1 (continuation of current management) and is also common to the three action alternatives (alternatives 2, 3, and 4). Section 2.3.5 (page 2-13) and table 2.2 (page 2-17) reiterate this commitment in the description of alternative 1 (continuation of current management), stating that NPS would “seek funding to conduct an archeological resource overview and assessment as a first step in identifying currently unknown archeological resources.” Accordingly, table 2.15 (page 2-110) identifies an archeological overview and assessment as a medium priority future implementation planning need at the seashore.

The draft GMP/EIS section 1.6.2 (page 1-41, paragraph 4), also notes that future completion of the archeological resource overview and assessment “would result in a beneficial impact on archeological resources by informing seashore managers regarding where previously unknown resources may be present on the island and by providing general guidance as to management actions needed to protect those resources from adverse impacts due to ground disturbance associated with seashore operations, development of seashore facilities, and visitor use.”

The draft GMP/EIS section 2.4.6 (page 2-33) has been edited via errata (see section 3.1 below) to explicitly state and better clarify that completion of the archeological resource overview and assessment is an action that is included in alternative 1 and is also common to the three action alternatives (alternatives 2, 3, and 4).

**Topic C6002: Partnerships, Town of Ocean City**

**Concern Statement.** The Town of Ocean City requested that the NPS consider identifying the town as a local government partner and as a cooperating agency for future studies.

**Representative Quote: Mayor, Town of Ocean City**

Partnerships—Please consider the Town of Ocean City, MD as a local government partner (Sec. 2.6.7), and as a cooperating agency for future studies such as the proposed Breach Management Plan (Sec. 2.4.2)

**NPS Response.** The draft GMP/EIS (pages xiii, xvii, 2-34, 2-56, and 2-71) has been edited via errata (see section 3.1 below) to note that the NPS would continue to collaborate with the Town of Ocean City, the Town of Chincoteague, Worcester County, Accomack County, the states, and other partners, as cooperating agencies when completing future studies and plans, as appropriate.

**Topic C7001: Seashore Boundary, Enabling Legislation, Map and NPS Jurisdiction over Lands within ½ Mile of the Shoreline**

**Concern Statement.** Accomack County challenges NPS dominion over lands and waters within 1/2 mile of the shoreline in part because the Boundary Map, NS, AL-7100A, as referenced in the seashore's enabling legislation, is not available to document the claim.

Accomack County further states that the Commonwealth of Virginia has never ceded lands and waters within 1/2 mile of the seashore to the NPS. As such, the Commonwealth of Virginia retains dominion over those lands and waters and the NPS claim of right to permit or allow use of such lands and waters is unfounded and wrong.

**Representative Quote: Accomack County Government**

Moreover, the commenter understands that Boundary Map, NS,AL-7100A seems to not be available, as the law requires. Certainly, the only map found in the document that relates to this area is within the signed MOU dated 2012 and is clearly not a replica of the original and for this reason, has no authenticity for legal purposes, it being, at best, a simple graphical depiction the claimed area.

**Representative Quote: Accomack County Government**

16 U.S.C. Title 16 Section 459f of the Federal Code indicates that:

"The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NSAI-7100A, November, 1964", which map shall be on file and available for public inspection in the offices of the Department of Interior."

If we were limited to only one comment, it would probably relate to this claim, as we believe the Service's interpretation of it is an overreach, in that it does not give the Service the authority claimed in this document. As a matter of State and Federal conflicting jurisdictions, it is our view that the state have never ceded this area to Federal control and, by the State Constitution, has responsibility over it.

For all of these reasons, we object to the Services claims of dominion over State lands and waters within Yi [sic] mile of the shoreline. And while we understand that all of the options under consideration will either the State VMRC to continue to "permit" or allow use of its bottom, we remain of the view that the claim of right is unfounded and wrong.

**NPS Response.** The boundary map included in the seashore's authorizing legislation is Map NS-AL-7100A. However, a 1985 notice published in the *Federal Register (Federal Register, Vol. 50, No.159, August 16, 1985)* replaced Map NS-AL-7100A with a new seashore map (Map 622-30-003).

Map 622-30-003 represents the official depiction of the seashore's boundary, showing the general shape and location of that line. From this map, it is clear which islands in Chincoteague Bay are included in the seashore and which are not included. For example, the Pirate Islands are included in the seashore, while Chincoteague Island is not. Map 622-30-003 also makes it clear that the boundary of the seashore includes the waters between the islands of Chincoteague Bay. NPS claims jurisdiction over these waters included in the park boundary as described in 36 CFR 1.2(a)(3), which states that waters are "subject to the jurisdiction of the United States within. . . park units. . .without regard to ownership of the submerged lands."

The draft GMP/EIS (page 1-7) has been edited via errata (see section 3.1 below) to clarify the discussion of the seashore boundary. Appendix A of the draft GMP/EIS has been edited via errata (see section 3.3 below) to include Map NS-AL-7100A and Map 622-30-003.

### **Topic C7003: Land Acquisition, Route 611 Corridor**

**Concern Statement.** Worcester County requested that the NPS include the county as a cooperating agency in planning for new NPS facilities on the mainland, including potential relocation of park headquarters and visitor facilities proposed in the Route 611 corridor, as well as development of additional water-based points of departure.

#### **Representative Quote: Worcester County Government**

Land Acquisition (2.6.8) - We urge you to consider Worcester County as a local government partner and as a cooperating agency with regard to any discussions on land acquisitions to expand NPS properties in the general vicinity of the Maryland Headquarters. If NPS wishes to collaborate with the Maryland Department of Natural Resources (DNR) for points of departure on the mainland for mid-island access, we would appreciate if they would also include the County in these discussions. We have worked to preserve a scenic gateway to Assateague and have accordingly managed density and zoning along the corridor to avoid any negative impacts. The County Comprehensive Plan mentions the southern Rt 611 corridor's value as a gateway to the park and states that the southern half "should not be further developed other than its West Ocean City (northern) portion." We suggest that the NPS recognize that options for both the potential relocation of facilities off the island and the establishment of additional water-based departure points are extremely limited in the southern Rt 611 corridor.

**NPS Response.** NPS will continue to collaborate with Worcester County on NPS studies and plans, as appropriate. Sections 2.6.8 (page 2-57) and 2.7.8 (page 2-71) of the draft GMP/EIS, for alternatives 3 and 4 respectively, identify potential land acquisition needs for new NPS administrative and visitor facilities on the mainland. The draft GMP/EIS has been edited via errata to note that the NPS would specifically collaborate with and/or include Worcester County as a cooperating agency, as appropriate, in planning for new facilities on the mainland. This commitment recognizes that options for relocation of facilities off the island and for establishment of additional water-based departure points are extremely limited in the southern Route 611 corridor.

The draft GMP/EIS (pages xvii and 2-34) has been edited via errata (see section 3.1 below) to note that the NPS would continue to collaborate with the Town of Ocean City, the Town of Chincoteague, Worcester County,

Accomack County, the states, and other partners, as cooperating agencies when completing future studies and plans, as appropriate.

The draft GMP/EIS (pages 2-56 and 2-71) has been edited via errata (see section 3.1 below) to note that the NPS would collaborate with MD DNR and Worcester County as cooperating agencies, as appropriate, when planning new facilities on the Maryland mainland.

#### **Topic C7004: Land Acquisition, Worcester County, Rural Legacy Area**

**Concern Statement.** Worcester County requested that the NPS acknowledge the county's Coastal Bays Rural Legacy Area as an existing model for successful land protection on the mainland.

##### **Representative Quote: Worcester County Government**

As a secondary point concerning land acquisitions, the GMP mentions support for mainland protection strategies and expanded land conservation in the local watersheds. We suggest that the NPS note that there is a highly successful Coastal Bays Rural Legacy Area in place in the Coastal Bays watershed that has a considerable portfolio of protected lands under easement.

**NPS Response.** Sections 2.6.8 (page 2-57) and 2.7.8 (page 2-71) of the draft GMP/EIS, for alternatives 3 and 4, respectively, state that “NPS would support partner groups who seek to acquire various types of legal interests in lands within the Chincoteague Bay watershed for conservation and climate change purposes (3,000 to 5,000 acres).”

The draft GMP/EIS section 2.6.8 (page 2-57) and GMP section 2.7.8 (page 2-71) have been edited via errata to note that this NPS support would seek to build on existing successful natural resource land conservation in Worcester County within the Coastal Bays Rural Legacy Area and the Coastal Bays Conservation Target Area (Worcester County 2012b and 2010), as well as in Accomack County within areas of conservation interest to the county and land trusts operating on the Chincoteague Bay mainland of Virginia’s Eastern Shore.

#### **Topic C8001: Costs, One-Time Costs, Alternative 4**

**Concern Statement.** One commenter questioned the one-time cost estimates for alternative 4, contending that the alternative which focuses on natural island evolution and a primitive island experience should have the lowest one-time costs.

##### **Representative Quote: unaffiliated individual**

I attended the public session at Wor-Wic Community College. I asked [sic] the estimated costs associated with each alternative. It makes absolutely zero sense that Alternative 4, the full retreat option, so should cost [sic] so much. Letting the beach go natural should have been the cheapest option.

**NPS Response.** Section 2.10.2 (pages 2-82 and 2-83) of the draft GMP/EIS provides a comparison of costs (table 2.11) for the alternatives for both NPS annual operating costs and total one-time NPS and partner costs. As noted in the footnotes to table 2.11, details regarding what is included in each cost estimate are provided in the text of the alternatives descriptions, referring the reader to sections 2.3, 2.5, 2.6, and 2.7.

Table 2.11 indicates that NPS annual operating costs are similar and slightly higher for alternatives 3 and 4 when compared to alternatives 1 and 2. This is because of the need for additional staff to support water-based seashore operations.

Table 2.11 indicates that alternative 4 is, in fact, the cheapest option for total one-time NPS costs and total one-time partner costs. Section 2.7.11 (pages 2-72 and 2-73) provides a summary of the one-time costs associated with alternative 4. Major facilities costs include those for replacing existing administrative offices, replacing existing maintenance facilities, rehabilitating the environmental education center, entrance station relocation, development of a land-based alternative transportation system, and boat dock repairs at the former Assateague Beach U.S. Coast Guard Station. Major non-facilities costs include those for enhancing seashore recreation opportunities by restoring island habitats and processes altered by past non-NPS development activities, relic mosquito ditch restoration, phragmites control, and saltmarsh restoration. Total one-time partner costs include numerous road and parking area pavement management projects.

The draft GMP/EIS (page 2-83) has been edited via errata (see section 3.1) to note why operating costs for alternatives 3 and 4 are higher than those for alternatives 1 and 2.

## 2.4 Suggestions for Implementation

### Topic I1001: Visitor Experience, Oversand Vehicle Use, Southern Bull Pen

**Concern Statement.** Two commenters asked that the NPS consider reestablishing the southern bullpen in the oversand vehicle use area.

**Representative Quote: unaffiliated individual**

I would like to see the southern bullpen replaced in the OSV as it was historically and the number of vehicles raised on the OSV to better accommodate the to the visitors that are currently having to sit in line adding to the already dangerous parking problem and congestion near the air pumps.

**NPS Response.** As described in section 2.6.2 (page 2-50) of the draft GMP/EIS, opportunities for driving on the beach (and associated recreation activities) in Maryland would continue within the seashore's OSV use area until conditions change. This could include future consideration of establishment of a southern bullpen in the OSV use area if it is needed for visitor use and visitor experience.

### Topic I2001: Visitor Facilities, Seashore Access, Future Ferry in Alternative 3

**Concern Statement.** Several commenters expressed concerns regarding the future ferry in alternative 3 in the event that vehicle access to the island is lost. These related to the locations of the mainland point of departure and the island landing, the ferry's impacts on marine resources, the ferry's capacity to handle horse trailers, and the ferry design (fuel modes).

**Representative Quote: unaffiliated individual**

I would encourage consideration of ferry access from points in Maryland further south, such as Public Landing. This would have the beneficial effect of providing access to parts of the island that are relatively inaccessible now and also 'spreading out' the tourist impact in Worcester County by attracting tourists to the lower part of the county.

**Representative Quote: unaffiliated individual**

A major part of Alt 3 commentary centers on developing visitor access from the mainland. I must confess that I believe 'ferry' access would not be needed for a generation or more. But, if necessary, I would strongly object to any part of South Point being used as a staging area as was initially the case decades

ago. The intersection of South Point road with the Rte 611 curve is becoming more congested with each season making exiting more difficult. The peninsula is residential in nature with a single access road (not State maintained) that simply could not handle the traffic that 'ferry' access would generate through the community.

**Representative Quote: unaffiliated individual**

There should NEVER be a ferry to Green Run or ANY of the other lodges! To walk out there and see them is part of appreciating the land and the people that came prior, as is. I believe the shore line of the bay side is too fragile and the money that it would take to build them up could be better spent on marketing to the like-minded people that are not looking for a resort vacation.

**Representative Quote: Backcountry Horsemen of Virginia**

None of the DGMP alternatives indicate any provisions for maintaining long term bridge access to the island. Transitioning to an all water ferry service is the only option when bridges are no longer maintained. Please ensure that there would be ferry services willing to transport large horse trailers to provide continued access to the island for horseback riders if an all water service ever occurs.

**Representative Quote: unaffiliated individual**

If ferries are utilized I would like to see them be electric solar powered like the Duffy boats, or if that is not possible gas or low impact diesel like the Lewes Ferry is going to, as the fumes are very obnoxious and hazardous to our lungs, prove to cause lung cancer.

**Representative Quote: U.S. Environmental Protection Agency**

Air emissions and alternative fuel modes of transportation should be considered if and when ferry and shuttle services are developed. Also, the cost of these services to users should be included.

**NPS Response.** Section 2.6.3 (page 2-51 for alternative 3) and section 2.7.3 (page 2-66 for alternative 4) (under the subheading Maryland Access and Transportation) of the draft GMP/EIS address the potential shift to water-based access to the island if vehicular access by road to the island is no longer feasible. One component of the water-based system could be a ferry for passengers and vehicles. As noted in tables 2.7 (page 2-60) and 2.8 (page 2-74) (under seashore wide topics), the NPS would prepare for such an event by developing a plan to expand the seashore's alternative transportation system, including the potential use of a ferry system with shelters and methods to distribute visitors within the developed area. Table 2.15 (page 2-109) provides additional information regarding the scope of the plan in the list of future planning needs for the seashore. It notes a need for a water-based visitor access and seashore operations plan that "would describe in detail operational considerations and capital investments needed to provide water-based visitor access and to support seashore operations, including which types and levels of activities, services, and facilities would be provided by commercial service providers and how they would be managed by NPS in the most effect and efficient manner." NPS has categorized this plan as a medium priority need and anticipates completing it when funding is available. NPS would collaborate with federal, state, and local government entities in developing this plan. It would address the concerns that commenters have expressed.

The draft GMP/EIS (page 2-109) has been edited via errata (see section 3.1) to note that completion of a water-based visitor access and seashore operations plan is of medium priority.

**Topic I2002: Visitor Facilities, Seashore Access, Alternative Transportation**

**Concern Statement.** One commenter expressed concern that shuttles might lead to more crowding. He/she supported the use of shuttles only if vehicle spaces are lost and asked that shuttles, if implemented, be all electric and green.

**Representative Quote: unaffiliated individual**

The greater number of access points, the more people are greater the crowding may be. I would only like to see shuttles if vehicle spaces were lost as I would not like to see busloads of people descending across the dunes further crowding the beaches. I would hope that any shuttles would be all electric and green and not diesel as there is no such thing as clean diesel and the fuel spills and diesel exhaust would be very polluting to people and the island.

**NPS Response.** Section 2.4.4 (page 2-30) of the draft GMP/EIS notes that in the future once parking capacity is reached visitors still wanting to go to the beach and other attractions on the island would ride a shuttle to the island. The GMP further states that “over time as parking capacity on the island is reduced as a result of natural coastal processes and/or the effects of climate change/sea level rise, shuttle facilities on the mainland would be expanded to support a larger shuttle operation providing additional parking to meet growing demand and offering more frequent service with more shuttle vehicles.”

NPS anticipates that future planning for the shuttle facilities and vehicles would explore all options for design and technology, including consideration of shuttle vehicles powered by alternative fuels.

**Topic I2003: Visitor Facilities, Parking, Visitors with Disabilities**

**Concern Statement.** One commenter noted that there is a need for more parking for visitors with disabilities.

**Representative Quote: unaffiliated individual**

The current parking is excellent except for lack of 'disabled parking'. That needs to be increased in the current parking lots.

**NPS Response.** NPS is committed to creating a built environment that is welcoming for every visitor. To do this, NPS would prepare and seek to implement an accessibility plan for the seashore. The plan would 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. The draft GMP has been edited via errata to include a seashore accessibility plan, subject to availability of funding

The draft GMP/EIS (pages xv, 2-30, 2-35, and 2-110) has been edited via errata (see section 3.1) to include actions related to seashore accessibility.

**Topic I2004: Visitor Facilities, Future Development Design, Low-Impact**

**Concern Statement.** The U.S. Environmental Protection Agency asked that the NPS consider low impact development for future development at the seashore.

**Representative Quote: U.S. Environmental Protection Agency**

Low impact development should be considered for future development.

**NPS Response.** Low impact development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. The NPS *Green Parks Plan* (NPS 2012d) establishes a servicewide mandate to adopt sustainable best practices in all facility operations. One specific plan objective is “to reduce stormwater runoff from existing facilities and employ stormwater best management practices in the design and construction of new facilities and major renovations.” Future design, construction, and maintenance of all future development at the seashore would comply with this mandate. This would ensure that the planning team employs low impact design (LID) principles to protect water quality and associated aquatic habitat at the seashore.

### **Topic I3001: Natural Coastal Processes, Breach Management**

**Concern Statement.** Worcester County, the Town of Ocean City, and others noted concerns related to future management of breaches. Commenters made several suggestions for consideration when the NPS prepares the breach management plan for the seashore in the future.

#### **Representative Quote: Worcester County Government**

A Breach Management Plan is referenced in the GMP, but specifics are lacking. We request that this section of the GMP recognize that the cumulative effects since the formation of the Ocean City Inlet, coupled with the impact from inlet jetties and other human operations, have altered the barrier beach and sediment transport processes. These impacts should be recognized for what they are and what they will continue to be in the future. The northern portion of Assateague Island currently serves to protect life and property on the coast and the mainland. We therefore request that the Breach Management Plan take into consideration the physical and ecological properties of the shoreline and strive to protect and preserve human welfare and developed properties on the mainland. We therefore request that the NPS makes such an accommodation to allow artificial closure of these breaches within the natural resource zone of the northern island and/or provides an overlay of this district to allow and encourage special activities within this natural resources zone to protect residents and properties on the mainland.

**NPS Response.** NPS will continue to collaborate with Worcester County, the Town of Ocean City, and others on NPS studies and plans, as appropriate. Section 2.4.2 (pages 2-21 and 2-22) of the Draft GMP/EIS states that the NPS would develop a breach management plan to guide NPS’s response to future breaches on the island. The plan would specify the conditions under which NPS would allow breaches to remain open or would allow breach closures. It would be based on the best science available and conform to the mission of the NPS and laws governing the seashore. It would also consider other important elements such as human safety and protection of property. NPS would invite participation of and consider concerns expressed by Worcester County, the Town of Ocean City, and others during development of the plan.

The draft GMP/EIS (pages xiii and 2-34) has been edited via errata (see section 3.1) to note that the NPS would specifically collaborate with and/or include Worcester County, the Town of Ocean City, and others, as cooperating agencies, as appropriate, in completing the breach management plan.

### **Topic I3002: Natural Coastal Processes, North End Restoration**

**Concern Statement.** Worcester County stressed the importance of the North End Restoration Project which is authorized through 2028 and noted that in future years there may be a need for additional activities to support restoration activities rather than a reduction or cessation of restoration activities. The county also noted that more

aggressive dredging in the future could generate additional material that could potentially be used on the north end to further protect the island from overwash and breaching, thereby better protecting developed properties on the mainland.

**Representative Quote: Worcester County Government**

The North End Restoration Project (1.9.5) - This is a very important project for the local area and we request recognition and support for continued restoration activities on the north end of Assateague Island in perpetuity. If anything, additional activities to support restoration are in order rather than any future reduction or cessation of these operations. We understand that the North End Restoration project is a six-mile area south of the inlet where dredged sand is placed near shore to mimic the north-south flow of sand disrupted by the inlet jetties. It is a project funded through 2028 between NPS and the US Army Corps of Engineers (COE).

**Representative Quote: Worcester County Government**

We wish to make the NPS aware of the long-term planning and dredging efforts for the shoaling in the Ocean City Inlet (between the Town of Ocean City and Assateague Island) and the additional materials that may be generated if funding for more aggressive dredging actions are secured. This would provide additional materials for placement on the north end of Assateague Island, where overwash and breaching pose significant concerns for developed properties on the mainland adjacent to this area. These developed properties include housing developments on the northern portion of the Rt 611 corridor and the Ocean City Municipal Airport, among other significant investments on the mainland.

**NPS Response.** In 2001, the NPS began a partnership with the U.S. Army Corps of Engineers to implement the Assateague Island Restoration Project. The long-term restoration phase of this project calls for up to 185,000 cubic yards of sand to be dredged annually from multiple sources and placed into the surf zone along Assateague's shoreline to mitigate the impacts of the Ocean City inlet jetty. The U.S. Army Corps of Engineers is currently reviewing the sediment budget associated with this project in order to update the target volume of sand necessary to continue to mitigate the effects of the jetty and to prevent the north end of the island from moving westward at an unnaturally high rate. NPS appreciates the offer of assistance with additional materials for this project. NPS will consider the seashore's need with the project advisory committee once the sediment budget study is completed and if it indicates that more material is required.

**Topic I4001: Cultural Resources, Wreck Monitoring**

**Concern Statement.** The Commonwealth of Virginia encourages the NPS to include a cultural resource management action in the GMP stating that the NPS would partner with the Chincoteague and Wallops Island National Wildlife Refuges in the Fish and Wildlife Service's wreck monitoring program.

**Representative Quote: Division of Resource Services and Review, Virginia Department of Historic Resources**

We also encourage the NPS to include as a management strategy partnering with the Chincoteague and Wallops Island National Wildlife Refuges in the Service's wreck monitoring program, which will serve both as a useful monitoring tool for cultural resources as well as assessing the movement of the barrier islands.

**NPS Response.** The draft GMP/EIS (pages 2-33 and 2-35) has been edited via errata (see section 3.1) to include a commitment on the part of the NPS to participate, as staffing allows, in the Chincoteague Wreck Tagging Program.

This program is a collaborative effort of the FWS, the Maryland Historical Trust, the Virginia Department of Natural Resources, the University of West Florida, and the Chincoteague Natural History Association.

**Topic I8001: Future GMP Implementation, Compliance**

**Concern Statement.** The Commonwealth of Virginia and the U.S. Environmental Protection Agency noted that future implementation of proposed management actions in the GMP would require additional compliance actions as required by state and federal regulations beyond what is provided in the *Draft GMP/EIS*.

**Representative Quote: Division of Resource Services and Review, Virginia Department of Historic Resources**

Tribal consultation will need to be considered in the Section 106 process. As you know, the Virginia Council on Indians no longer exists. Virginia now has its first resident federally recognized Indian Tribe, the Pamunkey Tribe. If NPS has not already done so, we encourage initiating consultation with the Pamunkey Tribe on the *Draft GMP/EIS*.

**Representative Quote: Virginia Department of Environmental Quality**

1. Wetlands and Water Quality. Virginia Water Protection Permit authorization is required for proposed project impacts to wetlands and surface waters pursuant to Virginia Code §62.1-44.15:20 et seq. Coordinate with DEQ TRO (757-518-2000) to obtain VWP authorization if there will be impacts to surface waters or wetlands. Coordinate with VMRC (757-247-8027) regarding the submittal of a JPA if necessary.
2. Wastewater Treatment.
  - Coordinate with DEQ TRO (757-518-2000) to apply for and obtain a VPDES permit if a WWTP at the FWS Maintenance Facility in Virginia is installed and proposes to discharge to surface water.
  - Submit a CTC to DEQ TRO if construction of a wastewater treatment plant is planned. A CTO will be required prior to operation of the plant.
  - If an alternate system is used that will not discharge, coordinate with the Department of Health (Eastern Shore Health District, 757-787-5880).
  - Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.
3. Air Pollution Control. Contact DEQ TRO (Troy Breathwaite at Troy.Breathwaite@deq.virginia.gov or 757-518-2006) for additional information on air quality regulations or if the project proposes the use of fuel-burning equipment that may be subject to registration or permitting requirements.
4. Chesapeake Bay Preservation Act. The GMP must be consistent the applicable requirements of the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 - 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) as locally implemented. Contact DEQ (Daniel Moore at Daniel.Moore@deq.virginia.gov) for additional information as necessary.
5. Erosion and Sediment Control and Stormwater Management. The draft GMP and EIS must be consistent with Virginia's Erosion and Sediment Control Law (Virginia Code § 62.1-44.15:61) and Regulations (9 VAC 25-840-30 et seq.) and Stormwater Management Law (Virginia Code§ 62.1-44.15:31) and Regulations (9 VAC 25-870-210 et seq.) as administered by DEQ. Erosion and sediment control, and stormwater management requirements should be coordinated with the DEQ TRO (Noah Hill at Noah.Hill@deq.virginia.gov or 757-518-2024).
6. General Permit for Stormwater Discharges from Construction Activities (VAR10). The operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to

register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Specific questions regarding the Stormwater Management Program requirements should be directed to DEQ (Holly Sepety at 804-698-4039) (Reference: VSWML §62.1-44.15 et seq.).

7. Solid and Hazardous Waste Management. Contact DEQ TRO (757-518-2000) for additional information on waste management, tank installation requirements, or if evidence of petroleum contamination is found.
8. Natural Heritage Resources. Contact DCR-DNH, Rene Hypes at (804) 371-2708, to secure updated information on natural heritage resources if the scope of the project changes and/or six months passes before the project is implemented, since new and updated information is continually added to the Biotics Data System. Coordinate with DHR (Christopher Ludwig, 804-371-6209) regarding their recommendation to conduct a new inventory of the natural heritage resources located in the Chincoteague National Wildlife Refuge/ Assateague Island National Seashore.
9. Protected Species Coordination. Coordinate with the FWS (Troy Anderson, troy\_anderson@fws.gov) regarding potential impacts to the following protected species: the Loggerhead sea turtle, Piping plover, the Delmarva fox squirrel, and the Seabeach amaranth.
10. Wildlife Resources. Coordinate with DGIF (Amy Ewing, 804-367-2211) with questions related to DGIF's recommendations to protect wildlife and comply with the CNWRCCP.
11. Historic Resources. Coordinate with DHR (Ethel Eaton, 804-482-6088) regarding its recommendations to protect cultural resources and conduct archaeological surveys and monitoring.
12. VMRC Coordination. VMRC has indicated that they have comments on the draft EIS related to fisheries and habitat issues. These comments will be submitted directly to NPS. Coordinate with VMRC (Rachael Maulorico, 757-247-8027) with questions.
13. Federal Consistency. The NPS must submit a FCD pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended (16 USCA, CZMA § 307, § 1456(c)(3)(A)) and its implementing federal consistency regulations (15 CFR Part 930, subpart C). Coordinate directly with OEIR for the submittal of FCDs. Information on document submission is available at <http://www.degvirginia.gov/Programs/EnvironmentalImpactReview/DocumentSubmissions.aspx>.

**Representative Quote: Virginia Marine Resources Commission**

The Commission, pursuant to Chapter 12 of Title 28.2 of the Code of Virginia, has jurisdiction over any encroachments in, on, or over the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth. Accordingly, if any portion of any project proposed in the future will involve any encroachments channel ward of mean low water, a permit may be required from our agency. Any jurisdictional impacts will be reviewed by VMRC during the Joint Permit Application process.

**Representative Quote: U.S. Environmental Protection Agency**

It is suggested that additional information be provided in the Final EIS describing proposed stormwater management measures for future projects.

**Representative Quote: U.S. Environmental Protection Agency**

The Final EIS should provide details on the environmental impacts (wetland, sub-aquatic vegetation, Aquatic Resources, dredging, etc) related to activities associated with the *Draft GMP/EIS*. In addition, permits may need to be obtained as well as mitigation for unavoidable impacts. Impacts to species of concern, aquatic resources and other habitats should be avoided and minimized.

**Representative Quote: U.S. Environmental Protection Agency**

The Final EIS should also identify seasonal aquatic construction restrictions related to fish, birds and other wildlife.

**NPS Response.** The management actions in the draft GMP/EIS are general and programmatic, as noted in the draft GMP/EIS (section 5.2, page 5-6). Thus, the analysis of potential impacts is correspondingly general based on the best available information at present. While the purpose of this planning process is to adopt a GMP to guide future management of the seashore, it should be noted that approval of the GMP does not guarantee that funding and staffing needed to implement management actions will be forthcoming. Full implementation of management actions in the approved plan will depend on future NPS funding and servicewide priorities, and could be many years in the future.

We acknowledge that many of the management actions described in the draft GMP/EIS will likely require site-specific planning and compliance, and may require a variety of permits and approvals prior to implementation. In the future, consultation, compliance, and permitting will occur as part of planning that “tiers” from the approved GMP during development of program management plans and during design and construction of specific projects of the types identified in the approved GMP, if and when project funding becomes available and according to seashore and servicewide priorities. At that time, the NPS will comply with all applicable federal, State of Maryland, and Commonwealth of Virginia laws, regulations, and policies, depending upon the nature of the proposed management action.

The general types of projects that could require consultation, compliance, and permitting in the future include:

- construction of new facilities
- construction/installation of new utility systems and other infrastructure
- construction of new roads, parking lots, and trails
- restoration or rehabilitation of historic structures
- ground disturbing activities in areas without a history of previous site disturbance
- changes in management of natural and cultural resources

### 3. Errata

This section contains revisions and corrections to the *Draft GMP/EIS*. Some of these changes provide further clarification due to public comment. Others correct errors discovered after publication of the draft. The combination of the *Draft GMP/EIS* and the *Abbreviated Final GMP/EIS*, including these errata, constitutes the complete and final record on which the record of decision will be based.

The following sections list the revisions and corrections. Presented first are the corrections to the text, followed by additions to the appendices. The corrections reference the *Draft GMP/EIS* by page, paragraph, and sentence or bullet number. Changes are indicated by presenting the revised sentence with deleted section in ~~strikeout~~ and added text shown in underline.

### 3.1 General Management Plan (GMP) Text Corrections

#### Draft GMP/EIS, page i, National Park Service, 1<sup>st</sup> sentence:

The National Park Service ~~owns~~ manages approximately 8,983 acres of federally owned land within the seashore boundary, including land on Assateague Island in Maryland (exclusive of Assateague State Park), the Assateague Beach U.S. Coast Guard Station on the island in Virginia, and its mainland Maryland headquarters complex and visitor center.

#### Draft GMP/EIS, page i, U.S. Fish and Wildlife Service, 1<sup>st</sup> sentence:

The U.S. Fish and Wildlife Service (FWS) manages approximately 10,077 acres of federally owned land within the boundaries of Chincoteague National Wildlife Refuge (CNWR) on Assateague Island.

#### Draft GMP/EIS, page iii, figure ES-1 text boxes:

##### Assateague Island National Seashore

Owned by the federal government and managed by the National Park Service (NPS) ~~and managed~~ in accordance with a general management plan. The National Park Service has prepared this Draft General Management Plan/Environmental Impact Statement for Assateague Island National Seashore to consider future management alternatives for the seashore lands and waters under its

##### Assateague Island National Seashore

Owned by the federal government and managed by the U.S. Fish and Wildlife Service (FWS) ~~and managed~~ in accordance with the recently released *Chincoteague and Wallops Island National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement (US FWS 2015)*

#### Draft GMP/EIS, page xii, Natural Resource Management, last sentence:

The NPS would continue to partner with the USACE to implement the North End Restoration Project that mitigates the continuing effects of the Ocean City Inlet and jetties, as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

#### Draft GMP/EIS, page xiii, Community Resilience, 2<sup>nd</sup> paragraph, new 2<sup>nd</sup> sentence:

NPS would collaborate with and/or include Worcester County, the Town of Ocean City, and others as cooperating agencies, as appropriate, in completing the breach management plan.

#### Draft GMP/EIS, page xiv, Natural Resource Management, last sentence:

The NPS would continue to partner with the 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 at the historic, pre-Ocean City inlet rate. The project would continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

#### Draft GMP/EIS, page xiv, Natural Resource Management, new 2<sup>nd</sup> paragraph:

In alternatives 2, 3, and 4, NPS would also work cooperatively with the state of Virginia and Accomack County to ensure compliance with applicable natural resource conservation and wastewater treatment regulations at privately owned structures (oyster watch houses) located in the seashore's Virginia waters.

**Draft GMP/EIS, page xiv, Marine Resource Management, 4<sup>th</sup> bullet:**

- ~~NPS would prohibit the harvest of horseshoe crabs as currently proposed by the USFWS final Comprehensive Conservation Plan~~
- NPS would 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

**Draft GMP/EIS, page xiv, Marine Resource Management, 5<sup>th</sup> bullet:**

- To document the traditional uses of marine resources and oyster watch houses and duck blinds, the NPS would conduct an ethnographic assessment. Based on findings of the assessment, the NPS would collaborate with local and regional cultural and academic institutions to develop interpretive programming and other visitor information that would illuminate the cultural heritage of the eastern shore and Assateague Island.

**Draft GMP/EIS, page xv, Visitor Use and Visitor Experience in Maryland, paragraph 3:**

The NPS would also periodically review regulations pertaining to OSV use at the seashore (36 CFR§7.65(b)) and make amendments if conditions render changes necessary. NPS would continue to review the location of the carsonite markers delineating the OSV Use Area on an annual basis in late winter and following any significant coastal storm event. Route markers on the western edge of the OSV use area would continue to be placed at or near the average winter high tide line.

**Draft GMP/EIS, page xv, Visitor Use and Visitor Experience in Maryland, new paragraph 4:**

NPS would prepare and seek to implement an accessibility plan for the seashore. The plan would 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.

**Draft GMP/EIS, page xvi, Seashore Facilities and Operations in Maryland, 1<sup>st</sup> sentence:**

If in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, the NPS and MD DNR would 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.~~The NPS and MD DNR would explore the potential for a consolidated, jointly operated entrance station to Assateague Island located on the mainland.~~

**Draft GMP/EIS, page xvii, new 3<sup>rd</sup> paragraph:**

**Partnerships**

The NPS would continue to collaborate with the Town of Ocean City, the Town of Chincoteague, Worcester County, Accomack County, the states, and other partners, as cooperating agencies when completing future studies and plans, as appropriate.

**Draft GMP/EIS, page xx, 1<sup>st</sup> paragraph (continued from page xix):**

complex for use for alternative transportation parking. ~~A combined ranger station/campground office and small maintenance yard would remain on the island.~~

**Draft GMP/EIS, page xxi, Concept, 7th sentence:**

Planning and development of alternative transportation systems including shuttles, passenger/vehicular ferries, and new bayside access along Chincoteague Bay would prepare the seashore for possible loss of traditional land access.

**Draft GMP/EIS, page xxii, Visitor Use and Visitor Experience, 1<sup>st</sup> paragraph, last sentence:**

As new points of departure are developed (passenger/vehicular ferry terminal, shuttle staging areas, Chincoteague Bay public access sites) these areas would provide new opportunities for visitor contact, orientation, safety messaging, and seashore information.

**Draft GMP/EIS, page xxii, Visitor Use and Visitor Experience, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence:**

Opportunities for driving on the beach (and associated recreation activities) in Maryland would continue within the seashore's existing OSV use area ~~until conditions change~~. However, if a persistent breach occurs and the breach management plan recommends the breach remain open, or land is lost due to beach erosion, access to the OSV use area could be reduced or lost.

**Draft GMP/EIS, page xxiii, Seashore Facilities and Operations in Maryland, 2<sup>nd</sup> paragraph, last sentence:**

Should the bridge to the Maryland portion of the island be damaged or fail or if there was a breach that prevented use of private vehicles, access to the island would shift to a fully water-based system composed of a new passenger/vehicular ferry and the network of new public access sites.

**Draft GMP/EIS, page xxiii, Seashore Facilities and Operations in Maryland, 3<sup>rd</sup> paragraph:**

Most administrative and maintenance functions would be relocated to another mainland location to allow development of a shuttle/ferry parking facility at the current headquarters site. ~~A combined ranger station/campground office would remain on the island, although it would be replaced with a moveable facility once the existing permanent structure is no longer sustainable.~~

**Draft GMP/EIS, page xxiii, Natural Resource Management, new 2<sup>nd</sup> paragraph:**

The NPS would initiate an assessment of privately owned structures (oyster watch houses) located within the seashore's Virginia waters to determine the legal status and authority for their presence. NPS would pursue removal of any unauthorized structures, and would work cooperatively with the state 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 would also assess the legal status of private hunting blinds and duck blinds within the seashore's Virginia waters.

**Draft GMP/EIS, page xxv, Land Acquisition, 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence:**

The NPS would collaborate with MD DNR to explore options for using state-owned property and/or acquiring new lands for these new facilities (campgrounds, recreational opportunities, and headquarters complex), as well as for future passenger/vehicular ferry facilities and a new shared entrance station, should the need arise. ~~two new points of departure on the mainland near the state park and current NPS developed area fro a future ferry system and new shared fee booths.~~

**Draft GMP/EIS, page xxv, new 3<sup>rd</sup> paragraph:**

A combined and moveable ranger station/campground office would remain on the island, although it would be replaced with a moveable facility once the existing permanent structure is no longer sustainable.

**Draft GMP/EIS, page xxvii, Visitor Use and Visitor Experience, 4<sup>th</sup> sentence:**

Conversely, the visitor experience would be somewhat enhanced as a result of less stressful seashore entry via a relocated entrance station (if in the future conditions change, and relocation of the entrance station appears necessary) and opportunities for accessing the beach via a mainland-based ATS when island parking lots are full.

**Draft GMP/EIS, page xxviii, Natural Resource Management, new 2<sup>nd</sup> paragraph:**

The NPS would initiate an assessment of privately owned structures (oyster watch houses) located within the seashore's Virginia waters to determine the legal status and authority for their presence. NPS would pursue removal of any unauthorized structures, and would work cooperatively with the state 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 would also assess the legal status of private hunting blinds and duck blinds within the seashore's Virginia waters.

**Draft GMP/EIS, page xxxvi, Wildlife, paragraph 1, last sentence:**

As in alternatives 3 and 4, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time would result ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS) would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, resulting in a beneficially impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area (US FWS 2015).~~

**Draft GMP/EIS, page xxxviii, Visitor Use and Visitor Experience, 1<sup>st</sup> paragraph (continued from page xxxvii):**

complex for use for alternative transportation parking. ~~A combined ranger station/campground office and small maintenance yard would remain on the island.~~

**Draft GMP/EIS, page xxxviii, Visitor Use and Visitor Experience, 2<sup>nd</sup> paragraph, 4<sup>th</sup> sentence:**

Conversely, the visitor experience would be somewhat enhanced as a result of less stressful seashore entry via a relocated entrance station (if in the future conditions change and relocation of the entrance station appears necessary) and opportunities for accessing the beach via a mainland-based ATS when island parking lots are full.

**Draft GMP/EIS, page xxxviii, Socio-economic Environment, 2<sup>nd</sup> paragraph, 1st sentence:**

As in alternatives 3 and 4, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would likely result in a negative impact to some commercial watermen ~~(US FWS 2015)~~.

**Draft GMP/EIS, page xl, Wildlife, 1<sup>st</sup> paragraph, last sentence:**

As in alternatives 2 and 4, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time would result ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, ~~resulting~~ in a beneficially impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area ~~(US FWS 2015)~~.

**Draft GMP/EIS, page xlii, Visitor Use and Visitor Experience, 4<sup>th</sup> sentence:**

As in alternative 2, the visitor experience would be somewhat enhanced as a result of less stressful seashore entry via a relocated entrance station (if in the future conditions change, and relocation of the entrance station appears necessary) and opportunities for accessing the beach via a mainland-based ATS when island parking lots are full.

**Draft GMP/EIS, page xliii, Socio-economic Environment, paragraph 2, 1st sentence:**

As in alternatives 2 and 4, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would likely result in a negative impact to some commercial watermen ~~(US FWS 2015)~~.

**Draft GMP/EIS, page xlv, Wildlife, paragraph 1, last sentence:**

As in alternatives 2 and 3, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time would result ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, ~~resulting~~ in a beneficially impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area ~~(US FWS 2015)~~.

**Draft GMP/EIS, page xlv, Socio-economic Environment, paragraph 2, 1st sentence:**

As in alternatives 2 and 3, gradual reduction and elimination of horseshoe crab harvest over a reasonable period of time ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would likely result in a negative impact to some commercial watermen ~~(US FWS 2015)~~.

**Draft GMP/EIS, page xlvii, Visitor Use and Visitor Experience, 3<sup>rd</sup> sentence:**

As in alternatives 2 and 3, the visitor experience would be somewhat enhanced as a result of less stressful seashore entry via a relocated entrance station (if in the future conditions change, and relocation of the entrance station appears necessary) and opportunities for accessing the beach via a mainland-based ATS when island parking lots are full.

**Draft GMP/EIS, page xlvi, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence:**

As in alternatives 2 and 3, gradual reduction and elimination of horseshoe crab harvesting over a reasonable period of time ~~enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ would likely result in a negative impact to some commercial watermen (US FWS 2015).

**Draft GMP/EIS, page 1-5, figure 1.2 text boxes:**

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**Assateague Island National Seashore**  
Owned by the federal government and managed by the U.S. Fish and Wildlife Service (FWS) and managed in accordance with the recently released *Chincoteague and Wallops Island National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement (US FWS 2015)*

**Draft GMP/EIS, page 1-7, Seashore Boundary and Ownership, 1<sup>st</sup> paragraph edits, and new 2<sup>nd</sup> and 3<sup>rd</sup> paragraph:**

The Congress established the seashore boundary of the seashore through in the seashore's enabling legislation, as shown in Map NS-AL-7100A attached to the legislation (appendix B). ~~The final authorized boundary extends up to one-half mile from the island in the states of Maryland and Virginia.~~

In 1985, a notice in the *Federal Register (Federal Register, Vol. 50, No.159, August 16, 1985)* replaced Map NS-AL-7100A with a new seashore map (Map 622-30-003). Map 622-30-003 represents the current official depiction of the seashore's boundary, showing the general shape and location of that line. It indicates that the authorized boundary extends up to one-half mile from the island in the states of Maryland and Virginia. NPS claims jurisdiction over these waters included in the seashore boundary as described in 36 CFR 1.2(a)(3), which states that waters are "subject to the jurisdiction of the United States within. . . park units. . .without regard to ownership of the submerged lands."

Map 622-30-003 indicates which islands in Chincoteague Bay are included in the seashore. For example, the Pirate Islands are included in the seashore, while Chincoteague Island is not. Map 622-30-003 also establishes that the boundary of the seashore includes the waters between the islands of Chincoteague Bay.

**Draft GMP/EIS, page 1-22, Other Important Resources, Cultural Resources, first sentence:**

The seashore contains a variety of locally, regionally, and nationally significant cultural resources, ranging from historic structures to archeological objects and sites to the traditional activities and associations that people have maintained with the island and its waters.

**Draft GMP/EIS, page 2-8, 1<sup>st</sup> paragraph, 2<sup>nd</sup> to the last sentence:**

Altered sand transport processes at Ocean City Inlet would continue to be mitigated through the North End Restoration Project, as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Draft GMP/EIS, page 2-12, 3<sup>rd</sup> paragraph:**

The NPS would continue to partner with the 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 at the historic, pre-Ocean City inlet rate. The project would continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Draft GMP/EIS, page 2-14, 2.3.7 Partnerships (alternative 1), 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence:**

Existing partnerships and cooperative relationships that support ongoing management programs and activities would continue. Key partners would be Chincoteague National Wildlife Refuge and MD DNR Assateague State Park.

**Draft GMP/EIS, page 2-14, 2.3.7 Partnerships (alternative 1), 2<sup>nd</sup> paragraph, new 2<sup>nd</sup> sentence:**

The project would continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Draft GMP/EIS, page 2-17, Table 2.2, Developed Area, Assateague State Park:**

**Table 2.2 Alternative 1 – Planned and Programmed Projects**

Planned and Programmed Actions		
Developed Area	<b>Assateague State Park</b>	<ul style="list-style-type: none"> <li>cooperate with <u>MD DNR Assateague State Park</u> on coastal storm planning and response, feral horse management, and other issues and opportunities of mutual interest</li> </ul>

**Draft GMP/EIS, page 2-18, Table 2.2, 5<sup>th</sup> row:**

**Table 2.2 Alternative 1 – Planned and Programmed Projects (continued)**

Planned and Programmed Actions		
Sinepuxent and Southern Chincoteague Bay	<b>Primary Area</b>	<ul style="list-style-type: none"> <li>continue to implement the North End Restoration Project to mitigate environmental impacts of the Ocean City Inlet jetties and the Ocean City Inlet (with USACE) <u>as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available</u></li> </ul>

Draft GMP/EIS, page 2-20, Table 2.3, 5<sup>th</sup> row:

**Table 2.3 Management Zone Summary – Common to Alternatives 2, 3, and 4**

Zone	Subzone	General Management Approach
Natural Resource Zone	<b>Primary Zone</b>	<p>Managed for resource protection and low density, low impact recreation dependent on high quality resource conditions. May include primitive backcountry campsites and bayside points of access for motorized vessels and/or non-motorized vessels; both of which may be associated with maintained cross island sand trails. May also include the adaptive use of existing structures and/or development of primitive facilities for research and environmental education.</p> <p><u>Continuation of the North End Restoration Project helps to maintain natural functioning of Assateague Island and to protect the threatened Piping Plover, as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.</u></p> <p>The zone includes all terrestrial areas not encompassed by the development and cultural resource zones and may be further classified as one of two subzones: active beach recreation or resource preservation.</p> <p>The zone and its two subzones may include isolated cultural resources, including archeological sites and historic structures.</p>
Sinepuxent and Southern Chincoteague Bay	<b>Primary Zone</b>	<p>Managed for resource protection and compatible water-based recreation activities. Seeks to improve conditions for water based activities by working cooperatively with the states of Maryland and Virginia to provide opportunities for water-based visitor use and appropriate commercial use. Includes the waters of Sinepuxent Bay (Ocean City Inlet to the southern tip of South Point) and Chincoteague Bay south of Wildcat Point to Chincoteague Inlet within the authorized seashore boundary. Also includes portions of Ocean City Inlet and Chincoteague Inlet within the authorized park boundary. May include areas where personal watercraft use is permitted. <u>Continuation of the North End Restoration Project helps to maintain natural functioning of Assateague Island and to protect the threatened Piping Plover, as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.</u></p>

**Draft GMP/EIS, page 2-21, Breach Management Plan, 1<sup>st</sup> paragraph, new 2<sup>nd</sup> sentence:**

NPS would collaborate with and/or include Worcester County, the Town of Ocean City, and others as cooperating agencies, as appropriate, in completing the breach management plan.

**Draft GMP/EIS, page 2-25, Table 2.4, 2<sup>nd</sup> row, resource conditions 2<sup>nd</sup> bullet:**

	Resource Conditions	Visitor Experience	Access and Development
Sinepuxent and Southern Chincoteague Bay Zone	<p>The Sinepuxent and Southern Chincoteague Bay Zone is managed for resource protection and low to moderate density water-based recreation.</p> <ul style="list-style-type: none"> <li>Natural conditions predominate and there is a low tolerance for resource impacts; if feasible, existing impacts are mitigated.</li> <li>Natural processes are allowed to occur unimpeded. If impacted, processes are restored or mitigated.</li> <li><u>Impacts of the Ocean City Inlet continue to be mitigated by the North End Restoration Project, as long as the NPS and the USACE concur that management actions meet project objectives and funding is available</u></li> <li>Resource management seeks to maintain all components and processes of naturally evolving park ecosystems, including natural abundance, diversity, and genetic and ecological integrity of plant and animal species native to those ecosystems.</li> <li>Evidence of human impacts are minimal and limited in extent. The sights and sounds of human activity are fairly obvious in some locations and may supplant the sights and sounds of nature.</li> <li>Protecting resource conditions and ecosystem integrity are high priorities</li> <li>Desired conditions for shellfish are achieved through collaboration with the states and partners.</li> </ul>	<p>The Sinepuxent and Southern Chincoteague Bay Zone provides visitors with opportunities for a range of water-based recreation activities in a predominantly natural setting, and water-based access to remote portions of the island.</p> <ul style="list-style-type: none"> <li>Appropriate visitor activities include canoeing, kayaking, boating, swimming, snorkeling, fishing, clamming, crabbing, participating in educational activities, and visitor resources.</li> <li>Visitors experience the natural abundance, diversity, and ecological integrity of plant and animal species native to the estuary ecosystem.</li> <li>Natural estuarine environment with natural sights and sounds predominate, although the sights and sounds of adjacent lands and other visitors can intrude.</li> <li>Interpretive and educational opportunities related to the seashore’s estuarine resources, both self-directed and structured, are focused in these areas.</li> <li>The likelihood of encountering other visitors is moderate.</li> <li>Conflicts between motorized and non-motorized boater are minimal.</li> <li>Visitor activities are regulated to protect elements of the natural environment, prevent visitor conflicts, and enhance public safety.</li> <li>Commercial services can be appropriate in these areas.</li> <li>States continue to manage shellfishing.</li> </ul>	<p>The Sinepuxent and Southern Chincoteague Bay Zone has limited facilities and infrastructure. Those facilities present are compatible with the natural landscape in size and scale, are sustainable, and are the minimum needed to achieve the intended purpose of supporting low to moderate density visitor use.</p> <ul style="list-style-type: none"> <li>Visitor facilities can include hunting blinds.</li> <li>Visitor support facilities can include signs, markers, and docking/mooring infrastructure</li> <li>Administrative facilities are limited to research and resource management apparatus.</li> <li>Visitor access within the zone is by motorized and non-motorized vessels.</li> </ul>

**Draft GMP/EIS, page 2-26, Table 2.4, 1<sup>st</sup> row, resource conditions 2<sup>nd</sup> bullet:**

	Resource Conditions	Visitor Experience	Access and Development
Atlantic Ocean Zone	<p>The Atlantic Ocean Zone is managed to protect, restore, and enhance the ocean environment and provide opportunities for water-based visitor use and recreation.</p> <ul style="list-style-type: none"> <li>Natural conditions predominate and there is a low tolerance for resource modifications or degradation.</li> <li>Natural processes are allowed to occur unimpeded. If impacted, processes are restored or mitigated.</li> <li>Impacts of the Ocean City Inlet <u>continue to be mitigated by the North End Restoration Project, as long as the NPS and the USACE concur that management actions meet project objectives and funding is available</u></li> <li>Resource management seeks to maintain all components and processes of naturally evolving park ecosystems, including natural abundance, diversity, and genetic and ecological integrity of plant and animal species native to those ecosystems.</li> <li>Evidence of human activities is infrequent and limited in extent.</li> <li>Natural sights and sounds predominate, although the sights and sounds of adjacent lands can intrude in certain areas.</li> <li>Visual characteristics of the open ocean are protected and, as feasible, enhanced through the elimination of incompatible features and activities.</li> <li>Protecting resource conditions and ecosystem integrity are a high priority.</li> </ul>	<p>The Atlantic Ocean Zone provides visitors with opportunities to see and experience a natural near-shore ocean environment.</p> <ul style="list-style-type: none"> <li>Appropriate visitor activities include swimming, surfing, fishing, kayaking, boating, diving, and experiencing resources.</li> <li>Visitors experience the natural abundance, diversity, and genetic and ecological integrity of the plant and animal species native to the ocean ecosystem.</li> <li>Natural ocean environment with natural sights and sounds although the sights and sounds of adjacent lands and other users can intrude in certain areas.</li> <li>The likelihood of encountering other visitors is low to high.</li> <li>Visitor activities are regulated to protect elements of the natural environment, protect sensitive species and habitat, prevent visitor conflicts, and enhance public safety.</li> <li>There are few structured interpretation and education opportunities except at the interface with island developed zones.</li> <li>States continue to manage shellfishing.</li> </ul>	<p>The Atlantic Ocean Zone has no facilities or infrastructure except navigation markers.</p> <ul style="list-style-type: none"> <li>Visitor access within the zone is by motorized and non-motorized vessels.</li> </ul>

**Draft GMP/EIS, page 2-28, new 1<sup>st</sup> bullet, and related paragraph:**

- Maryland Island Developed Area (Development Zone)**

The combined ranger station/campground office would be maintained on the island as long as it remains sustainable. When no longer practical, it would be replaced by a less permanent, moveable facility.

**Draft GMP/EIS, page 2-28, Oversand Vehicle (OSV) Use Area:**

Opportunities for driving on the beach (and associated recreation activities) in Maryland would continue, although the areas within which OSVs are permitted would vary in alternatives 2, 3, and 4. NPS would continue to review the location of the carsonite markers delineating the OSV Use Area on an annual basis in late winter and following

any significant coastal storm event. Route markers on the western edge of the OSV use area would likely continue to be placed at or near the average winter high tide line.

**Draft GMP/EIS, page 2-30, Transportation System Management, 1<sup>st</sup> sentence:**

The NPS and MD DNR would explore the potential for a consolidated, jointly operated entrance station to Assateague Island located on the mainland in order to If in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, the NPS and MD DNR would 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. A jointly operated entrance station would gain 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.

**Draft GMP/EIS, page 2-30, Transportation System Management, new 3<sup>rd</sup> paragraph:**

The NPS would collaborate with Worcester County to develop a trail system along the Berlin Assateague corridor.

**Draft GMP/EIS, page 2-30, new bullet point and related text:**

- **Access for Visitors with Disabilities**

NPS is committed to creating a built environment that is welcoming for every visitor. To do this, NPS would prepare and seek to implement an accessibility plan for the seashore. The plan would 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.

**Draft GMP/EIS, page 2-31, 3<sup>rd</sup> paragraph, new 2<sup>nd</sup> sentence:**

The project would continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Draft GMP/EIS, page 2-32, Resource Management Actions for Horseshoe Crab Harvest:**

NPS would prohibit the harvest of horseshoe crabs as proposed in the recently completed Chincoteague and Wallops Island National Wildlife Refuges Final Comprehensive Conservation Plan (CCP/EIS) and Environmental Impact Statement (US FWS 2015). NPS proposes to 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. Consultation would consider broader issues related to horseshoe crab fishery management in Delaware Bay, including the additional pressure on the horseshoe crab stock in other areas, such as areas east of the COLREGS demarcation lines, that might result from the FWS and NPS management decisions at Toms Cove.

To inform the collaboration with the states, the NPS would complete an evaluation of commercial fishing operations within and adjacent to the seashore. This study would:

- compile and analyze landings data and other information for the seashore's ocean and bay waters
- identify and quantify annual commercial harvest of horseshoe crabs since the seashore's establishment in 1965

- evaluate the impacts of horseshoe crab harvest on the seashore's marine and estuarine resources
- identify the number of currently active commercial operators within the seashore's boundaries
- estimate the economic value of commercial horseshoe crab harvest within the seashore

**Draft GMP/EIS, page 2-32, Integrating Cultural Heritage into Interpretive Programming:**

To document the traditional uses of marine resources and oyster watch houses and duck blinds, the NPS would conduct an ethnographic assessment. Based on findings of the assessment, the NPS would collaborate with local and regional cultural and academic institutions to develop interpretive programming and other visitor information that would illuminate the cultural heritage of the eastern shore and Assateague Island.

**Draft GMP/EIS, page 2-33, Cultural Resource Management (Common to Action Alternatives 2, 3, and 4), new 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs:**

As in alternative 1, in alternatives 2, 3, and 4 the NPS would seek funding to conduct an archeological resource overview and assessment as a first step in identifying currently unknown terrestrial archeological resources.

As staffing allows, NPS would participate in the Chincoteague Wreck Tagging Program, a collaborative effort of the FWS, the Maryland Historical Trust, the Virginia Department of Natural Resources, the University of West Florida, and the Chincoteague Natural History Association.

**Draft GMP/EIS, page 2-33, Partnerships (Common to Action Alternatives 2, 3 and 4), 2<sup>nd</sup> paragraph:**

As in alternative 1, key partners would be Chincoteague National Wildlife Refuge and MD DNR Assateague State Park. The relationship with the refuge would continue to be governed by Service First Authority existing and future memoranda of agreement, and include cooperation in the provision of visitor services, interpretive services, visitor and resource protection, and facility management in the assigned area within the refuge. The NPS would continue to work with MD DNR to cooperatively manage shared issues of concern as both agencies respond to sea level rise and climate change. Collaboration with MD DNR could include exploration of partnerships to replace lost recreation facilities, working together to provide camping and administrative/operations facilities on the mainland, partnering to provide island access, and other issues, depending on the alternative selected for implementation.

**Draft GMP/EIS, page 2-34, 1<sup>st</sup> paragraph, new 2<sup>nd</sup> sentence:**

The project would continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

**Draft GMP/EIS, page 2-34, new 3<sup>rd</sup> paragraph:**

The NPS would continue to collaborate with the Town of Ocean City, the Town of Chincoteague, Worcester County, Accomack County, the states, and other partners, as cooperating agencies when completing future studies and plans, as appropriate.

Draft GMP/EIS, page 2-35, Table 2.5:

**Table 2.5 Alternatives 2, 3, and 4 – Examples of Actions Needed to Achieve Desired Future Conditions (common to the action alternatives)**

Examples of the Types of Actions Needed		
Seashore Wide	Other Special Studies	<ul style="list-style-type: none"> <li>▪ <u>complete an evaluation of commercial fishing operations within and adjacent to the seashore</u></li> <li>▪ <u>seek to complete and implement an accessibility plan for the seashore</u></li> </ul>
Development Zone	Maryland Island Developed Area	<ul style="list-style-type: none"> <li>▪ <u>if in the future conditions change, and relocation of the entrance station appears necessary, remove existing entrance station and restore site</u></li> </ul>
	Maryland Mainland Developed Area	<ul style="list-style-type: none"> <li>▪ <u>if in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, initiate a separate planning study (with MD DNR) to consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island develop a consolidated, jointly operated entrance station (with MD DNR), including widening of MD Route 611 in the entrance station vicinity</u></li> <li>▪ <u>collaborate with Worcester County to develop a trail system along the Berlin Assateague corridor</u></li> </ul>
Chincoteague Bay, Sinepuxent Bay and Atlantic Ocean	Primary Zones	<ul style="list-style-type: none"> <li>▪ <u>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</u></li> <li>▪ <u>complete an ethnographic study to document traditional uses of marine resources and use of oyster watch houses and duck blinds</u></li> <li>▪ <u>continue to implement the North End Restoration Project to mitigate environmental impacts of the Ocean City Inlet jetties and the Ocean City Inlet (with USACE) as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available</u></li> <li>▪ <u>participate in the Chincoteague Wreck Tagging Program</u></li> </ul>

**Draft GMP/EIS, page 2-28, 1<sup>st</sup> paragraph (continued from page 2-37), last sentence:**

~~A combined ranger station/campground office and small maintenance yard would remain on the island.~~

**Draft GMP/EIS, page 2-47, 2.6.2 Visitor Use and Experience (Alternative 3) (NPS Preferred Alternative, 1<sup>st</sup> paragraph, last sentence:**

When implemented, staff would also make use of new points of departure such as passenger/vehicular ferry terminals and shuttle staging areas to provide orientation, safety messaging, and basic information.

**Draft GMP/EIS, page 2-50, Oversand Vehicle Use Area (Active Beach Subzone), 1<sup>st</sup> sentence:**

Opportunities for driving on the beach (and associated recreation activities) in Maryland would continue within the seashore’s existing OSV use area until conditions change. 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 or lost.

**Draft GMP/EIS, page 2-51, Response to Storm Damage and Contingency Planning, 1<sup>st</sup> paragraph, last sentence:**

Access to the island would likely shift to a fully water-based system composed of a new passenger/vehicular ferry (based near the current seashore headquarters complex) and the network of existing public access sites on the mainland in Worcester County.

**Draft GMP/EIS, page 2-51, Response to Storm Damage and Contingency Planning, 2<sup>nd</sup> paragraph, 2nd sentence:**

New waterfront facilities would be developed to support the pedestrian/vehicular ferry system and day-to-day seashore operations.

**Draft GMP/EIS, page 2-55, Facility Management, 3<sup>rd</sup> sentence:**

New waterfront facilities would be developed to support the pedestrian/vehicular ferry system and day-to-day seashore operations.

**Draft GMP/EIS, page 2-56, 1<sup>st</sup> sentence:**

The overall cost of visiting the island could increase with the addition of commercial service fees for accessing the seashore by shuttle when parking capacity is reached, or if vehicle access is lost and replaced by passenger/vehicular ferry service.

**Draft GMP/EIS, page 2-56, 2.6.7 Partnerships (Alternative 3) (NPS Preferred Alternative):**

Existing partnerships and cooperative relationships that support ongoing management would continue. Partnerships would likely expand with MD DNR Assateague State Park and Chincoteague National Wildlife Refuge as cooperative solutions are developed to address the effects of natural coastal processes and/or climate change/sea level rise. The NPS and MD DNR Assateague State Park would explore ways to improve operational efficiency, increase cost effectiveness, and enhance the quality and seamlessness of visitor experiences. Opportunities would include the potential for co-locating facilities, joint operations, sharing resources and expertise, and broader collaboration in addressing conservation and resource management needs both on and off the island.

More specifically, collaboration with MD DNR to enhance preparedness and resiliency could include exploration of partnerships for the following:

- relocation of lost recreational uses and related facilities on the mainland (such as campgrounds), including use of state-owned property and/or acquisition of land
- relocation of seashore operations facilities (administrative and maintenance) including use of state-owned property and/or acquisition of land
- development of two new points of departure on the mainland
- development of a future passenger/vehicular ferry
- development of alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island

The NPS would also collaborate with Worcester County as a cooperating agency, as appropriate, when planning new visitor facilities and administrative facilities on the Maryland mainland.

**Draft GMP/EIS, page 2-57, Land Acquisition (Alternative 3) (NPS Preferred Alternative), 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence:**

The NPS would collaborate with MD DNR to explore options for using state-owned property and/or acquiring new lands for these new facilities (campgrounds, recreational opportunities, and headquarters complex), as well as for future passenger/vehicular ferry facilities and a new shared entrance station, should the need arise. ~~two new points of departure on the mainland near the state park and current NPS developed area fro a future ferry system and new shared fee booths.~~

**Draft GMP/EIS, page 2-57, 2.6.8 Land Acquisition (Alternative 3) (NPS Preferred Alternative), 2<sup>nd</sup> paragraph, new 3<sup>rd</sup> sentence:**

NPS support would seek to build on existing successful natural resource land conservation in Worcester County within the Coastal Bays Rural Legacy Area and the Coastal Bays Conservation Target Area (Worcester County 2012b and 2010) and in Accomack County within areas of conservation interest to the county and land trusts operating on the Chincoteague Bay mainland of Virginia's Eastern Shore.

Draft GMP/EIS, pages 2-60, 2-61, and 2-62, Table 2.7:

**Table 2.7 Alternative 3 (NPS Preferred) – Examples of Actions Needed to Achieve Desired Future Conditions**

Examples of the Types of Actions Needed		
Seashore-Wide Topics	<b>Natural Resource Management</b>	<ul style="list-style-type: none"> <li>expand and diversify partnerships to enhance understanding of resource stewardship:                             <ul style="list-style-type: none"> <li>- with <u>MD DNR Assateague State Park</u> and US FWS to address effects of natural coastal processes and/or climate change/sea level rise</li> </ul> </li> </ul>
	<b>Visitor Experience Enhancements</b>	<ul style="list-style-type: none"> <li>expand and diversify partnerships to maintain existing visitor experiences                             <ul style="list-style-type: none"> <li>- with <u>MD DNR Assateague State Park</u> to enhance operational efficiency, cost effectiveness and quality and seamlessness of visitor experience</li> </ul> </li> </ul>
	<b>Other Special Studies</b>	<ul style="list-style-type: none"> <li>develop plan to expand ATS in the event automobile access is lost, including the potential use of a <u>passenger/vehicular</u> ferry system with shelters and methods to distribute visitors within developed area (e.g. trails, on-island shuttle system)</li> </ul>
Development Zone	<b>Maryland Island Developed Area</b>	<ul style="list-style-type: none"> <li>when access is lost implement ferry-based ATS operations <u>for passengers and vehicles</u> (island docking facility, wayfinding system, on-island shuttle (routes), shuttle shelters and benches, trail improvements) (contingency action)</li> </ul>
	<b>Maryland Mainland Developed Area</b>	<ul style="list-style-type: none"> <li>possibly develop new campground after consultation with <u>MD DNR Assateague State Park</u></li> <li>when access is lost:                             <ul style="list-style-type: none"> <li>- implement plan for an expanded ATS including development of a <u>passenger/vehicular</u> ferry terminal facility and ferry terminal parking (contingency action)</li> </ul> </li> </ul>
Natural Resource Zone	<b>Active Beach Recreation Sub Zone</b>	<ul style="list-style-type: none"> <li>consider re-locating all or a portion of the OSV use area should vehicle access be lost (if the breach management plan recommends that the breach remain <u>open/closed</u>)</li> </ul>
Central Chincoteague Bay	<b>Primary Zone</b>	<ul style="list-style-type: none"> <li><del>work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses)</del></li> </ul>

**Draft GMP/EIS, page 2-64, Maryland Island Developed Area, 2<sup>nd</sup> paragraph, 4<sup>th</sup> and 5<sup>th</sup> sentences:**

~~The combined ranger station/campground office would be maintained on the island as long as it remains sustainable. When no longer practical, it would be replaced by a less permanent, moveable facility.~~

**Draft GMP/EIS, page 2-71, Partnerships, new 2<sup>nd</sup> paragraph:**

The NPS would collaborate with Worcester County and MD DNR as cooperating agencies, as appropriate, when planning new facilities on the Maryland mainland.

**Draft GMP/EIS, page 2-71, 2.6.8 Land Acquisition, 2<sup>nd</sup> paragraph, new 3<sup>rd</sup> sentence:**

NPS support would seek to build on existing successful natural resource land conservation in Worcester County within the Coastal Bays Rural Legacy Area and the Coastal Bays Conservation Target Area (Worcester County 2012b and 2010) and in Accomack County within areas of conservation interest to the county and land trusts operating on the Chincoteague Bay mainland of Virginia’s Eastern Shore.

Draft GMP/EIS, page 2-72, One-Time Costs, 2<sup>nd</sup> paragraph, 4<sup>th</sup> bullet

- ~~entrance station relocation~~

Draft GMP/EIS, pages 2-74 and 2-75, Table 2.8:

**Table 2.8 Alternative 4 – Examples of Actions Needed to Achieve Desired Future Conditions**

Examples of the Types of Actions Needed		
Central Chincoteague Bay	Primary Zone	<del>* work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses)</del>

Draft GMP/EIS, page 2-83. Table 2.11, footnote 1:

1. NPS annual operating costs are the total NPS costs per year for maintenance and operations associated with each alternative, including: utilities, supplies, staff salaries and benefits, services, and other materials. Cost and staffing estimates assume the alternative is fully implemented as described in sections 2.3.11, 2.5.11, 2.6.11, and 2.7.11. Annual operating costs for alternatives 3 and 4 are slightly higher when compared to alternatives 1 and 2 because of the need for additional staff to support water-based operations.

Draft GMP/EIS, pages 2-85, 2-86, and 2-87, Table 2.12, Comparison of Alternatives – Maryland District:

Table 2.12 Comparison of Alternatives – Maryland District (continued)

Subject	Alternative 1	Alternative 2	Alternative 3 (NPS Preferred)	Alternative 4
Seashore Access (long-term) (cont.) (in MD)	<ul style="list-style-type: none"> <li>become inaccessible for months to years following major storm events</li> </ul>	<ul style="list-style-type: none"> <li>become inaccessible for months to years following major storm events</li> </ul>	<ul style="list-style-type: none"> <li>access via new passenger/<u>vehicular</u> ferry service (with an island shuttle to the beach) and an enhanced network of mainland public access sites</li> </ul>	<ul style="list-style-type: none"> <li>access via new passenger ferry service and by commercial service providers operating from existing mainland public access sites</li> </ul>
Seashore Facilities and Operations (in MD)		<ul style="list-style-type: none"> <li><u>If in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, initiate a separate planning study (with MD DNR) to consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island with MD-DNR, explore consolidation of entrance stations on the mainland</u></li> </ul>	<ul style="list-style-type: none"> <li><u>If in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, initiate a separate planning study (with MD DNR) to consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island with MD-DNR, explore consolidation of entrance stations on the mainland</u></li> </ul>	<ul style="list-style-type: none"> <li><u>If in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, initiate a separate planning study (with MD DNR) to consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island with MD-DNR, explore consolidation of entrance stations on the mainland</u></li> </ul>
Marine Resource Management (MD)	<ul style="list-style-type: none"> <li>continue to not enforce existing prohibition on unauthorized commercial harvest of finfish and horseshoe crabs</li> </ul>	<ul style="list-style-type: none"> <li><u>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i> gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>	<ul style="list-style-type: none"> <li><u>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i> gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>	<ul style="list-style-type: none"> <li><u>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i> gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>

Draft GMP/EIS, page 2-89, Table 2.13, 6<sup>th</sup> row:

**Table 2.13 Comparison of Alternatives – Virginia District**

Subject	Alternative 1	Alternative 2	Alternative 3 (NPS Preferred)	Alternative 4
Marine Resource Management (in VA)	<ul style="list-style-type: none"> <li>▪ continue to not enforce existing prohibition on unauthorized commercial harvest of finfish and horseshoe crabs</li> </ul>	<ul style="list-style-type: none"> <li>▪ <del>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i></del></li> <li>▪ <u>gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <del>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i></del></li> <li>▪ <u>gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <del>prohibit harvest of horseshoe crabs as currently proposed by the USFWS' final <i>Comprehensive Conservation Plan</i></del></li> <li>▪ <u>gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time</u></li> </ul>
Partnerships (in MD)		<ul style="list-style-type: none"> <li>▪ Expanded/new partnerships with:                             <ul style="list-style-type: none"> <li>- USACE</li> <li>- additional commercial service providers</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Expanded/new partnerships with:                             <ul style="list-style-type: none"> <li>- <u>MD DNR Assateague State Park</u></li> <li>- additional commercial service providers</li> <li>- scientific and educational communities</li> <li>- Worcester County and adjacent landowners on the mainland</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Expanded/new partnerships with:                             <ul style="list-style-type: none"> <li>- <u>MD DNR Assateague State Park</u></li> <li>- additional commercial service providers</li> <li>- scientific and educational communities</li> </ul> </li> </ul>
Land Acquisition (in MD)		<ul style="list-style-type: none"> <li>▪ acquisition of 10 acres in vicinity of Maryland HQ complex for development of alternative transportation system</li> </ul>	<ul style="list-style-type: none"> <li>▪ acquisition of from 20 to 200 acres for relocation of <u>campgrounds</u>, administrative and maintenance facilities, some island facilities, <u>other recreational uses</u>, and transportation infrastructure (amount of land acquisition would vary depending upon degree of collaboration with MD DNR and whether existing state-owned property could be used)</li> </ul>	<ul style="list-style-type: none"> <li>▪ acquisition of up to 25 acres for relocation of Maryland HQ complex (amount of land acquisition would vary depending upon degree of collaboration with MDDNR and whether existing state-owned property could be used)</li> </ul>

Draft GMP/EIS, page 2-95, Table 2.14, 6<sup>th</sup> row:

**Table 2.14 Comparison of Impacts of the Alternatives (continued)**

Subject	Alternative 1	Alternative 2	Alternative 3 (NPS Preferred)	Alternative 4
	N/A	direct contribution to a reduced decline of spawning horseshoe crabs in the Toms Cove area due to <u>gradual reduction and elimination of horseshoe crab harvesting</u> <del>enforcement of existing laws prohibiting harvest</del>	same as alternative 2	same as alternative 2

Draft GMP/EIS, page 2-103, Table 2.14, last row:

**Table 2.14 Comparison of Impacts of the Alternatives (continued)**

Subject	Alternative 1	Alternative 2	Alternative 3 (NPS Preferred)	Alternative 4
	N/A	adverse impact to some commercial watermen due to <u>gradual reduction and elimination of horseshoe crab harvesting</u> <del>enforcement of existing laws prohibiting horseshoe crab harvest</del>	same as alternative 2	same as alternative 2

Draft GMP/EIS, pages 2-109, 1<sup>st</sup> sentence:

Implementation of the NPS preferred alternative would likely include a series of additional focused planning efforts, subject to availability of funding (table 2.15).

Draft GMP/EIS, pages 2-109 and 2-110, Table 2.15:

**Table 2.15 Summary of Future Implementation Planning Needs (NPS Preferred Alternative)**

Future Planning Need	Plan Description	Priority
<b>Seashore-wide Plans</b>		
water-based visitor access and seashore operations plan	would describe in detail operational considerations and capital investments needed to provide water-based visitor access and to support seashore operations, including which types and levels of activities, services, and facilities would be provided by commercial service providers and how they would be managed by NPS in the most effective and efficient manner	high medium
<u>commercial fishing study</u>	<u>would compile and analyze landings data and other information for the seashore’s ocean and bay waters; identify and quantify annual commercial harvest of horseshoe crabs since the seashore’s establishment in 1965; evaluate the impacts of horseshoe crab harvest on the seashore’s marine and estuarine resources; identify the number of currently active commercial operators within the seashore’s boundaries; estimate the economic value of commercial horseshoe crab harvest within the seashore</u>	high
<u>ethnographic study of traditional uses of marine resources</u>	<u>would document and evaluate the significance of traditional uses of marine resources, including the use of oyster watch houses and duck blinds</u>	medium
<u>accessibility plan</u>	<u>would 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</u>	medium
<b>New Facilities Plans</b>		
relocated MD entrance station	<u>if in the future, conditions on the island change such that relocation of the Maryland entrance station appears necessary, a separate planning study (with MD DNR) would consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island in collaboration with MD DNR and MD SHA, would include a master plan and design guidance for relocating the MD entrance station to the mainland</u>	low

**Draft GMP/EIS, page 3-1, Seashore Context, 2<sup>nd</sup> paragraph:**

Almost all of the land on the island is in public ownership. The state of Maryland owns Assateague State Park, which is managed by the MD DNR. The federal government owns the remainder of the island. The FWS owns and manages the Land within Chincoteague National Wildlife Refuge is managed by the U.S. Fish and Wildlife Service. The NPS ~~owns and~~ manages the remainder of the island, with the exception of a few small tracts located primarily in Maryland which are managed by the U.S. Fish and Wildlife Service.

**Draft GMP/EIS, page 3-13, new subsection following 1<sup>st</sup> paragraph:**

**3.3.1 HISTORY OF DUNE MANAGEMENT IN THE NPS ASSIGNED AREA AT CHINCOTEAGUE NATIONAL WILDLIFE REFUGE**

Dune management in the NPS assigned area and Chincoteague National Wildlife Refuge has a long history. Prior to 1962, a sand fence was put in place down the length of the refuge to create a dune line. Over the years, the sand fence/dune line sustained damage. A tremendous storm in 1962 destroyed much of it and the natural dune

system. Starting in 1963, the dune fence was completely repaired and a protective dune line was created all along the entire refuge ocean front. Most of the dune construction in the southern section of Assateague Island occurred in 1965 and 1966, after damage to the dunes in 1964 from Hurricane Gladys. Although records are sketchy, portions of the constructed dunes were destroyed by storms in 1981, 1982, with Hurricane Gloria in 1985, 1989, 1991, 1992, 1993, with Hurricane Gordon in 1994, 1998, and with Hurricanes Dennis and Floyd in 1999.

For NPS, the purpose of the constructed dunes was to try to protect the recreational beach, Toms Cove Visitor Center, bathhouses 1 and 2, other visitor use structures, and the parking lots. Within the NPS assigned area, NPS tried different strategies, including planting dune grass, repairing dunes, relocating dunes and eventually rebuilding only dunes that were mandatory for protecting NPS infrastructure. As the dunes were built, overwhelmed by storms and knocked down, and then rebuilt, it became obvious to seashore and refuge managers that the artificial dune system failed to prevent significant facility and infrastructure damage. In addition, it was evident that the recreational beach had begun to narrow, restricting the area available for beach use, especially during high tide.

During this period, NPS began relocating facilities to try to protect them from the ocean. Prior to 1993, the Toms Cove Visitor Center was located in an area that is now ocean. After it was overwhelmed by the 1991 and 1992 storms, in 1993, it was moved east and slightly south of the current traffic circle. Dunes were manipulated and reinforced to try to protect it. However, back to back nor'easters in 1998 overwhelmed and washed around the building. NPS then moved the visitor center to its current location and reopened it in January 2000.

The bathhouses and parking lots were also moved or reconfigured frequently during this period. After the two 1999 hurricanes, Bathhouse 1 could not be maintained and was dismantled. Bathhouse 2 was moved prior to 1998 to a new location further west, and then damaged again in 2000. It was dismantled after the end of that season. Parking lots were frequently overwashed and then relocated on the new sand, creating a hodgepodge of facilities that were inefficient and difficult to manage. During this period, NPS did not replace dunes that were not protecting infrastructure as they were lost to storm damage, although dunes that were thought to protect buildings or parking lots were maintained or manipulated.

In the late 1990s, NPS's accumulated knowledge—gleaned from significant new research and NPS's experience at several national seashores up and down the east coast—was showing that building and maintaining artificial dunes was actually accelerating ongoing erosion, rather than protecting against it. Experience and research revealed that a high, continuous, artificial dune designed to prevent overwash may actually exacerbate erosion of the foreshore. This probably happens because “dunes interfere with the energy dissipation process and thus accelerate the rate of beach erosion; during extreme events a high dune becomes vertically scarped; this impenetrable barrier to storm waves forces the runoff seaward and may actually reflect the waves” (Leatherman, 1979).

After the 1998 and 2000 storms caused the destruction of facilities and the need to relocate the Toms Cove Visitor Center for a third time, NPS decided to abandon its program of stabilizing some artificial dunes. At that time, and because of the persistent storms, the artificial dune line was intermittent. By 2002, after the relocation or removal of facilities, the remaining artificial dunes had been bulldozed by NPS to allow natural overwash to occur in order to increase the natural buffering capacity of the barrier island. NPS hoped that this action would slow erosion, create a wider recreational beach, and most importantly, protect Toms Cove, its fishery, and Chincoteague Island from non-natural breaching on an artificially narrowed island.

In the late 1990s, the NPS also initiated development of the moveable facilities and sustainable road and parking infrastructure that is in place today. Stationary bathhouses were replaced with moveable facilities. The naturalist’s shack, cabanas, shower, and a weather protection structure were made mobile. Restroom facilities were developed by taking commercially available vault toilets and modifying them so that they could be removed in the winter or for summer hurricanes and replaced efficiently. Parking lot fencing is placed for the summer to delineate the lots and removed during the winter months. Asphalt was replaced by a clay and clamshell-type construction; this material does not harm the bay or ocean when overwashed by a major storm, and can be salvaged and reused when storms force the relocation of the lots to the west. These actions have cumulatively made the NPS facilities much more sustainable.

Finally, in 2012, with the concurrence of then Refuge Manager Lou Hinds, NPS Superintendent Trish Kicklighter confirmed to the Town of Chincoteague the NPS’s ongoing practice of creating a small berm in front of the parking lots. NPS’s intention is to set the berm and parking lots at an elevation that prohibits overwash during normal lunar high tides and minor nor’easters but allows for overwash during larger storms. With this compromise, NPS and USFWS hoped to limit monthly parking lot repair from high tides/storms while allowing the overwash that is crucial to building the resiliency of the island. Recent shoreline surveys have indicated that several new overwash fans have formed along the Toms Cove shoreline, suggesting that some island widening is occurring. Topographic Lidar data also indicate that portions of the island interior have increased in elevation up to 2.5 meters between 2002 and 2012. However, NPS remains concerned that permanent, higher dunes increase the risk of island narrowing and breaching that could unintentionally threaten Toms Cove and Chincoteague Island. For this reason, NPS do not believe planting dune grass or placing sand fence that might create a permanent barrier will increase the stability of the island, although NPS hopes that new research underway will provide better and more specific guidance on the best way to manage and preserve this part of Assateague Island.

**Draft GMP/EIS, page 3-19, Section 3.4.5 Floodplains:**

Assateague Island is entirely within the 100-year floodplain, as shown on Federal Emergency Management Agency Flood Insurance Rate Maps (FEMA 2015, 2009 and 1992). The Federal Emergency Management Agency defines geographic areas as flood zones according to varying levels of flood risk. Each zone reflects the severity or type of flooding in the area. On Assateague Island, “V zones” occur adjacent to the ocean shore ~~and some areas of Chincoteague Bay~~; these are areas of 100-year coastal flood with velocity (wave action) where base flood elevations and flood hazard generally range from 9 to 11 ~~12 to 13~~ feet in the beach and dune areas along the ocean, reaching as high as 14 feet at the north end and 11 to 12 feet in the Toms Cove area ~~and 9 feet in some bay shore areas in Chincoteague Bay~~. “AE zones” occur along the length of the island behind the dunes; these are areas of 100-year coastal flood that are not subject to wave action where base flood elevations are generally 5 to 7 ~~8 to 9~~ feet.

Seashore headquarters facilities and the Maryland Visitor Center in the Maryland Mainland Developed Area, are located in areas determined to be outside the 0.2% annual chance floodplain.

The mainland area in the MD 611 corridor is generally within an “AE zone” where the base flood elevation is 6-8 feet. Exceptions are two “B Zones”; these are either areas located between the limits of the 100-year flood and 500-year flood or areas subject to 100-year flooding with average depths less than one foot, and include the seashore headquarters complex site and the MD 611 right-of-way approach to the Verrazano Bridge.

**Draft GMP/EIS, page 3-67, new 1<sup>st</sup> paragraph:**

The Worcester County Land Preservation, Parks and Recreation Plan (Worcester County 2012) notes that, in the future, the county would explore the idea of a trail system along the Berlin Assateague corridor to encourage pedestrian and bicycle access to the seashore.

**Draft GMP/EIS, page 4-22, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence:**

New mainland facilities near the existing seashore headquarters complex would include a passenger/vehicular ferry terminal, docking facilities to support seashore operations, administrative offices, maintenance storage facility, paved access roads, unpaved parking area (for up to 700 cars), and unpaved NPS equipment storage yard; new island facilities would include an island terminal facility,...

**Draft GMP/EIS, page 4-37, Coastal Response Management Actions, new 2<sup>nd</sup> paragraph:**

In alternatives 2, 3, and 4, the NPS would continue to partner with the 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 at the historic pre-Ocean City Inlet rate. The project would continue as long as the NPS and the US ACE believe that the management actions meet the project objectives and funding is available. Investments would continue to be made in dune fortification in the Maryland Developed Area and at the Toms Cove Recreational Beach through planting and fencing installation, as appropriate. The nature of the impacts on seashore vegetation associated with these actions would be similar to those described for alternative 1 (section 4.3.2).

**Draft GMP/EIS, page 4-43, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~The seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**GMP/EIS, page 4-47, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence:**

New mainland facilities near the existing seashore headquarters complex would include a passenger/vehicular ferry terminal, docking facilities to support seashore operations, administrative offices, maintenance storage facility, paved access roads, unpaved parking area (for up to 700 cars), and unpaved NPS equipment storage yard; new island facilities would include an island terminal facility, docking facilities to support seashore operations, an island shuttle system with shelters and benches.

**Draft GMP/EIS, page 4-50, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~As in alternative 3, the seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**Draft GMP/EIS, page 4-63, Coastal Response Management Actions, new 2nd paragraph:**

In alternatives 2, 3, and 4, the NPS would continue to partner with the 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 at the historic pre-Ocean City Inlet rate. The project would continue as long as the NPS and the USACE believe that the management actions meet the project objectives and funding is available. Investments would continue to be made in dune fortification through planting and fencing installation. The nature of the impacts on seashore wildlife associated with these actions would be similar to those described for alternative 1 (section 4.4.2).

**Draft GMP/EIS, page 4-63, Natural Resource Management Actions, 2<sup>nd</sup> paragraph:**

~~Enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS)~~ Gradual reduction and elimination of horseshoe crab harvesting over a reasonable period of time would effectively eventually eliminate illegal horseshoe crab harvesting in the Toms Cove area (US FWS 2015). This would result in a beneficially impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area. Reduced decline of spawning crabs could benefit shorebirds for which horseshoe crab eggs are an important food source during critical migration periods (US FWS 2015).

**Draft GMP/EIS, page 4-69, 2<sup>nd</sup> paragraph, end of 1<sup>st</sup> sentence:**

~~...and enforcing federal laws prohibiting horseshoe crab harvest~~ gradual reduction and elimination of horseshoe crab harvesting over a reasonable period of time.

**Draft GMP/EIS, page 4-70, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~The seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**Draft GMP/EIS, page 4-74, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence:**

New mainland facilities near the existing seashore headquarters complex would include a passenger/vehicular ferry terminal, docking facilities to support seashore operations, administrative offices, maintenance storage facility, paved access roads, unpaved parking area (for up to 700 cars), and unpaved NPS equipment storage yard; new island facilities would include an island terminal facility, docking facilities to support seashore operations, an island shuttle system with shelters and benches.

**Draft GMP/EIS, page 4-76, 2<sup>nd</sup> paragraph, end of 1<sup>st</sup> sentence:**

~~...and enforcing federal laws prohibiting horseshoe crab harvest~~ gradually reducing and eliminating horseshoe crab harvesting over a reasonable period of time.

**Draft GMP/EIS, page 4-77, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~As in alternative 3, the seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**Draft GMP/EIS, page 4-82, 1<sup>st</sup> paragraph, end of 1<sup>st</sup> sentence:**

~~...and enforcing federal laws prohibiting horseshoe crab harvest gradually reducing and eliminating horseshoe crab harvesting over a reasonable period of time.~~

**Draft GMP/EIS, page 4-89, Coastal Response Management Actions, new 2nd paragraph:**

In alternatives 2, 3, and 4, the NPS would continue to partner with the 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 at the historic pre-Ocean City Inlet rate. The project would continue as long as the NPS and the USACE believe that the management actions meet the project objectives and funding is available. Investments would continue to be made in dune fortification through planting and fencing installation. The nature of the impacts on threatened and endangered species associated with these actions would be similar to those described for alternative 1 (section 4.5.2).

**Draft GMP/EIS, page 4-95, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~The seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**Draft GMP/EIS, page 4-102, Coastal Response Management Actions, 2<sup>nd</sup> and 3<sup>rd</sup> sentences:**

~~As in alternative 3, the seashore would no longer work with the USACE to provide additional sand to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investments would be made in dune fortification through planting and fencing installation.~~

**Draft GMP/EIS, page 4-127, Coastal Response Management Actions, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence:**

When this happens, without a contingency plan in place vehicular access to the island would be lost for months to years until either the bridge could be replaced or a water-based alternative transportation system (passenger/vehicular ferry) for visitor access and seashore operations could be implemented.

**Draft GMP/EIS, page 4-132, Coastal Response Management Actions, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence:**

When this happens, without a contingency plan in place vehicular access to the island would be lost for months to years until either the bridge could be replaced or a water-based alternative transportation system (passenger/vehicular ferry) for visitor access and seashore operations could be implemented.

**Draft GMP/EIS, page 4-136, 1<sup>st</sup> paragraph, 2<sup>nd</sup> and 4<sup>th</sup> sentences:**

The NPS would complete planning for implementation of water-based alternative transportation system (passenger/vehicular ferry) for visitor access and seashore operations in advance of losing island vehicular access. As part of planning the NPS would have selected sites for facility development on the mainland and taken action to acquire the land from willing sellers and to complete required design and engineering of new facilities. Assuming funding would be available, the NPS would be immediately prepared to proceed with implementing the transportation contingency plans, including construction of docking facilities on the island and the mainland for the passenger/vehicular ferry and for seashore operations.

**Draft GMP/EIS, page 4-149, Coastal Response Management Actions, 1<sup>st</sup> paragraph, 3<sup>rd</sup> sentence:**

In that event, without a contingency plan in place access would be lost for months to years until the bridge is replaced or a water-based alternative transportation system (passenger/vehicular ferry) for visitor access and seashore operations could be implemented.

**Draft GMP/EIS, page 4-152, 1<sup>st</sup> paragraph, 2<sup>nd</sup> and 4<sup>th</sup> sentences:**

In the event that vehicular access is lost, the NPS would have completed planning for a water-based alternative transportation system for visitor access (passenger/vehicular ferry) and seashore operations in advance of losing island vehicular access. As part of planning the NPS would have selected sites for facility development on the mainland and taken action to acquire the land from willing sellers and to complete required design and engineering of new facilities. The NPS would be immediately prepared to proceed with implementing the transportation contingency plans, including construction of docking facilities on the island and the mainland for the passenger/vehicular ferry and for seashore operations.

**Draft GMP/EIS, page 4-153, Seashore Operations Management Actions, 2<sup>nd</sup> sentence:**

New mainland facilities near the existing seashore headquarter complex would include a passenger/vehicular ferry terminal, docking facilities to support seashore operations, and parking for up to 700 cars; new island facilities would include an island terminal facility, docking facilities to support seashore operations, an island shuttle system with shelters and benches, and new trails.

**Draft GMP/EIS, page 4-153, Cumulative Impacts, 2<sup>nd</sup> sentence:**

Alternative 3 would add an appreciable increment to the overall beneficial cumulative impact because contingency planning would enable relatively quick restoration of access to the seashore following the loss of vehicular access via water-based alternative transportation system for visitor access (passenger/vehicular ferry) and for seashore operations, and because NPS would implement actions to enhance access to the backcountry, restore water access to the Assateague Beach U.S. Coast Guard Station, and to address many aspects of the chronic access issues affecting the Maryland developed area during summer months.

**Draft GMP/EIS, page 4-154, Conclusions, 2<sup>nd</sup> paragraph, 6<sup>th</sup> sentence:**

The seashore would also begin to transition to transportation infrastructure that would be more sustainable, including contingency planning to enable relatively quick restoration of access to the seashore following the loss of

vehicular access via a water-based alternative transportation system for visitor access (passenger/vehicular ferry) and for seashore operations, resulting in a beneficial impact on access and circulation.

**Draft GMP/EIS, page 4-155, 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence:**

The seashore would be immediately prepared to proceed with implementing transportation contingency plans, including construction of docking facilities on the island and the mainland for a passenger/vehicular ferry and for seashore operations, on-island shuttle and enhanced trail system, and acquisition of mainland public access sites for enhanced water access to the island.

**Draft GMP/EIS, page 4-173, Conclusions, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence:**

When vehicular access to the seashore is lost, contingency planning in alternative 3 would have a beneficial impact on visitor use and visitor experience because access would be guaranteed via a passenger/vehicular ferry with only a short-term interruption required to implement previously developed ATS plans and because access would be enhanced by additional visitor use facilities and visitor services to support boat access from the mainland.

**Draft GMP/EIS, page 4-183, paragraph, 2 sentence 1:**

~~Enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS) would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, likely~~ Gradual reduction and elimination of horseshoe crab harvesting over a reasonable period of time would ~~effectively~~ eventually eliminate illegal horseshoe crab harvesting in the Toms Cove area, likely resulting in a negative impact to some commercial watermen (US FWS 2015). The annual value of horseshoe crab harvesting in the Toms Cove area is estimated at approximately \$55,261 (US FWS 2015).

**Draft GMP/EIS, page 4-188, Table 4.3, column 1:**

Year	GMP Management Context
2029	passenger/ <u>vehicular</u> ferry operational (starting in 2025) (hypothetical)
2034	passenger/ <u>vehicular</u> ferry operational (starting in 2025) (hypothetical)

**Draft GMP/EIS, page 4-190, Cumulative Impacts, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence:**

Alternative 3 would add an appreciable increment to the overall adverse cumulative impact because contingency planning for a water-based alternative transportation system for visitor access (passenger/vehicular ferry) and for seashore operations would fairly quickly restore access to the island.

### 3.2 Additions to GMP References

The following citations should be added to the GMP references:

**Leatherman, S.P.**

1979 *Barrier Island Handbook*. Coastal Publication Series, Laboratory for Coastal Research, University of Maryland, College Park, MD.

**U.S. Department of Homeland Security, Federal Emergency Management Agency**

2015 *Flood Risk Report Worcester County, Maryland Coastal Study, City of Pocomoke, Town of Ocean City, Worcester County (unincorporated areas)*, FEMA Report Number 001. Washington, DC.

### 3.3 Additions to GMP Appendices

**Appendix A**

Appendix A is revised to include maps illustrating the seashore boundary. Map NS-AL-7100A (see page 70) is the boundary map included in the seashore's authorizing legislation. However, a 1985 Federal Register notice replaced Map NS-AL-7100A with a new seashore map (Map 622-30-003). Map 622-30-003 (see page 71) represents the official depiction of the seashore's boundary, showing the general shape and location of that line. NPS claims jurisdiction over these waters included in the park boundary as described in 36 CFR 1.2(a)(3), which states that waters are "subject to the jurisdiction of the United States within. . . park units. . .without regard to ownership of the submerged lands."

**Appendix E**

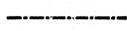
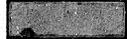
A new appendix E includes copies of all correspondence containing a substantive comment on the *Draft GMP/EIS* for which responses are provided in section 2.1 above.

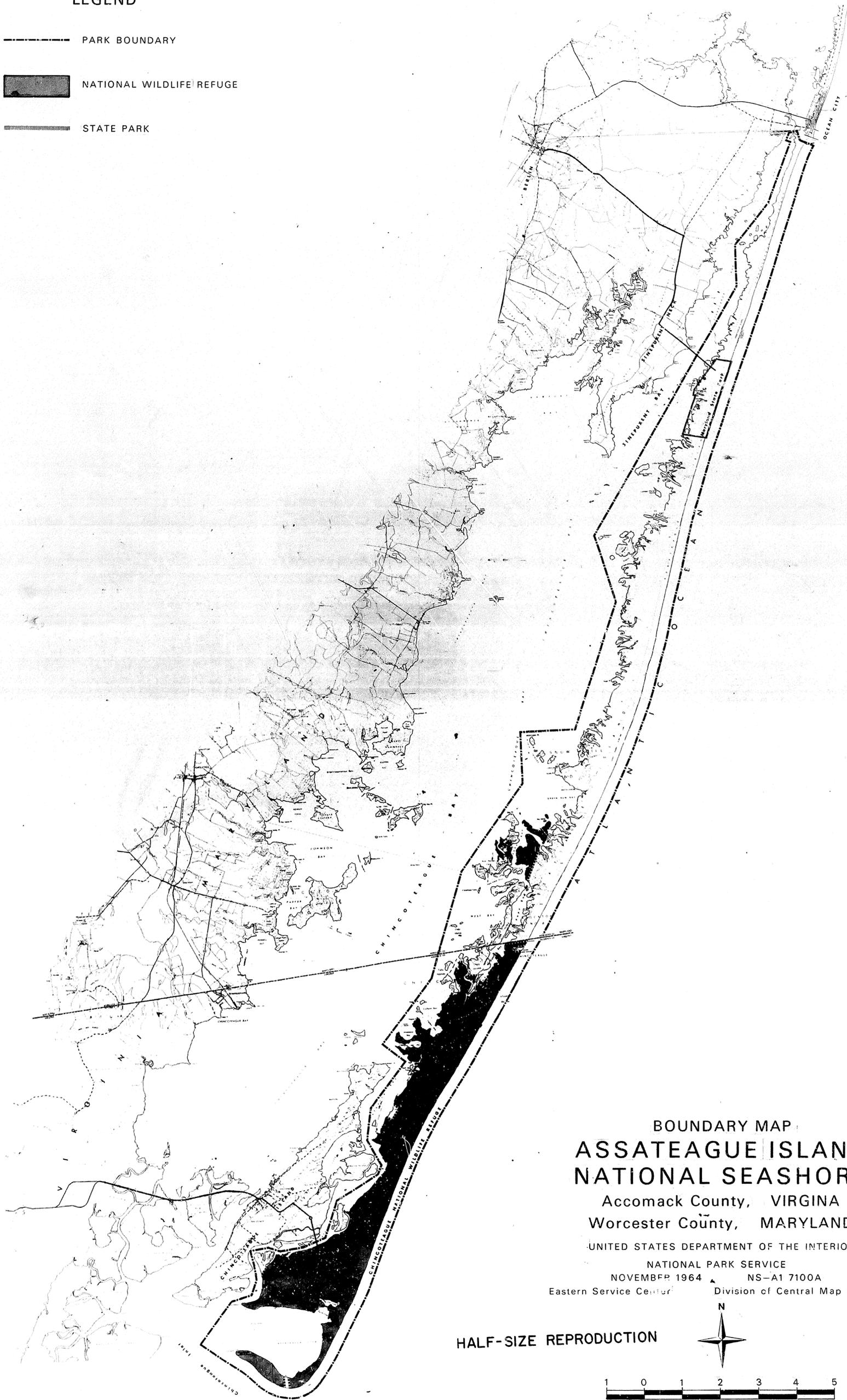
**Appendix F**

A new appendix F includes copies of all other agency correspondence containing non-substantive comments on the Draft GMP.

# Map NS-AL-7100A (1964)

## LEGEND

-  PARK BOUNDARY
-  NATIONAL WILDLIFE REFUGE
-  STATE PARK



BOUNDARY MAP  
**ASSATEAGUE ISLAND  
 NATIONAL SEASHORE**

Accomack County, VIRGINIA  
 Worcester County, MARYLAND

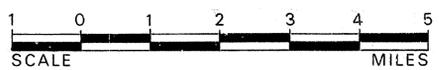
UNITED STATES DEPARTMENT OF THE INTERIOR

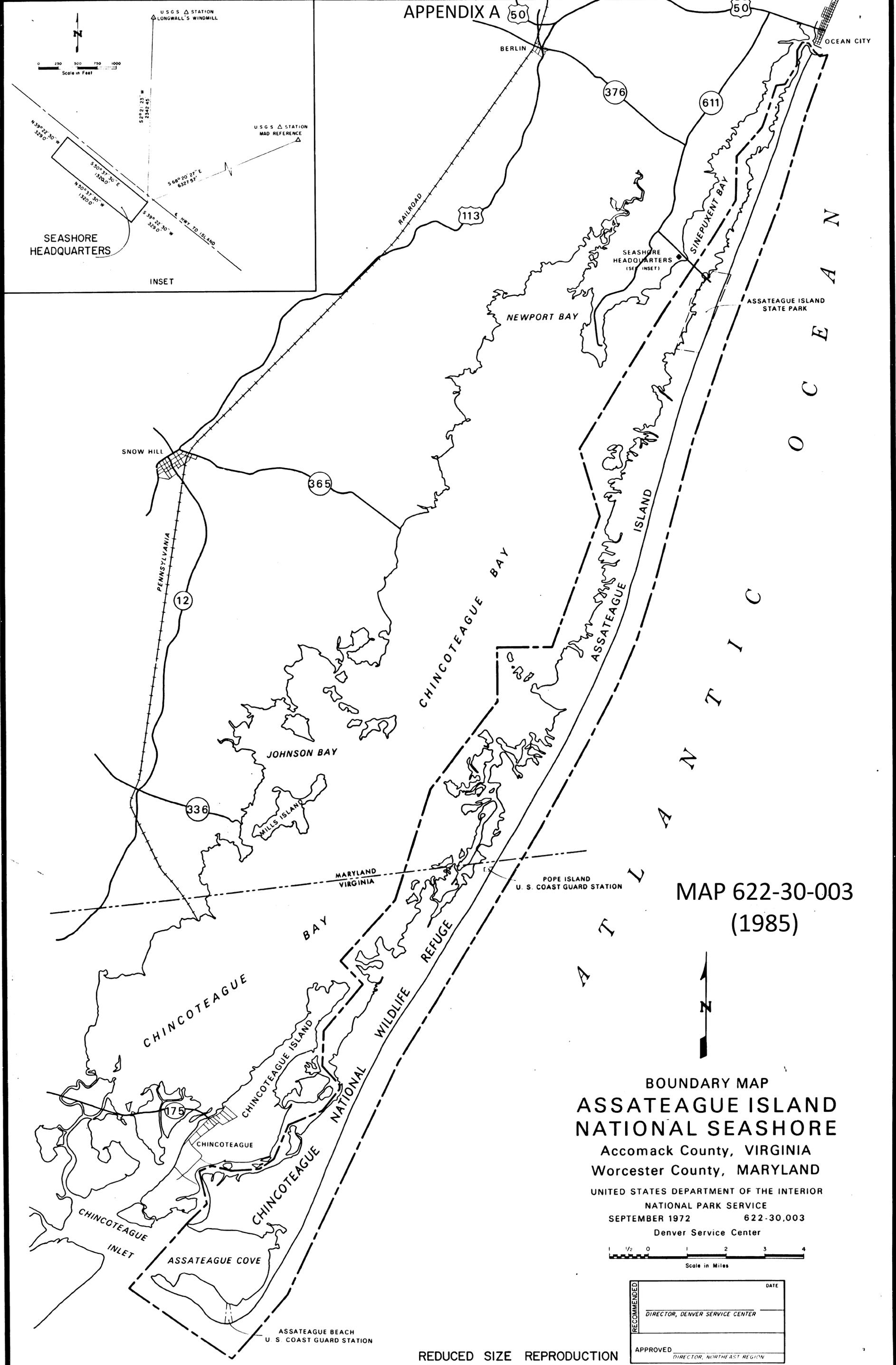
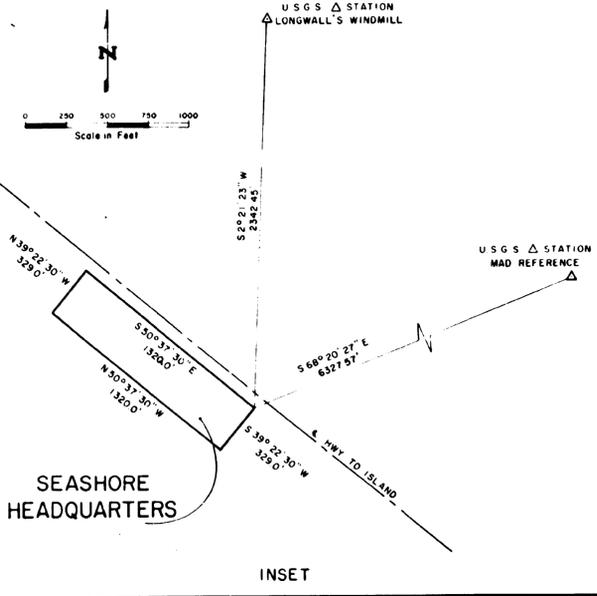
NATIONAL PARK SERVICE

NOVEMBER 1964 NS-A1 7100A

Eastern Service Center Division of Central Map Service

HALF-SIZE REPRODUCTION





MAP 622-30-003  
(1985)



BOUNDARY MAP  
ASSATEAGUE ISLAND  
NATIONAL SEASHORE  
Accomack County, VIRGINIA  
Worcester County, MARYLAND

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
SEPTEMBER 1972 622-30.003  
Denver Service Center



RECOMMENDED	DATE
DIRECTOR, DENVER SERVICE CENTER	
APPROVED	
DIRECTOR, NORTHEAST REGION	

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## Appendix E

# Agency and Other Correspondence Received that Contains Substantive Comments

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Letter Received from Lynwood W. Lewis, Jr., Senate of Virginia (April 29, 2016).....	E-9
Letter Received from John H. Tarr, Mayor, Town of Chincoteague, Inc. (April 21, 2016).....	E-12
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Letter Received from Robert S. Bloxom, Jr., Virginia House of Delegates (April 25, 2016).....	E-27
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rcvd 5/2/16



Steven B. Miner  
County Administrator

# COUNTY OF ACCOMACK

## OFFICE OF THE COUNTY ADMINISTRATOR

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April 29, 2016

Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

**RE: Comments on Draft GMP/EIS  
Assateague Island National Seashore, 2016**

Dear Ms. Darden:

Please accept the following on behalf of the Accomack County Government, particularly in regard to the Virginia portion of the area covered by the GMP/EIS.

First, please accept our appreciation for the process and for the opportunity to comment. Clearly, the Park Service has put a lot of time and effort into this document and it is clear that the Service is taking its responsibilities very seriously. The document certainly contains a great deal of detail about future plans as well as outlining the Service's beliefs as to the effect of climate change on the island, the Service's legal authorities, and its mission. This transparency invites a dialogical response and we provide some comments below.

Before I begin, however, first know that the County is in complete support of the Town of Chincoteague's comments, as approved by the Town Council. We have traditionally been supportive of their position, as the Town is principally affected. Additionally, they have spent countless hours parsing the document and finalizing their comments. The County wishes to be clear that we support their position and hope that nothing contained herein is seen as drifting from that solid support. Nonetheless, the activities allowed there are also critical to the economy of the County and to our revenues as a government. It is a vital economic engine, helping to drive our economy in so many ways and we are very aware of that fact. Additionally, of course, many County residents outside of Chincoteague also use and benefit from the assets there, including some that the Service has claimed authority over.

H-25  
1084

It is important also to note our appreciation for the efforts undertaken by the Service to better understand and react to the geomorphology of the beach area. Recognizing and reacting appropriately to what certainly appears to be worsening erosion of the beach area is both a wise use of resources and critical to continued beneficial uses of the beach as a primary driver of the regional and local economy. We must be aware of the danger to our economy when a single storm event can harm the visitor's ability to access and enjoy the Virginia portion of the beach on Assateague Island. The continuation of beach access parking is critical to the visitor experience and, in that way, sustains our brand. Efforts to support that are appreciated. Our separate comments are:

1. Description of Area

16 U.S.C. Title 16 Section 459f of the Federal Code indicates that:

"The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NS-AI-7100A, November, 1964", which map shall be on file and available for public inspection in the offices of the Department of Interior."

If we were limited to only one comment, it would probably relate to this claim, as we believe the Service's interpretation of it is an overreach, in that it does not give the Service the authority claimed in this document. As a matter of State and Federal conflicting jurisdictions, it is our view that the state have never ceded this area to Federal control and, by the State Constitution, has responsibility over it. We have made our state representatives aware of our views and would strongly encourage their active resistance to this attempt by Congress (acting under color of Section 459f) to assert Federal dominion and control over this area when it makes no significant contribution to the purposes of the National Seashore.

Moreover, the commenter understands that Boundary Map, NS-AI-7100A seems to not be available, as the law requires. Certainly, the only map found in the document that relates to this area is within the signed MOU dated 2012 and is clearly not a replica of the original and for this reason, has no authenticity for legal purposes, it being, at best, a simple graphical depiction the claimed area. For all of these reasons, we object to the Services claims of dominion over State lands and waters within ½ mile of the shoreline. And while we understand that all of the options under consideration will either the State VMRC to continue to "permit" or allow use of its bottom, we remain of the view that the claim of right is unfounded and wrong.

2. Marine resource management:

According to the document, the Service's view that it may regulate aquacultural activities is further filtered through 36 CFR 2.60(3) (b), which in pertinent part says:

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**§ 2.60 Livestock use and agriculture.**

(a) The running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:

(1) As specifically authorized by Federal statutory law; or

(2) As required under a reservation of use rights arising from acquisition of a tract of land; or

(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

(b) Activities authorized pursuant to any of the exceptions provided for in paragraph (a) of this section shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of the terms and conditions of a license, permit or lease issued in accordance with this paragraph is prohibited and may result in the suspension or revocation of the license, permit, or lease. . . .

This commenter reads this language very differently than the Service. Clearly, if you were using this section to claim jurisdiction over agricultural activities on the land, you'd have a straight, clear argument. However, your effort to extend jurisdiction over activities not envisioned or stated in the regulation in such a manner is a significant overreach. Regulations should mean what they say, not what interpreters wish them to say. For these reasons, the statement on page 1-35 that aquaculture is considered agriculture is likewise unsupported and, to our view, an improper overreach and assertion of authority.

While we understand and appreciate that the Service has found a way, for now, to "issue" a special use permit to VMRC, we question your right by law to do that. We strongly believe that the state should take a more firm view on this matter and wish very sincerely that you not mistake their seeming acquiescence to your position as acceptable to us. It is not.

3. Horseshoe crabs ban

The ban on horseshoe crab harvest seems unaligned with your mission. It is unclear if your proposed ban would include the taking of animals for bleeding (and return to the water). If so, the value of the fishery stated in the document appears to be very low, as one of blood is said to be valued at \$15,000. This use of the animal is very important to human life and safety. Blood removed from the animals has unique properties in the testing of medical equipment and vaccines for bacterial infections. See <http://www.iflscience.com/plants-and-animals/how-horseshoe-crab-blood-saves-millions-lives> for further information. According to this source, it saves millions of lives.

4. Oyster Watch Houses and Duck Blinds

These structures are not and should not be the subject of Federal regulation. They are allowed under local and state oversight and the Service has stated no legitimate basis for its assertion of authority over them. Any effort to remove or regulate them as opposed to local and state control should and ought to be resisted. The County welcomes any inputs as

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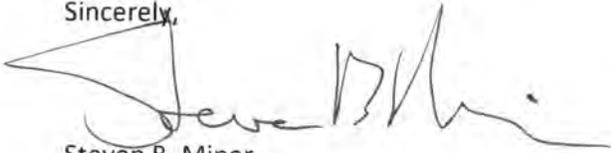
to claims of illegality on these or any properties and intends to fulfill its duties under state and local law regarding the use of structures falling within its jurisdiction.

5. Finfishing

Please note our support for the continuation of finfishing in the waters surrounding Assateague.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven B. Miner". The signature is fluid and cursive, with a large initial "S" and "M".

Steven B. Miner  
Accomack County Administrator

Cc: Accomack County Board of Supervisors  
The Honorable Jack Tarr, Mayor, Town of Chincoteague  
Federal and State Representatives

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(757) 336-6161  
Fax (757) 336-1242  
info@chincoteaguechamber.com  
www.chincoteaguechamber.com

April 25, 2016

Deborah A. Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Re: Response Letter to the National Park Service General Management Plan and Environmental Assessment for the Assateague Island National Seashore

Dear Ms. Darden:

The Chincoteague Chamber of Commerce would like to thank you and your staff for conducting the series of Open Houses to discuss and answer questions regarding the recently released draft General Management Plan (GMP) for Assateague Island National Seashore. We would like to submit a few comments, if we may, that are of particular concern to the chamber board of directors as representatives of the business community of Chincoteague Island.

With tourism being the primary economic driver on Chincoteague Island, it is our desire that National Park Service staff will continue to support public recreational beach use (regardless of where that beach is located within Chincoteague National Wildlife Refuge), OSV use and shoreline management in Virginia through cooperation with USFWS. This is of vital importance to the business community of the island and the Eastern Shore of Virginia as a region as visitation to Assateague Island National Seashore benefits all cities and towns from Maryland to the Chesapeake Bay Bridge Tunnel.

Many Chincoteague families depend on local waters for their livelihood. The historical and cultural preservation of the working watermen is of vital importance to the survival of our island. The Chincoteague Chamber of Commerce is pleased to see that commercial finfishing will continue to be allowed in Tom's Cove waters for generations to come through language incorporated in the GMP.

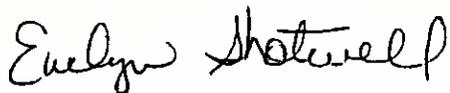
However, the Chincoteague Chamber of Commerce has some concerns:

- We ask that language in the GMP should state “no action will be taken relative to watch houses and duck blinds” due to their historical and cultural significance. Virginia Department of Health regularly monitors Chincoteague waters for contamination from wastewater discharge from such private structures, therefore no intervening action should be taken by NPS.
- We support the continued “leasing of submerged lands by the Commonwealth of Virginia within the seashore boundary for commercial aquaculture” as is stated in Public Law 89-195 Sec. 5 and ask that this would be stated in the final GMP and adopted in the final draft.
- With respect to horseshoe crab harvesting, the chamber requests that the “harvest of horseshoe crabs would continue within the seashore” due to the historical and cultural way of life on Chincoteague Island that has been handed down from generation to generation and is the only means of income for some island families. This is a livelihood issue and must be preserved. Otherwise, it would devastate families who have no other means of making a living.

As representatives of the business community, it is our obligation to reach out to NPS to consider the impact that this document will have on the people of Chincoteague Island and their way of life. You simply cannot take away a person’s means of making a living. Aquaculture, horseshoe crab harvesting, and finfishing are all strong economic drivers in this area. As such, they must be protected for future generations or an entire way of life will be destroyed and lost because of short-sightedness by the NPS.

Thank you for the opportunity to voice these comments regarding the draft GMP and areas of concern to the Chincoteague Chamber of Commerce during this comment period.

Best regards,



Evelyn Shotwell  
Executive Director

Joseph T. Thornton

5419 Woodland Dr.  
Chincoteague, VA  
23336

t.thornton@verizon.net  
757-894-2845

April 26. 1016

To: Superintendent Assateague Island National Seashore

From: Oyster Watch House Owners, Assateague Island, Va.

Subject: Comments GMP/EIS Plan

The undersigned owners of the watch houses located near Assateague Island National Seashore would like to respectfully submit comments to address the proposed GMP/EIS plan which is being considered for adoption.

After reading the four alternatives provided by the National Park service we specifically would request that under "Private Structures (oyster watch houses, hunting blinds) (in VA)" the wording under Alternatives 3 and 4 "**initiate an assessment of privately owned structures (oyster watch houses and hunting blinds) located within the seashore's Virginia waters to determine their legal status; pursue removal of any unauthorized structures**" be removed from the plans.

We would like to point out several facts to help facilitate that these structures are in fact recognized by the Commonwealth of Virginia and the National Park Service as legal structures with legitimate ownership.

- According to a study conducted on behalf of the National Park Service from July 2004, by the firm Ralph E. Eshelman, Ph.D and Patricia A. Russell Eshelman & Associates, titled Waterfowl Hunting Camps and Related Properties within Assateague Island National Seashore, Maryland and Virginia reports the following: "**Oyster watch houses could be built on leased oyster grounds to protect one's oyster beds.**" as per your own document. The majority of structures are identified by names with the exception of a few whom are mis-identified. The legality of ownership is validated via this document.
- Furthermore, the Virginia Health Department also recognizes the individual/partnership ownership of the watch houses. Communications between the owners and VDH are not uncommon and prove the validity of their legal status. Several times over the course of the years, the Shellfish Sanitation division of the Virginia Health Department sends out

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correspondence to various owners and ascertains the status of the watch houses waste water disposal.

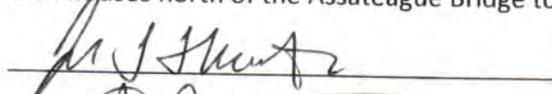
- Another proof of allowable use can be found in the Journal of the House of Delegates of the Commonwealth of Virginia dated 1903. In the legislation it specifically states "Approved December 31, 1903, entitled on act to authorize parties planting oysters on grounds rented from the state to erect piers, docks or watch houses on the same"

In addition to being allowed by law in the Commonwealth of Virginia, your plan stresses the importance of cultural and historical heritage structures. The definition of heritage is "any property, especially land that devolves by right of inheritance. Anything that has been transmitted from the past or handed down by tradition. The evidence of the past, such as historical sites, buildings, and the unspoilt natural environment, considered collectively as the inheritance of present day society." All of the Watch Houses in the Virginia boundaries predate the National Sea Shore Act of 1965, and by definition are historical. These properties have been handed down generations by owners to their families and relatives for the preservation of cultural and livelihood as a way to protect the oyster grounds they own. I can remember stories from many owners which predate the combustible outboard engine. The owners would oar or scull their skiffs miles to get to their cabins to protect and harvest their clams and oysters.

In closing, we would like to reiterate the historical importance of the watch houses to our local area and the proven ownership which goes back generations. Please remove them from the plan so that the use of the structures may continue for generations to come. If you have any questions or would like to meet with representatives from the group please do not hesitate to call or email.

Signed, owners of the watch houses north of the Assateague Bridge to Maryland border.

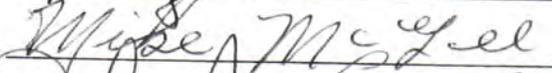
Joseph T. Thornton



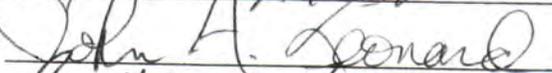
Mike Jester



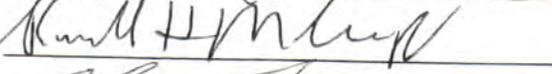
Mike McGee



~~Arthur~~  
Arthur Leonard



Ronnie Malone



Chris Fox



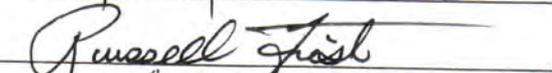
Billy Reed, Jr.



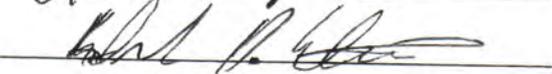
Robert Conner



Russel Fish



Dave Eccleston



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# SENATE OF VIRGINIA

LYNWOOD W. LEWIS, JR.  
6TH SENATORIAL DISTRICT  
ALL OF ACCOMACK, NORTHAMPTON,  
AND MATHEWS COUNTIES; AND PART OF  
THE CITIES OF NORFOLK AND VIRGINIA BEACH  
P.O. BOX 9587  
NORFOLK, VIRGINIA 23505



COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
EDUCATION AND HEALTH  
LOCAL GOVERNMENT

April 29, 2016

Deborah A. Darden  
Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, Maryland 21811

**RE: Comments to the National Park Service General Management Plan and Environmental Assessment for the Assateague Island National Seashore**

Dear Ms. Darden:

As the State Senator for the 6<sup>th</sup> Senate District in which the Virginia portion of the Assateague National Seashore is located and also as a life-long resident of Accomack County, I wanted to make some comments and observations regarding the proposed National Park Service General Management Plan.

I appreciate your having participated in earlier meetings arranged on Chincoteague and at the Eastern Shore Community College and also in the other efforts that you have made at community outreach regarding the General Management Plan.

Needless to say, any substantive changes in the status quo at Assateague have the potential for extensive and significant ramifications for the Town of Chincoteague, the County of Accomack, the entire Eastern Shore as well as the Commonwealth of Virginia. I think at a fundamental level it is important to note in regard to all issues that this National Seashore has been in existence since the late 1960s and that generations of Chincoteague Island residents have made significant life decisions and investments based on the existence of this National Seashore and many visitors each year to the Island. In addition, the economic benefits generated by this National Seashore are an important part of the Eastern Shore and the Commonwealth of Virginia's tourism industry. Everyone should want it to continue to be a great success.

As to the proposed General Management Plan, one of the things that gives me great concern about the possible changes suggested in the General Management Plan was a question that I posed about the possible changes in our first meeting in the Council Chambers on Chincoteague and that was "What negative impact do any of these activities [fin fishing, aquaculture and horseshoe crab

fishery] have on the Park Services' mission?" Thus far, I have not received any indication that any of these activities, which have gone on for generations, pose any threat to the Park Services' mission and, in fact, an important part of the economy and of the cultural heritage of the area.

As you know, I and others at the State level, including Delegate Bloxom, have raised jurisdictional issues in regard to the commercial fishing and aquaculture activities in the area. In fact, I introduced legislation during this last General Assembly Session, Senate Bill 643, which directed our Virginia Marine Resources Commission to monitor the Department of Interior's activities in the waters adjoining the Assateague National Seashore area and to further assert the Commonwealth's sovereignty in any jurisdictional issues so as to preserve the right and ability of Virginia watermen to use the waters. The Bill passed both Chambers of the Legislature unanimously and was signed by the Governor on February 29<sup>th</sup>. From a public policy standpoint, if an activity has been ongoing for generations and poses no threat or impediment to the mission of the Park Service, I see no reason why it should not be allowed to continue to the extent the Park Service even has any authority to disallow it. It would further seem to be in the best interest of the Park Service from a community relations standpoint as well.

As to the duck blind and oyster watch house issue, I appreciate the "Working with Virginia..." reference in the GMP, I believe the Town, has correctly and effectively outlined the historical and cultural reasons that these structures are important and I would fully adopt the Town's position as to these structures in that no action should be taken as to the oyster houses or duck blinds.

I concur with what I understand is the Town's position regarding the language of the preferred alternative in the GMP being changed to match the executive summary and Alternative One so as to recognize the rights of Virginia and allow the continued leasing of the submerged lands by the Commonwealth of Virginia for commercial aquaculture. Again, given the long history of such activities (which I would further submit are supported by the law) and use as well as the de minimis, if any, impact upon the Park Services' mission makes this the obvious and commonsense position.

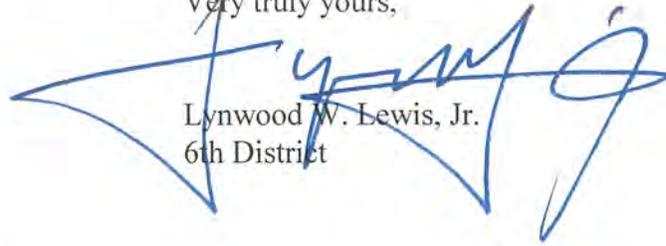
A similar observation could be made regarding the horseshoe crab harvest. I understand that the distinction made with the horseshoe crab harvest and fin fishing and aquaculture activities is the somewhat unusual designation of the horseshoe crab as an "animal". That technical distinction should not overcome the reality of the situation which places the horseshoe crab in the same context and category, on a practical basis, as fin fishing and aquaculture. I support the Town's position as to the horseshoe crab fishery.

The approach which I understand is taken in the GMP as to fin fishing is, I would suggest, the approach that should be taken to all of the other aforementioned activities.

It seems to me that if these activities and the Virginia state regulatory framework which exists for them have been in existence side by side with the Park Service for decades now that there would be little to be gained by raising the question of their continuing or being "allowed" to continue by permit.

Thank you again for the outreach efforts and the opportunity to comment. This issue is very significant for the people and the area that I represent.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Lynwood W. Lewis, Jr.', is written over the typed name and title.

Lynwood W. Lewis, Jr.  
6th District

LWLjr./mmh

cc: The Honorable John H. Tarr  
Delegate Robert S. Bloxom, Jr.  
Senator Timothy M. Kaine  
Senator Mark Warner  
Congressman Scott Rigell  
Molly Ward, Secretary of Natural Resources  
Todd Haymore, Secretary of Agriculture  
Commissioner John M. R. Bull,  
Virginia Marine Resources Commission



# TOWN OF CHINCOTEAGUE, INC.

April 21, 2016

Deborah A Darden  
Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Response Letter to the National Park Service General Management Plan and  
Environmental Assessment for the Assateague Island National Seashore

Dear Ms. Darden:

On behalf of the Town of Chincoteague I am presenting a brief list of comments and concerns regarding the General Management Plan (GMP) Alternative Concepts, for the Assateague Island National Seashore.

After a 5-year wait, we learned about four alternatives as detailed in the plan. Some of the alternatives' planning processes are frustrating because there are very good ideas mixed with very bad ideas (from our perspective as the gateway community for the southern end of Assateague Island). The following list is provided to clearly identify those elements of the draft GMP that we hope the NPS will work on in more detail, with the Town of Chincoteague representatives.

### **Wilderness Area**

The wilderness area in your preferred alternative makes clear and corrective steps to continue OSV within five hundred feet of the water line on the ocean side and takes such territory out of the plan over the water, which we commend. Although we think that the land base is too small, and the proposed wilderness area should not be considered in any portion of Assateague Island National Seashore.

### **Oyster Watch Houses and Duck Blinds**

In the executive summary, and alternative of the GMP it states "continue to take no action related to privately owned structures (oyster watch houses and duck blinds) associated with submerged land leases." However, in the other three alternatives (including the preferred

alternative in the GMP) it states “to initiate an assessment of privately owned structures (e.g. oyster watch houses and duck blinds) located within Virginia’s seashore and work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses).” The town’s understanding is the Virginia health department takes adequate samples per year of the waters around Chincoteague, to determine if it has contaminated discharge of nutrients, pathogens, etc. resulting from wastewater discharge. Wastewater treatment and disposal is and has been a function of the Commonwealth of Virginia, nothing in the Seashore Act gives joint or sole authority to the NPS.

Also, the GMP states “Working with Virginia, NPS would assess the legal status of privately owned structures (oyster watch houses and hunting blinds) located within the seashore’s Virginia waters, and pursue removal of those found to be unauthorized.” The town is taking a very strong position on the historical and cultural decisions set on oyster watch houses and duck blinds. Almost all oyster watch houses and duck blinds have been handed down from generation to generation, to those family members that live on Chincoteague Island. All of which precede the state code of 1975 allowing oyster watch houses, most of which also precede the Seashore Act of 1965 without requiring any kind of permits. Also, since annexation of the town’s corporate limits in 1989, to the low water mark of Assateague Island, the town currently allows oyster watch houses and hunting blinds within our town limits. Duck blinds and hunting are controlled by the Commonwealth of Virginia, they issue the License to hunt and enforce Virginia’s laws as such. Hunting and duck blinds preceded the Seashore Act of 1965 and before the creation of the National Wildlife Refuge.

The town insists the GMP preferred alternative language be changed throughout the GMP to match that which is stated in the executive summary and alternative one, where no action will be taken relative to oyster watch houses and duck blinds.

### **Aquaculture**

The executive summary and alternative one of the GMP states leasing of submerged lands by the Commonwealth of Virginia, within the seashore boundary, for commercial aquaculture, would continue. The other three alternatives, including the preferred alternative, states “in recognition of this long history of use, NPS would 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.”

The town’s position and as stated in Public Law 89-195, Sec 5, “That nothing in this Act shall limit or interfere with the authority of the State to permit or to regulate shell fishing in any waters included in the National Seashore.” This is the same public law that sets up the boundaries of the national seashore on Assateague Island. 36 CFR 2.60(3)b would obstruct Virginia’s authority in this matter.

The town insists the GMP preferred alternative language be changed throughout the GMP to match the executive summary and alternative one, where it states “leasing of submerged lands by the Commonwealth of Virginia within the seashore boundary for commercial aquaculture would continue.”

### **Horseshoe Crabs Harvest**

In the executive summary and alternative one of the GMP it states the harvest of horseshoe crabs would continue to occur within the seashore. In the other three alternatives including the preferred alternative, it states the "NPS would prohibit the harvest of horseshoe crabs."

The town objects to any reference of denying horseshoe crab harvesting in the GMP, which is a historical and cultural way of life on Chincoteague. This harvesting has been handed down from generation to generation in Chincoteague Island families and would be a disaster to see a family's way of life discontinued. Horseshoe harvesting is controlled by the Commonwealth of Virginia, they issue permits, and set the quotas each year, nothing in the Seashore Act of 1965 gave that away.

The town insists the GMP preferred alternative language be changed throughout the GMP to match language in the executive summary and alternative one, where it states the "harvest of horseshoe crabs would continue to occur within the seashore."

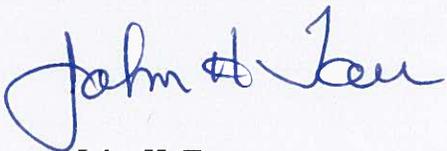
### **Finfishing**

We applaud your decision allowing commercial finfishing in Virginia and omitting all language that would prohibited such activity. The commercial fishing has been a historical cultural way of life for folks living in Chincoteague for centuries and we would like to see this activity be passed down through families for another century. Oyster Watch Houses, Duck Blinds, Aquaculture and Horseshoe harvesting should all be treated the same as finfishing, they all have the same historical and cultural values to our community, and all were a part of our way of life in the past and future. The Seashore Act of 1965 did not give up any of the Commonwealth rights to allow and control these activities, but actually promoted them.

Thank you for the opportunity to provide comments on the draft general management plan. Our main concerns and support are based on cultural and historical preservation of the working watermen, which for these men, is their families only income. A waterman's skills and livelihood are well documented throughout Chincoteague's history. The Town of Chincoteague will continue to rely on NPS staff to support public recreational beach use, OSV use and shoreline management in Virginia through the interagency agreement with the FWS.

If you need additional information, please feel free to contact the Town Manager at 757-336-6519.

Sincerely,



John H. Tarr  
Mayor

*"One-fifth of all the people in our Nation live within an easy day's drive of Assateague. And now as the result of your labors--you, the farsighted Members of Congress--these wide sandy beaches will be the people's to enjoy forever."*

*"What the Good Lord once gave in greatest abundance have now become rare and very precious possessions. Clear water, warm sandy beaches are a nation's real treasure."*

*"For the rest of this century, the shoreline within reach of the major cities of this country just must be preserved and must be maintained primarily for the recreation of our people."*

Lyndon B. Johnson: "Remarks at the Signing of a Bill Establishing the Assateague Island Seashore National Park". September 21, 1965

cc: Elected Representatives

Please see attached questions.

# QUESTIONS

Page i, 1-8 with ownership to mean high water in Maryland and mean low water in Virginia

1. What Virginia law gave the right to mean low water?

Page xv 961 automobile parking spaces

2. A standard parking space will not work for campers, boats etc. Will there be any type of overflow parking considered? Even if further back from the beach?
3. Beach Restoration in the form of sand fence and dredging around the jetty is still continuing on the North end. Will there be a chance that these activities will be extended to the Southern end of Assateague Island?



# TOWN OF OCEAN CITY

*The White Marlin Capital of the World*

Deborah A. Darden, Superintendent  
**Assateague Island National Seashore**  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Draft General Management Plan/Environmental Impact Statement  
Federal Register Notice # 2016-02109

Dear Superintendent Darden:

The Town of Ocean City, Maryland supports your effort to adopt a new General Management Plan for Assateague Island National Seashore. As your neighbor to the north, we value the work of the National Park Service to maintain our shared landscape as a resource to the community and to all of our seasonal visitors. We hope that the preferred alternative, if selected, will continue to implement successful current management strategies for the future.

The following comments are provided on the Draft GMP/EIS for the Assateague Island National Seashore:

- 1) **Partnerships** - Please consider the Town of Ocean City, MD as a local government partner (Sec. 2.6.7), and as a cooperating agency for future studies such as the proposed Breach Management Plan (Sec. 2.4.2).
- 2) **Management Zones** - The use of zones and subzones to identify management approaches that are unique to a specific area is encouraged. Please consider the addition of a North End Restoration Project subzone that includes the northern 6 miles of Assateague Island in Maryland (Fig. 2.3).
- 3) **USACE** – Please clarify whether the North End Restoration Project will continue to be recognized by the preferred alternative, including the federal agency partnership with the U.S. Army Corps of Engineers.
  - a. Please identify the USACE as a federal agency partner (Sec. 2.6.7)
  - b. Include both management actions and budget proposals necessary to initiate a renewal of the project with USACE and other partners at least 3 years prior to expiration (by 2025) (Sec. 2.6.7, 2.6.11, Table 2.7)

**MAYOR**  
RICHARD W. MEEHAN

**CITY COUNCIL**

LLOYD MARTIN  
*President*

MARY P. KNIGHT  
*Secretary*

DOUGLAS S. CYMEK  
DENNIS W. DARE  
ANTHONY J. DELUCA  
WAYNE A. HARTMAN  
MATTHEW M. JAMES

**CITY MANAGER**

DOUGLAS R. MILLER

**CITY CLERK**

DIANA L. CHAVIS

[www.oceancitymd.gov](http://www.oceancitymd.gov)

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158  
(410) 289-8703



City Hall - (410) 289-8221 • FAX -

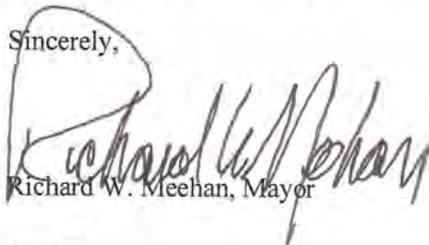
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- c. Actions needed to achieve desired future conditions of the North End Restoration Project are missing from Alternative 3/Table 2.7 (page 2-62) and under many of the 'coastal response management actions', add management actions that are specific to the north end of Assateague Island to resolve conflicting management approaches.
  - d. Coastal Response Management Actions (Sec. 4-17, 4-43, 4-70, 4-95, 4-169) indicate that Alternative 3 seashore management "would allow the island to evolve naturally... (and) would no longer work with the USACE to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investment would be made in dune fortification through planting and fencing installation." Please clarify that this does not apply to the North End Restoration Project Area (6 miles from the Ocean City Inlet to Assateague State Park).
- 4) **Ocean City Inlet and Municipal Airport** – Please consider and include the Inlet and Airport as critical infrastructure which represents significant federal investment and impact to the 'socio-economic environment' that are directly related to management approaches in the GMP (Sec. 1.9.4, Sec. 3.14 and 4.11).

Thank you for your presentation to the Town of Ocean City and for your contribution to improving the draft General Management Plan.

If you have any questions, please contact me at (410) 289-8931.

Sincerely,



Richard W. Meehan, Mayor

Attachment

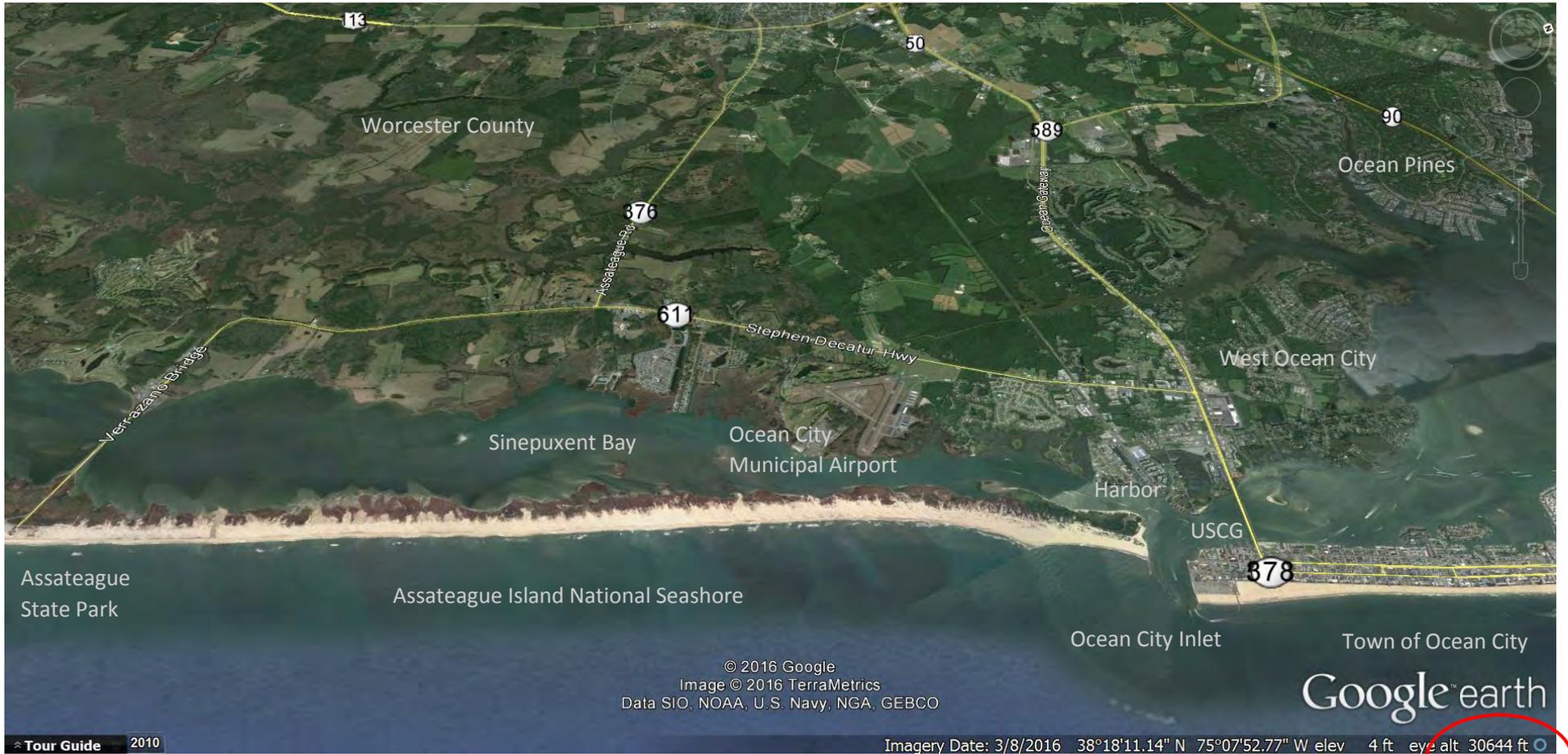
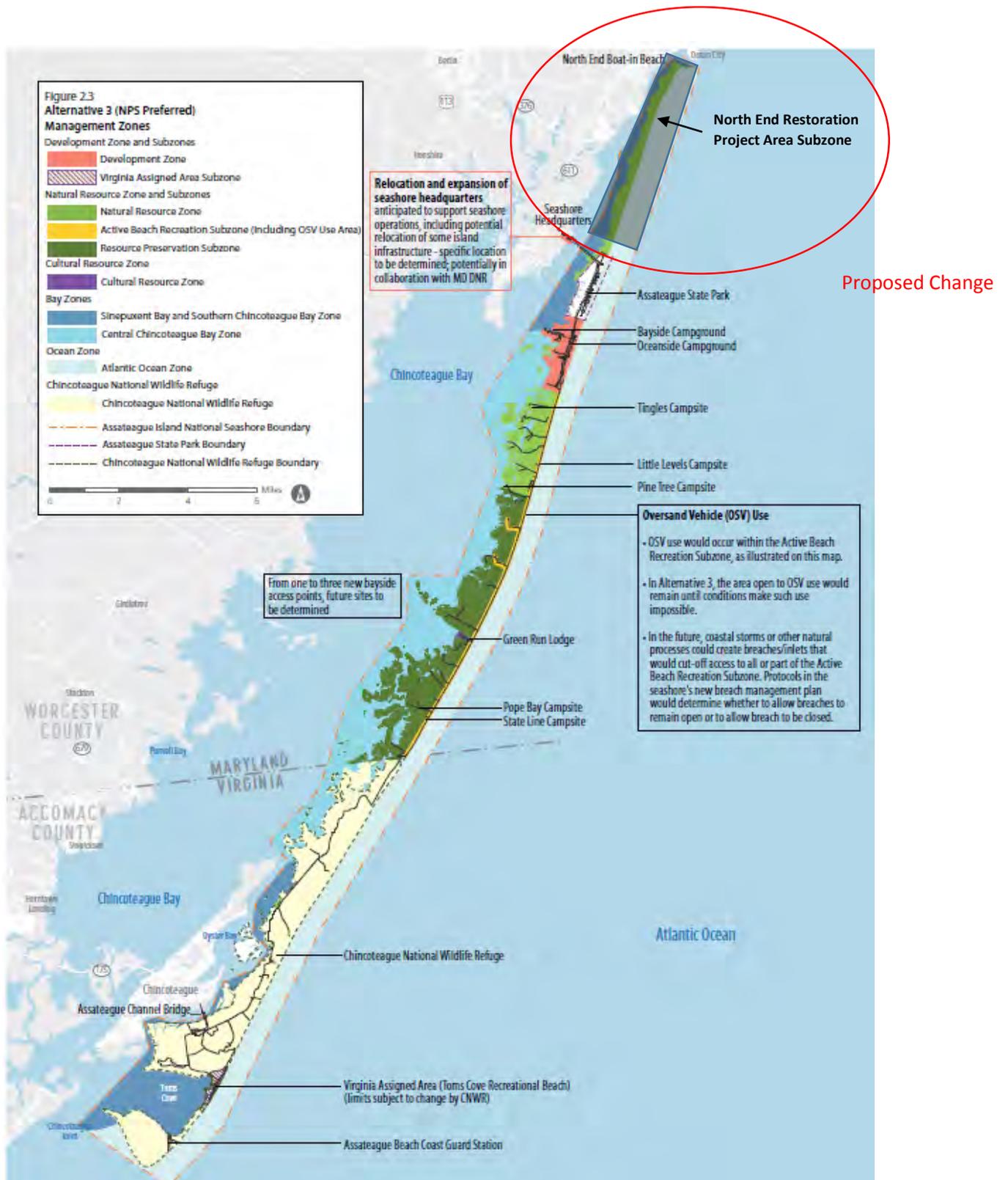
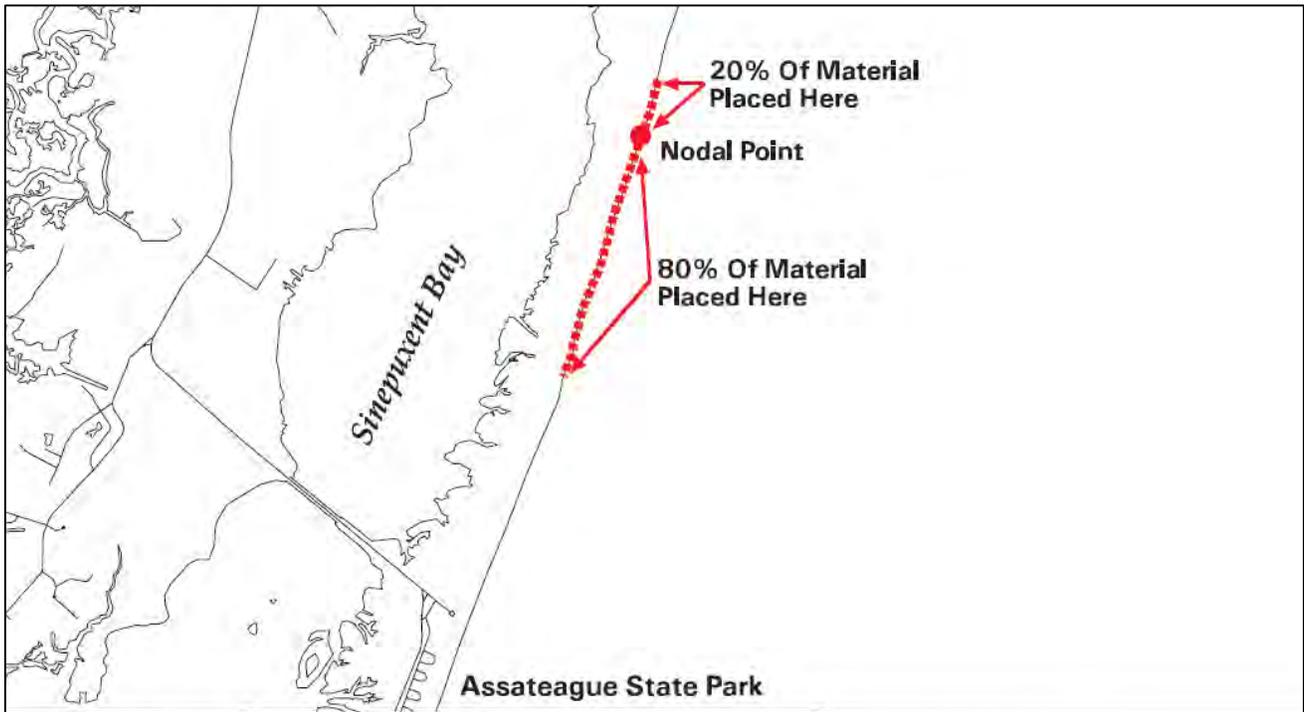
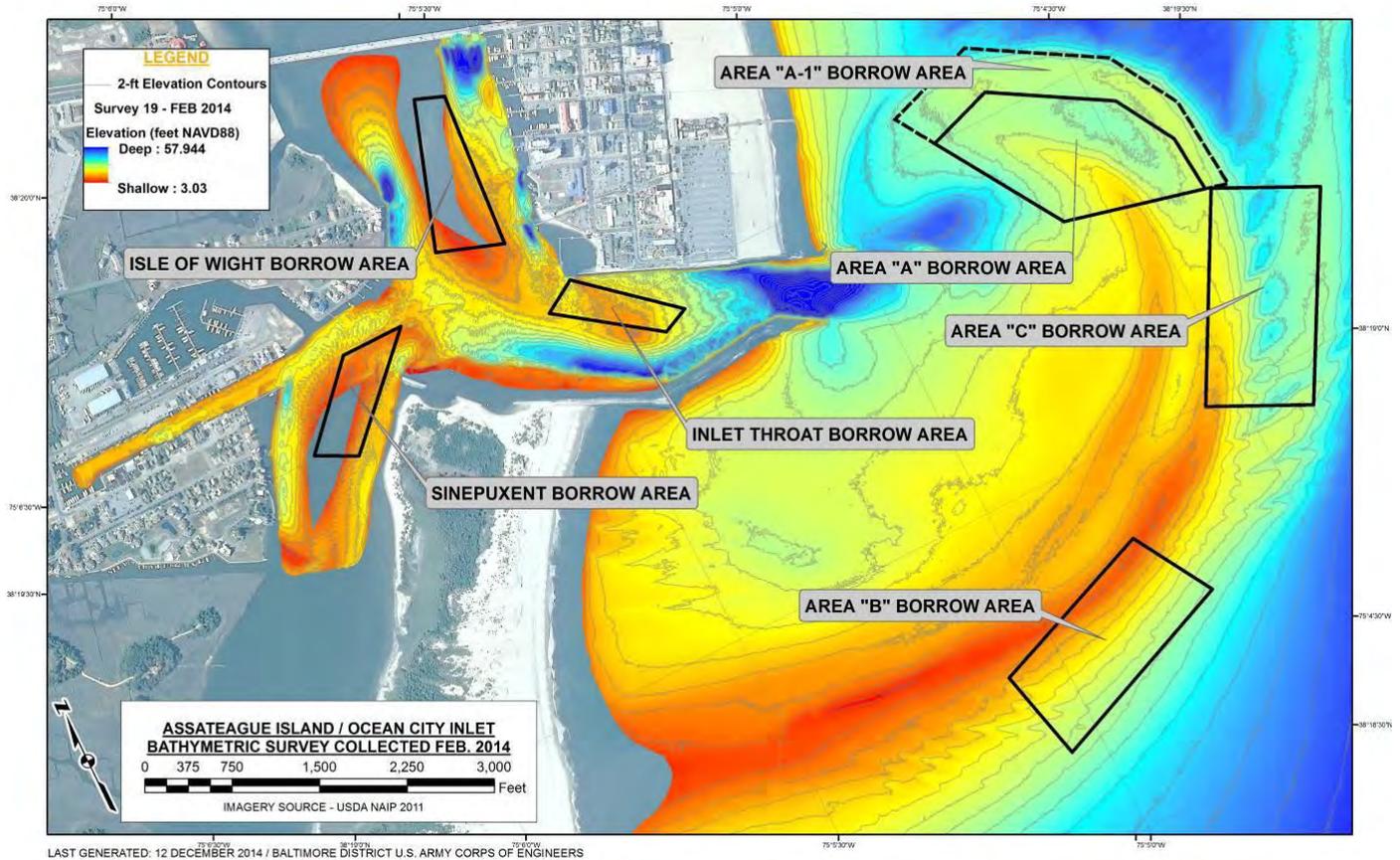


Exhibit 1: 30,000 foot view – Assateague Island North End



**Exhibit 2: Draft GMP/EIS – Alternative 3 Management Zones (Figure 2.3)**

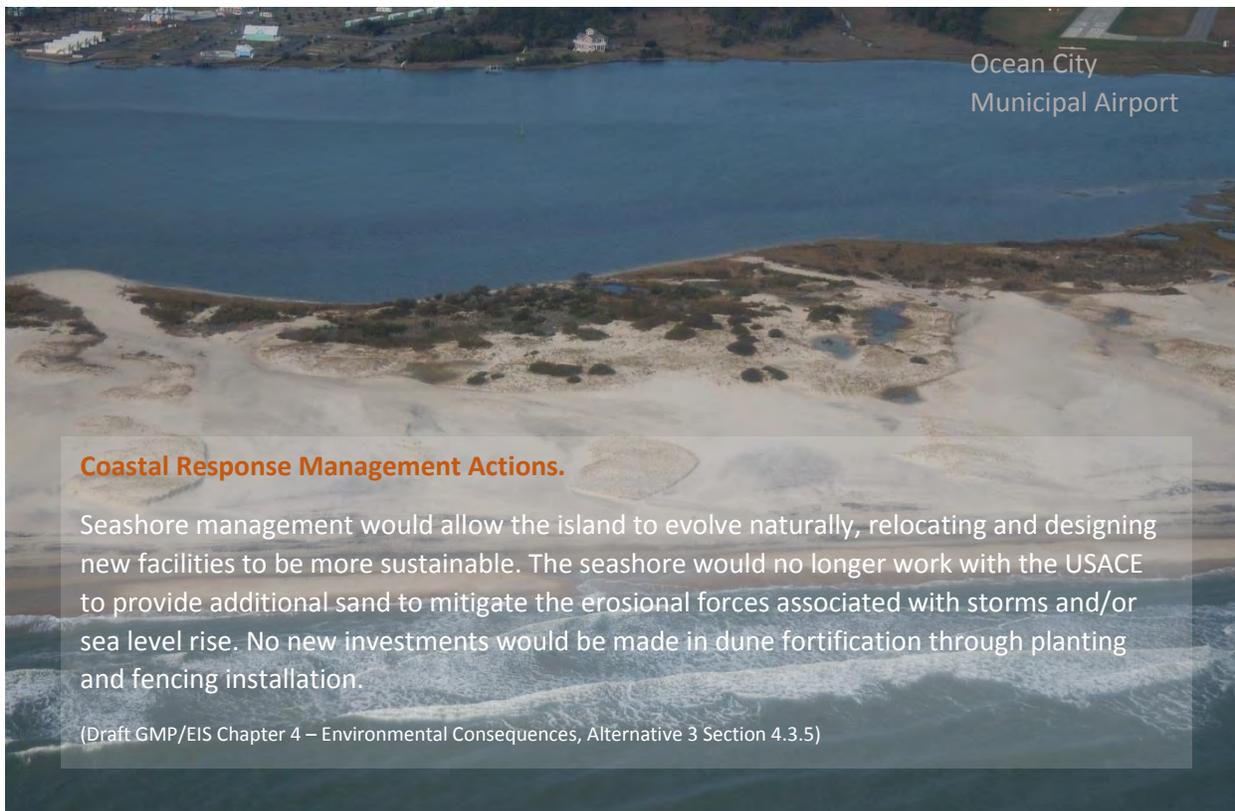


 <p>US Army Corps of Engineers Baltimore District</p>	<p>Ocean City Water Resources Feasibility Study</p>	<p>Long-Term Sand Management Sand Placement Strategy</p>
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**Exhibit 3: USACE Inlet Bypass Project**



**Exhibit 4: USGS pre-hurricane Sandy aerial photo (May 21, 2009)**



**Exhibit 4: USGS post-hurricane Sandy aerial photo (November 4, 2012)**



lan.umces.edu

**Exhibit 5: View of Ocean City Inlet**



Exhibit 6: FEMA Coastal Risk Map – July 16, 2015



## STAFF REPORT

DATE: April 12, 2016  
TO: Mayor and City Council  
FROM: William W. Neville, Director P/CD  
RE: **Comments on Draft GMP/EIS for Assateague Island National Seashore**

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A draft General Management Plan (GMP)/Environmental Impact Statement (EIS) for Assateague Island National Seashore is now available for a 90 day public review and comment period ending on May 1, 2016. Assateague Island National Seashore is composed of the 37 mile barrier island extending from Ocean City Inlet in Maryland, to Toms Cove Hook in Virginia.

The draft General Management Plan is a policy-level document that defines the park's purpose and sets a management direction for decades to come. Four alternatives for future park management are described, one of which is identified as preferred by the National Park Service (\*) because it best meets the need to protect the seashore and provide great experiences for visitors.

***Alternative 1 – Current Management***

***Alternative 2 – Traditional Beach Recreation***

***Alternative 3\* - Sustainable Recreation and Climate Change Adaptation***

***Alternative 4 – Natural Island Evolution and Primitive Island Experience***

Staff encourages participation by the Town of Ocean City in the review and comment period for the draft GMP/EIS for Assateague Island National Seashore. Several issues have been considered by the Coastal Resource Advisory Committee (Green Team), presented to National Park Service Superintendent Debbie Darden, and discussed at the public Open House held by NPS.

Based on these discussions, Staff has prepared proposed comments for review by the Mayor and Town Council to allow submission prior to the May 1, 2016 deadline.

Ocean City Inlet and the North End of Assateague Island are topics of mutual interest to the National Park Service, Worcester County and the Town of Ocean City, MD. The GMP takes the approach of asking important questions and then reviewing alternatives to evaluate the preferred solution. (see page 1-31)  
What questions should we ask?

**How would a change in NPS management policy and management at the north end of Assateague Island National Seashore affect the Ocean City Inlet?**

- Sand dredging/bypass through a long term USACE project keeps the navigation channel clear and provides access to West Ocean City harbor, commercial fishing fleet, charter fishing industry, Coast Guard, and recreational boating
- Sand nourishment at the north end of Assateague helps to maintain protective beach and dune systems, fill potential breach areas, and support active recreational beach areas
- Inlet management regulates tidal flow rate to the coastal bays with ecological, economic and hazard mitigation benefits/impacts
- A resilient, actively managed barrier island profile at the north end of Assateague Island provides storm surge and flood protection for downtown Ocean City's 'first to flood' neighborhoods, and the Ocean City Municipal Airport
- Ocean City Inlet and the navigable channel west of Assateague Island provides important recreational access for boating and fishing

Several elements of the GMP stand out as areas of concern where the management plan for the proposed Alternative 3 is unclear or is in conflict with other sections of the Plan.

1. **30,000 foot view** (description of the level of detail in the draft GMP/EIS)

Google Earth provides an image of what is included in the 30,000 foot view. (See Exhibit)

*Comment: The Town of Ocean City, MD requests to be included as a partner community, and as a cooperating agency for future studies such as the proposed Breach Management Plan.*

2. **Management Zones** (described on page 2-19)

The NPS uses management zones to describe the resource conditions and desired visitor experiences to be achieved in various areas of the park. Alternative 3 (NPS preferred) designates the north end of Assateague Island within the Natural Resource Zone (green) and excludes a sliver of land adjacent to the Ocean City Inlet and Sinepuxent Bay (dark blue).

*Comment: The use of zones and subzones to identify management approaches that are unique to a specific area is encouraged.*

*Comment: The Natural Resource Zone, and the Sinepuxent Bay Zone describe a particular management approach (Table 2.4) "Natural processes are allowed to occur unimpeded" which seems to conflict with statements regarding community resilience (Section 2.4.2)*

3. **North End Restoration Project** (described on page 1-57-58)

6 mile area south of the inlet includes the 'nodal point' where dredged sand is placed offshore. The USACE project will continue as planned for 12 more years. Common to all alternatives, the NPS would also continue to partner with the 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 at the historic, pre-Ocean City Inlet rate.

*Comment: Add an overlay subzone to each of the Alternative Management Zone Maps (Figure 2.1, 2.2, 2.3 and 2.4) which identifies the North End Restoration Project area as subject to more than just 'natural resource zone' policies (See exhibit)*

*Comment: Add North End Restoration Project subzone to Table 2.3 and Table 2.4 under Natural Resource Zone and Sinepuxent Bay Zone*

*Comment: Include both management actions and budget proposals necessary to initiate a renewal of the project with USACE and other partners at least 3 years prior to expiration (by 2025) (Sec. 2.6.7, 2.6.11, Table 2.7)*

*Comment: Actions needed to achieve desired future condition of the North End Restoration Project are missing from Alternative 3/Table 2.7 (page 2-62) and under many of the 'coastal response management actions', add management actions that are specific to the north end of Assateague Island to resolve conflicting management approaches*

4. **Alternative 3 – Sustainable Recreation and Climate Change Adaptation** (NPS Preferred Alternative described on page 2-47)

Concerns include visitor use of the north end via boating with new permit/fee to reduce visitor impacts (page 2-50), natural resource management excludes beach and dune systems from resiliency actions (page 2-52), possible expansion of wilderness would limit breach management options (page 2-52), USACE and OCMD are missing from partnerships (page 2-56), response to climate change (page 2-84), limited dune maintenance (page 2-94),

*Comment: **Coastal Response Management Actions** (4-17, 4-43, 4-70, 4-95, 4-169) Alternate 3 directs seashore management actions that would allow the island to evolve naturally... (and) would no longer work with the USACE to provide additional sand to mitigate the erosional forces associated with storms and/or sea level rise. No new investment would be made in dune fortification through planting and fencing installation. Please clarify whether the proposed management actions in Alternative 3 are consistent with the North End Restoration Project, and whether this policy would apply to the north end of Assateague Island in 12 years?*

*“The north end Restoration Project and NPS management actions in the north end, aimed at restoring natural overwash processes interrupted by the 1999 emergency storm berm, would continue to facilitate evolution of sparsely vegetated overwash areas providing habitat for piping plovers and seabeach amaranth.” (see page 4-101)*

5. **Floodplains** (page 3-19)

Description is not current and should include a section for new Coastal RiskMAP analysis completed by FEMA in 2015. Managed beach elevation and dunes under current management provide protection to coastal communities from coastal storms and storm surge, what will happen if NPS management changes?

*Comment: Update section to include current FEMA coastal flood risk mapping to meet EIS requirement for use of best available information.*



COMMONWEALTH OF VIRGINIA

**HOUSE OF DELEGATES**

RICHMOND

**ROBERT S. BLOXOM, JR.**  
**Post Office Box 27**  
**Mappsville, Virginia 23407**  
ONE HUNDREDTH DISTRICT

COMMITTEE ASSIGNMENTS:  
FINANCE  
AGRICULTURE, CHESAPEAKE AND  
NATURAL RESOURCES  
SCIENCE AND TECHNOLOGY

April 25, 2016

Deborah A. Darden  
Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, Maryland 21811

Dear Ms. Darden,

I would like to open my response to the Draft General Management Plan/Environmental Impact Statement (GMP) regarding Assateague Island National Seashore by thanking the National Park Service for their commitment to keeping a public beach open with ample parking for visitors. It is vital to the economy of the Town of Chincoteague and Accomack County for seaside access. I do have concerns with many parts of this plan and I thank you for allowing me the opportunity to address them during the open comment period.

The GMP is written primarily for the Maryland part of Assateague Island. The Maryland side of Assateague Island is wholly controlled by the Park Service and is focused on access to the Island by people. Overnight camping, access to the Bay, and seaside beaches are priorities for Maryland. This is not the case on the Virginia portion of Assateague Island. The Park Service only controls one mile of beach access and the rest of the Island is controlled by U.S. Fish and Wildlife. Historically, U.S. Fish and Wildlife only controlled to the high water mark because the wildlife which they protected could not nest below that line of delineation. The Park Service controls the water in front of public beaches which makes sense since this is where people have swimming access. No one is debating the water off the one mile of swimming beach.

The concept that the National Park Service and the U.S. Fish and Wildlife are both under the Interior Department umbrella, allowing their jurisdictional authority to be traded back and forth, is very

disconcerting to me. This is a broad expansion of Federal authority that was feared and addressed in every document signed by the State of Virginia and the U.S. Government. The fear of Federal overreach was addressed in the 1965 Act which states “That nothing in this Act shall limit or interfere with the authority of the states to permit or to regulate shell fishing in any waters included in the national seashore...”. The Act did not include other types of fishing because in that day oystering was the best option for watermen. The intent was to leave Virginia in control of the surrounding areas and have U.S. Fish and Wildlife control the Island. This control of the surrounding area by Virginia has been slowly eroding as the Federal Government claims authority over more and more activity as now they claim jurisdiction over water in a half mile circle around the Island.

In Virginia the water belongs to the Commonwealth. It is a constitutional right to have navigational access to the waters of the Commonwealth. The bottom ground has been surveyed and leased to the people of the Commonwealth for over 100 years.

Some of the following concerns are not in the GMP but show a pattern of slow creep of Federal overreach.

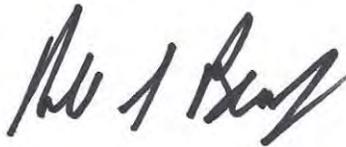
- Charter boats are being required to purchase yearly permits to use the water around your “park”. I believe this is wrong and is a practice of extortion. They don’t anchor nor launch from any federal facilities and only “cruise” around on open water. The highland is controlled by U.S. Fish and Wildlife but they are required to get a yearly Park Service permit.
- The National Park Service imposed a prohibition of personal watercraft around your “Park”. In Virginia, personal watercraft has as much of a right to use the water as a kayaker. Even though they may be loud and obnoxious they should still have the “right” to use the water. I think this is a similar situation as the snowmobile ban in the parks out west that was defeated in court.
- The next practice of concern that is in the GMP is horseshoe crab harvest. This harvest of horseshoe crabs off the bottom ground has been occurring on Chincoteague for decades. The harvest is federally regulated by the Atlantic States Marine Fisheries Committee. A quota is given to participating States. In Virginia the Virginia Marine Resource Commission controls the catching by licenses and strict quotas are followed. This harvest happens off Virginia bottom ground as horseshoe crabs do not swim. Harvesting of horseshoe crabs started in the 80s and was not mentioned in the 1965 agreement as they had not begun harvesting them.
- Watch houses and concern for water quality is again a State issue. The Virginia Health Department began a shellfish sanitation division in 1920 which performs over 24,000 water samples a year and monitors pollutant levels in Virginia water. Watch houses were included within the Code of Virginia pursuant to §28.1-117 until 1975 and were encouraged to help protect the valuable oyster production within the Commonwealth.
- Duck blinds are again a State issue as they are anchored to Virginia bottom. Virginia Game and Inland Fisheries issues hunting licenses and regulations that control the duck blinds. Many of these locations have been handed down from generation to generation.
- Shellfish and the harvest of shellfish on leased bottom has been occurring before Colonel Baylor surveyed the productive oyster grounds in Virginia for the use by the public. Areas not outlined

in Baylor ground were then leased to the people of Virginia so they could invest in shell and start propagating shellfish. This survey was completed in 1894. The shellfish beds and control of the bottom are specifically exempted from control by the Federal Government in an agreement signed between the Commonwealth of Virginia and the U.S. Government. I find it ludicrous Virginia needs to get a permit to do something that we already have the authority to do.

In conclusion, the main question is how the National Park Service (whose main focus is on public access) and the U.S. Fish and Wildlife (whose main focus is on wildlife protection) interchange jurisdiction to whichever agency has the most authority. Water column jurisdiction makes sense when people have access for their safety. The perplexing situation to me is when the high ground is controlled by U.S. Fish and Wildlife and I cannot anchor to nor walk across it. How can the adjacent water column need this water jurisdiction by the Park Service for the protection of the people?

I thank you for the opportunity to provide comments on the GMP. Please do not hesitate to contact me with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob S. Bloxom, Jr.", written in a cursive style.

Robert S. Bloxom, Jr.

Cc: Senator Mark R. Warner  
Senator Timothy Kaine  
Congressman Scott Rigel  
Congressman Rob Wittman  
Senator Lynwood W. Lewis, Jr.  
John Bull, Commissioner, Virginia Marine Resource Commission  
Virginia Health Department  
Town of Chincoteague, Robert Ritter  
Accomack County Board of Supervisor Chair, Ron S. Wolff  
Virginia Department of Game and Inland Fisheries  
Shore Daily News  
Eastern Shore Post  
Eastern Shore News



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission  
2600 Washington Avenue  
Third Floor  
Newport News, Virginia 23607*

Molly Joseph Ward  
Secretary of Natural Resources

John M.R. Bull  
Commissioner

April 22, 2016

Deborah Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Dear Ms. Darden,

This letter is in response to the 2016 Draft General Management Plan (GMP) and Environmental Impact Statement for the Assateague Island National Seashore. The GMP addresses specific natural resources that are currently managed by the Commonwealth of Virginia through the Virginia Marine Resources Commission (VMRC). These resources include the commercial harvest of horseshoe crabs, finfish, shellfish aquaculture, state-owned subaqueous bottoms, tidal wetlands, dunes, and beaches.

The comments below will address alternative 3, the National Park Service's preferred alternative. The VMRC's preferred planning alternative, however, related to the management of Virginia's marine fishery resources is the adoption of alternative 1, "no-action". We strongly encourage the National Park Service (NPS) to consider the elements of alternative 1 to preserve the status quo in the Commonwealth's management of horseshoe crabs, finfish, and shellfish aquaculture.

### **Finfish and Shellfish Aquaculture:**

The Commonwealth appreciates the efforts taken by the NPS to preserve the status quo in the commercial harvest of finfish and crafting alternatives to continue to allow commercial aquaculture. We thank the NPS for the willingness to craft alternatives that maintain the Commonwealth's sovereign rights to continue to responsibly manage its finfish fisheries and its shellfish fisheries adjacent to the refuge. The Commonwealth continues to reserve its sovereign rights under the United States Constitution.

The Commission would like to thank the NPS for highlighting the historic, economic, and ecological significance of shellfishing and shellfish aquaculture in the Commonwealth and on the Eastern Shore. The prohibition of aquaculture around Assateague Island National Seashore would

adversely affect the livelihood of over 50 local watermen, remove millions of dollars from the local economy (Table 1), and displace a significant historical community and way of life.

Table 1. Total reported harvest, and dockside value, of aquacultured oysters and clams from leases within NPS boundaries from the years 2007 through 2015.

<b>Year</b>	<b>Species</b>	<b>Total Pounds (meat weight)</b>	<b>Total Dockside Value</b>
2007-2015	Private Oysters	71,282	\$518,163.37
2007-2015	Private Hard Clams	255,590	\$1,702,079.44
2007-2015	Total Private Harvest	326,872	\$2,220,242.82

### **Horseshoe Crab Harvest:**

In 2011 VMRC's Commissioner Bowman sent public comment opposing the prohibition of horseshoe crab harvest to the GMP Team (Attachment I). This letter expressed concern that regional prohibitions on horseshoe crab harvest could conflict with the current coastwide horseshoe crab management plan. The Commission continues to echo the concerns outlined in our 2011 comments. Pursuant to §28.2-201 of the Code of Virginia, the Commission has the authority to promulgate regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. Virginia's horseshoe crab fishery is managed in such a way that conservation of horseshoe crabs is ensured while providing industry for rural communities. The Commonwealth continues to reserve its sovereign rights under the United States Constitution to manage its marine fisheries.

The Commonwealth objects to the ban on the harvest of horseshoe crabs within a half-mile of mean low water in the Assateague Island area. The Commonwealth's sovereign rights under the United States Constitution allow for the management of fisheries resources within its territorial waters. The horseshoe crab fishery in Virginia is responsibly managed under the auspices of the Atlantic States Marine Fisheries Commission (ASMFC). The resource is being sustainably harvested, and the Technical Committee at ASMFC has presented no reason to change the fishery management plan or the Commonwealth's quota. There is no demonstrable fisheries management reason to institute a ban on the harvest of horseshoe crabs within a half-mile of mean low water in the Assateague Island area. A ban on horseshoe crabs within this area would have the negative impact of creating additional horseshoe crab harvest pressures in other areas, specifically areas east of the COLREGS line. Furthermore, this ban would not improve food availability for the migratory red knots because these birds do not primarily subsist on horseshoe crab eggs during stopover in Virginia (Cohen et al., 2011). The Commonwealth believes that if Alternatives 2 through 4 are adopted in the final GMP, it would likely result in a negative economic impact to local watermen permitted to harvest horseshoe crabs in Virginia, and displace a significant historical community and way of life.

The harvest of horseshoe crabs in the Delmarva region is a historical fishery, where horseshoe crabs have been harvested for fertilizer and livestock feed for over two centuries. Early

reported annual harvests range from 4 million pounds of horseshoe crabs in the 1870's to about 2 million pounds from the 1880's through the 1920's (Finn, 1990, Shuster, 1985). Since that time management framework has been developed, which has allowed this fishery to remain active in this region and supply a majority of the region's bait for the eel and conch fisheries.

Currently the horseshoe crab fishery in Virginia is managed under conditions set forth in the *1998 Atlantic States Marine Fisheries Commission Interstate Fisheries Management Plan for Horseshoe Crab* (FMP) and the subsequent Addenda. This FMP sets the annual harvest quota of horseshoe crabs in Virginia as determined by Addendum VII's Adaptive Resource Management (ARM) framework. This ARM model is a collaborative ecosystem based model which establishes ideal harvest packages for Delaware Bay origin horseshoe crabs based on red knot population estimates to ensure the dietary needs of red knots during migration stopovers to achieve long term sustainability for both species. The overall goal of the Horseshoe Crab FMP is to conserve and protect the horseshoe crab resource to maintain sustainable levels of spawning stock biomass to ensure its continued role in the ecology of coastal ecosystems, while providing for continued use over time. Virginia has complied with this plan, and we have seen evidence that it is working with increasing abundance in the latest ASMFC stock assessment report. Any additional restrictions on horseshoe crab harvest should be vetted through this plan.

The Virginia horseshoe crab fishery operates under a quota management system that ensures Virginia does not exceed its state-specific horseshoe crab quota. Fisheries management schemes in Virginia ensure harvest parameters stay within the bounds set forth by the Atlantic States Marine Fisheries Management Plan for sustainable harvest. From 2009 through 2015 the commercial horseshoe crab fishery averaged 47,716 horseshoe crabs harvested per year in the Assateague Island area and surrounding water bodies that totaled a dockside value of \$585,365 (Table 2).

Table 2. Number of horseshoe crabs harvested in number and pounds and dockside value from the Assateague Island area from 2009 through 2015.

<b>Year</b>	<b>Dockside Value (\$)</b>	<b>Harvest (Number)</b>	<b>Harvest (lbs)</b>
2009	56,091	44,526	89,052
2010	61,401	54,335	108,670
2011	80,890	63,164	126,328
2012	45,767	31,187	62,374
2013	94,272	36,164	72,328
2014	140,310	57,604	115,207
2015	106,634	47,033	94,066

The GMP claims that “prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS) would effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, resulting in a beneficially (sic) impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area (US FWS 2015)”. This horseshoe crab harvest prohibition, as described, would not result in an overall increase in the number of

spawning crabs. Harvest prohibitions in this area could put additional pressure on the horseshoe crab stock in other areas, specifically areas east of the COLREGS demarcation lines, an especially important region in the existing horseshoe crab fisheries management plan for protecting the Delaware Bay horseshoe crab stock.

The GMP claims that the harvest of horseshoe crabs has negative effects on migrating birds during stopover in Delaware Bay due to the depletion of critical food supplies. Virginia and surrounding states jointly manage the harvest of horseshoe crabs to limit the number and manner in which each state can harvest horseshoe crabs that are from Delaware Bay origin. The ecosystem based Adaptive Resource Management (ARM) model takes this harvest into account when determining ideal harvest packages to ensure long-term sustainability for horseshoe crabs and red knots. Furthermore, recent studies by Virginia Polytechnic Institute and State University show that red knots that stopover in Virginia during migration do not use horseshoe crabs as their main food source, but rather forage on abundant mollusks (Cohen et al. 2014). This same information is referenced by the GMP stating the “The diet of red knots in Virginia includes coquina clams (*Donax variabilis*) and blue mussels (*Mytilus edulis*; Truitt et al. 2001), as was also the case historically (MacKay 1893), and lacks the horseshoe crab (*Limulus polyphemus*) eggs that are a staple in the Delaware Bay.”

#### **State Owned Submerged Lands, Tidal Wetlands, Beaches, and Sand Dunes:**

The Commission, pursuant to Chapter 12 of Title 28.2 of the Code of Virginia, has jurisdiction over any encroachments in, on, or over the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth. Accordingly, if any portion of any project proposed in the future will involve any encroachments channelward of mean low water, a permit may be required from our agency. Any jurisdictional impacts will be reviewed by VMRC during the Joint Permit Application process.

The Commission, through its Habitat Management Division, is also charged with the oversight of regulatory programs put into place to protect the Commonwealth’s tidal wetlands (Chapter 13 of Title 28.2 of the Code of Virginia) as well as beaches and coastal primary sand dunes (Chapter 14 of Title 28.2 of the Code of Virginia). These programs are part of Virginia’s Coastal Zone Management Program that are deemed necessary to preserve and protect Virginia’s natural resources and the marine habitats that support its saltwater fisheries. Jurisdictional impacts are reviewed during the Joint Permit Application process.

As you may know, Accomack County has adopted the Wetlands Zoning Ordinance. As such, any proposed use or development of tidal wetlands may require a permit from the Accomack County Wetlands Board. They did not, however, adopt the Coastal Primary Sand Dune and Beaches Ordinance. As such, the Commission serves as the default authority for any projects that may impact any primary dunes or beaches, which would affect Virginia’s Coastal Zone surrounding Assateague Island.

Ms. Deborah Darden  
April 22, 2016  
Page - 5 -

In conclusion, the Commonwealth of Virginia appreciates the efforts of the NPS to develop alternatives with the intention of conserving the natural resources of Virginia. The VMRC's preferred planning alternative related to the management of Virginia's marine fishery resources is the adoption of alternative 1, "no-action". As such, we strongly encourage the National Park Service (NPS) to adopt those elements of alternative 1 that preserve the status quo in the Commonwealth's management of horseshoe crabs, finfish, and shellfish aquaculture.

Sincerely,



John M.R. Bull  
Commissioner

cc: Molly Joseph Ward, Secretary of Natural Resources  
Matthew Hull, Assistant Attorney General  
Janine Howard, Department of Environmental Quality

**Literature Cited:**

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Cohen, J.B., Gerber, B., Karpanty, S.M., Freaser, J.D. and Truitt, B.R. 2011. Day and night foraging of red knots (*Calidris canutus*) on the New Jersey Atlantic Coast during spring stopover. *The Condor* 112: 655-662.

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*COMMONWEALTH of VIRGINIA*

*Marine Resources Commission*

*2600 Washington Avenue*

*Third Floor*

*Newport News, Virginia 23607*

Douglas W. Domenech  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

September 6, 2011

Ms. Trish Kicklighter  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Dear Ms. Kicklighter:

This letter is in response to the summer 2011 newsletter, detailing the proposed General Management Plan (GMP) for the Assateague Island National Seashore. GMP Management Alternatives three and four include prohibitions on horseshoe crab harvest and other commercial fishing restrictions. The Virginia Marine Resources Commission (VMRC) reviewed these alternatives at its August 23, 2011 meeting and asked that their opposition to them be noted.

The horseshoe crab fishery along the Atlantic coast is managed under the provisions of an interstate fishery management plan developed by the Atlantic States Marine Fisheries Commission (ASMFC). Coastal states must comply with that plan according to the Atlantic Coastal Fisheries Cooperative Management Act. The overall goal of the plan is to conserve and protect the horseshoe crab resource, to maintain sustainable levels of spawning stock biomass, and to ensure its continued role in the ecology of coastal ecosystems, while providing for its continued use over time. Virginia complies with the interstate plan through the implementation of annual harvest quotas, gear restrictions, trip limits, and area closures. Recent scientific evidence suggests that the interstate plan is successfully conserving and restoring the horseshoe crab population along the Atlantic.

We suggest that the prohibition on horseshoe crab harvest within the boundaries of the Assateague Island National Seashore is not supported by the science or necessary for the future sustainability of that resource. Neither the ASMFC, or its technical advisors, have suggested further harvest restrictions are necessary at this time.

A large portion of Virginia's horseshoe crab harvest is taken by about 35 hand harvesters from the shoreline within the park boundary. Loss of these harvesting sites will place a significant economic burden on these fishermen and will likely end the hand harvest fishery.

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 VtrDD Information and Emergency Hotline 1-800-541-4646 VtrDD

ATTACHMENT I

Further, closure of the park to horseshoe crabbing also will likely redirect harvests to other, offshore areas that could unintentionally impact the health of the crab population. As further explanation, the ASMFC management plan is designed, in part, to protect the Delaware Bay stock of horseshoe crabs because of its ecological value to migratory shorebirds that feed on horseshoe crab eggs along Delaware Bay beaches during migration to their Arctic breeding grounds. Movement of the current fishery from Tom's Cove to offshore areas increases the likelihood that Delaware Bay crabs will be harvested, in direct conflict with the goal of the management plan.

We trust that you will consider our comments in the further development of the Draft GMP and that the current horseshoe crab fishery may be incorporated into the long term vision for the Assateague Island National Seashore.

Thank you for the opportunity to comment. Please keep us informed of your progress.

Sincerely,



Steven G. Bowman



COMMISSIONERS  
MADISON J. BUNTING, JR., PRESIDENT  
MERRILL W. LOCKFAW, JR., VICE PRESIDENT  
ANTHONY W. BERTINO, JR.  
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OFFICE OF THE  
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA  
CHIEF ADMINISTRATIVE OFFICER  
MAUREEN F.L. HOWARTH  
COUNTY ATTORNEY

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

April 28, 2016

Ms. Deborah A. Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

ATTN: Assateague GMP Comments

RE: Draft General Management Plan/Environmental Impact Statement (GMP/EIS)  
Federal Register Notice #2016-02109

Dear Superintendent Darden:

The County Commissioners of Worcester County, Maryland (Worcester County) support the National Parks Service (NPS) in their efforts to adopt a new General Management Plan (GMP) for the Assateague Island National Seashore. As the gateway community for the northern end of Assateague Island, we take seriously our duty to maintain and improve the County's rural and coastal character while protecting our natural resources and ecological functions. We recognize that protection of our natural resources is critical to the quality of life and economy of Worcester County. These are the primary goals of our *Comprehensive Plan*, which also recognizes the importance of Assateague Island to the local tourism industry. Worcester County is optimistic that Alternative #3, if selected and modified by the NPS, will continue to enable us to achieve these goals in the future.

This letter shall serve to provide our comments relative to the Assateague Island National Seashore GMP/EIS as a whole, and to address our concerns and proposed modifications to your preferred Alternative #3. Subject to the following comments and modifications, Worcester County is pleased to offer our support for Alternative #3 as modified.

1. **Management Zone for the North End Restoration Project** - The Natural Resource Zone designation for the North End Restoration project should permit and encourage the restoration tasks to continue. Sand nourishment at the north end of Assateague Island helps to maintain a healthy beach and dune system, provide materials to fill areas that may be subject to breaching, and support the supply of sand material for the active recreational beach areas on this section of the island. We request that either by amendment, overlay, or designation, the tasks needed to continue this important sand nourishment project be specifically referenced as permitted actions within the Natural Resource Zone.

2. **Land Acquisition (2.6.8)** - We urge you to consider Worcester County as a local government partner and as a cooperating agency with regard to any discussions on land acquisitions to expand NPS properties in the general vicinity of the Maryland Headquarters. If NPS wishes to collaborate with the Maryland Department of Natural Resources (DNR) for points of departure on the mainland for mid-island access, we would appreciate if they would also include the County in these discussions. We have worked to preserve a scenic gateway to Assateague and have accordingly managed density and zoning along the corridor to avoid any negative impacts. The County *Comprehensive Plan* mentions the southern Rt 611 corridor's value as a gateway to the park and states that the southern half "should not be further developed other than its West Ocean City (northern) portion." We suggest that the NPS recognize that options for both the potential relocation of facilities off the island and the establishment of additional water-based departure points are extremely limited in the southern Rt 611 corridor.

As a secondary point concerning land acquisitions, the GMP mentions support for mainland protection strategies and expanded land conservation in the local watersheds. We suggest that the NPS note that there is a highly successful Coastal Bays Rural Legacy Area in place in the Coastal Bays watershed that has a considerable portfolio of protected lands under easement.

3. **The North End Restoration Project (1.9.5)** - This is a very important project for the local area and we request recognition and support for continued restoration activities on the north end of Assateague Island in perpetuity. If anything, additional activities to support restoration are in order rather than any future reduction or cessation of these operations. We understand that the North End Restoration project is a six-mile area south of the inlet where dredged sand is placed near shore to mimic the north-south flow of sand disrupted by the inlet jetties. It is a project funded through 2028 between NPS and the US Army Corps of Engineers (COE). Specifically, we request that:
  - A. The NPS consider an overlay or other alteration of the management zone maps (especially Figure 2.3) which currently shows the area of the North End Restoration project as a "Natural Resource Zone" area. We request recognition in the GMP that this area will be subject to other actions with a more aggressive inlet shoaling management plan, and that such actions should be specifically referenced in the approved activities for this zone.
  - B. We request that the future budget for sand replenishment reflect continued funding beyond 2028. We further suggest that Table 2.7 be amended to include a working group that includes the Corps and local partners to review the future of sand replenishment activities and actions.
  - C. We request that that actions necessary to continue and expand the North End Restoration Project should be included in Table 2.7.

In support of the above referenced requests, we wish to make the NPS aware of the long-term planning and dredging efforts for the shoaling in the Ocean City Inlet (between the Town of Ocean City and Assateague Island) and the additional materials that may be generated if funding for more aggressive dredging actions are secured. This would provide additional materials for placement on the north end of Assateague Island, where overwash and breaching pose significant concerns for developed properties on the mainland adjacent to this area. These developed properties include housing developments on the northern portion of the Rt 611 corridor and the Ocean City Municipal Airport, among other significant investments on the mainland.

4. **Alternative Transportation Strategies for Access from MD 611** - The County opposes redesigning the entrance to the park and establishing a fee/toll station for the Verrazano Bridge. The GMP recognizes that a joint entrance station could not be operated without amendments to the State legislation that authorized the bridge and which prohibits tolls. We respectfully request that the NPS abandon any planning or programming measures for such a facility.
5. **Wilderness Designations (2-52)** - The County opposes the creation and/or expansion of any wilderness area designations on Assateague which we understand provides the highest level of conservation protection for federal lands and often restricts public use and enjoyment of these public lands. While we support managed use of the parklands to preserve and protect the natural environment, we believe that public access should not be prohibited in any areas of the park. If it is determined that wilderness designations must be considered, we urge that you complete an updated wilderness study, as mentioned in the GMP, to assess the true eligibility of the proposed portions of the island that do not have the wilderness designation. We have been notified of concerns from local recreational fisherman and off road pass visitors that the proposed movement westward of the eastern boundary of the wilderness area should be designed in such a fashion as to preserve these oversand vehicle (OSV) access areas. We agree with these comments and request that Table 2.7 be amended to ensure preservation of these OSV access areas with respect to any proposed wilderness area designation.
6. **Floodplain Updates (3-19)** - We suggest that NPS review the plan to account for any updates recently adopted by the Federal Emergency Management Agency (FEMA) last year. The management of the dune system provides protection to the mainland from coastal storms and storm surges. We are specifically concerned that if the dune management strategy was to be diminished, such actions would have a significantly negative impact on the ratings for our potentially vulnerable mainland areas adjacent to the northern part of the island.
7. **Breach Management Plan (2-21)** - A Breach Management Plan is referenced in the GMP, but specifics are lacking. We request that this section of the GMP recognize that the cumulative effects since the formation of the Ocean City Inlet, coupled with the impact from inlet jetties and other human operations, have altered the barrier beach and sediment transport processes. These impacts should be recognized for what they are and what they will continue to be in the future. The northern portion of Assateague Island currently serves to protect life and property on the coast and the mainland. We therefore request that the Breach Management Plan take into consideration the physical and ecological properties of the shoreline and strive to protect and preserve human welfare and developed properties on the mainland. We therefore request that the NPS makes such an accommodation to allow artificial closure of these breaches within the natural resource zone of the northern island and/or provides an overlay of this district to allow and encourage special activities within this natural resources zone to protect residents and properties on the mainland.
8. **Recreational Impacts and Sustainable Recreation** - Worcester County supports and promotes the State of Maryland's overall goals for recreation, parks, and open space preservation. Included as one of those goals is "Making a variety of quality recreational environments and opportunities readily accessible to all of its citizens." The comments below reflect our desire to strike the best balance between the protection of the natural resources and the enjoyment of the recreational opportunities of the island.

We are adamantly opposed to the proposed implementation of a docking/entrance fee and associated facilities on the bayside of the island, specifically along the northern end of Assateague, as referenced on page 2-50 and 2-56. The NPS must recognize that considerable water access is already conducted by boating visitors to the area and perhaps a different management approach would better address the strategies for that portion of the park.

The County supports an active defense of visitor areas in the park. Artificial dune fortification, habitat manipulation, and beach nourishment are tools to use to protect the developed visitor areas from the effects of natural coastal processes. We do recognize there may be temporary restrictions to the vehicular access portions if damaged by storms, but would urge the NPS to make necessary repairs as necessary. We believe that active management and preservation of the visitor assets on Assateague should be included as a necessary part of the GMP.

Our *Land Preservation, Parks and Recreation Plan* notes that Assateague National Seashore is part of Maryland's Greenways and Water Trails Program. This *Plan* references a trails system for the Berlin to Assateague corridor. We request that the NPS recognize ongoing planning efforts underway to make that network a reality and include a reference in the GMP to assist us in providing any linkages necessary to connect with these trail systems on the mainland.

Thank you for your presentation of the Assateague GMP/EIS to the Worcester County Commissioners on April 19, 2016. We appreciate the opportunity to comment on this important plan for the future of this most wonderful asset.

If you should have any questions, please feel free to contact either me or Harold Higgins at (410) 632-1194.

Sincerely,



Madison J. Bunting  
President

BM/ks

cc: Congressman Andy Harris (MD-1)  
Senator James N. Mathias, Jr.  
Delegate Mary Beth Carozza  
Delegate Charles J. Otto  
Robert Mitchell, Environmental Programs Director  
Lisa Challenger, Tourism Director  
Paige Hurley, Recreation and Parks Director  
Ed Tudor, Development Review and Permitting Director

May 25, 2016

Deborah A. Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Re: Response Letter to the National Park Service General Management Plan and Environmental Assessment for the Assateague Island National Seashore

Dear Ms. Darden:

I am opposed to the NPS setting any type of controls on harvesting and aquaculture activities that occur within the water column you claim ownership of. What a shame it is that the Government has- or thinks it has, the right to just take from the public. Oyster and Clamming have been done in Toms Cove for well over 150 years.

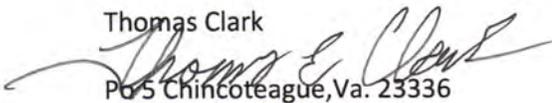
I am in favor in keeping the hook open to the public as long as possible. Hiking, 4 wheel and to horseback riders. If it should become non accessible by land; then by boat. Would not it be nice to have a place to land a boat and be able to walk on the beach?

Watch-houses and duck blinds should be allowed as long as they are off the park. Anything past the low water mark is ok. Control past low water is a over step and something the court should decide.

I believe the NPS should only have Legal Control in front of their area in which they control- to the low water mark.

For any reason if the Government in not able to open the park- gov shutdown, strike or for any reason then the State of Virginia should have the right to allow public access to their land. It is the people whom own this land and was set aside for their enjoyment and pleasure.

Thomas Clark



P.O. 5 Chincoteague, Va. 23336

H-21

Forwarded to HQ  
05-02-2016  
1:50 PM  
J. Walsh



rcvd 5/4/16  
copy

~~TOWN OF CHINCOTEAGUE, INC~~

CAPTAIN  
BARRY

April 30, 2016

Deborah A Darden  
Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Response Letter to the National Park Service General Management Plan and Environmental Assessment for the Assateague Island National Seashore

Dear Ms. Darden:

CAPTAIN BARRY FRISHMAN

On behalf of the ~~Town of Chincoteague~~ I am presenting a brief list of comments and concerns regarding the General Management Plan (GMP) Alternative Concepts, for the Assateague Island National Seashore.

After a 5-year wait, we learned about four alternatives as detailed in the plan. Some of the alternatives' planning processes are frustrating because there are very good ideas mixed with very bad ideas (from our perspective as the gateway community for the southern end of Assateague Island). The following list is provided to clearly identify those elements of the draft GMP that we hope the NPS will work on in more detail, with the Town of Chincoteague representatives.

**Wilderness Area**

The wilderness area in your preferred alternative makes clear and corrective steps to continue OSV within five hundred feet of the water line on the ocean side and takes such territory out of the plan over the water, which we commend. Although we think that the land base is too small, and the proposed wilderness area should not be considered in any portion of Assateague Island National Seashore.

**Oyster Watch Houses and Duck Blinds**

In the executive summary, and alternative of the GMP it states "continue to take no action related to privately owned structures (oyster watch houses and duck blinds) associated with submerged land leases." However, in the other three alternatives (including the preferred

~~6150 CONSTITUTION DRIVE, CHINCOTEAGUE ISLAND, VIRGINIA 22336  
(757) 356-6519 FAX (757) 356-1965~~

H-29  
105

alternative in the GMP) it states “to initiate an assessment of privately owned structures (e.g. oyster watch houses and duck blinds) located within Virginia’s seashore and work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses).” The town’s understanding is the Virginia health department takes adequate samples per year of the waters around Chincoteague, to determine if it has contaminated discharge of nutrients, pathogens, etc. resulting from wastewater discharge. Wastewater treatment and disposal is and has been a function of the Commonwealth of Virginia, nothing in the Seashore Act gives joint or sole authority to the NPS.

Also, the GMP states “Working with Virginia, NPS would assess the legal status of privately owned structures (oyster watch houses and hunting blinds) located within the seashore’s Virginia waters, and pursue removal of those found to be unauthorized.” The town is taking a very strong position on the historical and cultural decisions set on oyster watch houses and duck blinds. Almost all oyster watch houses and duck blinds have been handed down from generation to generation, to those family members that live on Chincoteague Island. All of which precede the state code of 1975 allowing oyster watch houses, most of which also preceded the Seashore Act of 1965 without requiring any kind of permits. Also, since annexation of the town’s corporate limits in 1989, to the low water mark of Assateague Island, the town currently allows oyster watch houses and hunting blinds within our town limits. Duck blinds and hunting are controlled by the Commonwealth of Virginia, they issue the License to hunt and enforce Virginia’s laws as such. Hunting and duck blinds preceded the Seashore Act of 1965 and before the creation of the National Wildlife Refuge.

The town insists the GMP preferred alternative language be changed throughout the GMP to match that which is stated in the executive summary and alternative one, where no action will be taken relative to oyster watch houses and duck blinds.

### **Aquaculture**

The executive summary and alternative one of the GMP states leasing of submerged lands by the Commonwealth of Virginia, within the seashore boundary, for commercial aquaculture, would continue. The other three alternatives, including the preferred alternative, states “in recognition of this long history of use, NPS would 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.”

The town’s position and as stated in Public Law 89-195, Sec 5, “That nothing in this Act shall limit or interfere with the authority of the State to permit or to regulate shell fishing in any waters included in the National Seashore.” This is the same public law that sets up the boundaries of the national seashore on Assateague Island. 36 CFR 2.60(3)b would obstruct Virginia’s authority in this matter.

The town insists the GMP preferred alternative language be changed throughout the GMP to match the executive summary and alternative one, where it states “leasing of submerged lands by the Commonwealth of Virginia within the seashore boundary for commercial aquaculture would continue.”

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### Horseshoe Crabs Harvest

In the executive summary and alternative one of the GMP it states the harvest of horseshoe crabs would continue to occur within the seashore. In the other three alternatives including the preferred alternative, it states the "NPS would prohibit the harvest of horseshoe crabs."

The town objects to any reference of denying horseshoe crab harvesting in the GMP, which is a historical and cultural way of life on Chincoteague. This harvesting has been handed down from generation to generation in Chincoteague Island families and would be a disaster to see a family's way of life discontinued. Horseshoe harvesting is controlled by the Commonwealth of Virginia, they issue permits, and set the quotas each year, nothing in the Seashore Act of 1965 gave that away.

The town insists the GMP preferred alternative language be changed throughout the GMP to match language in the executive summary and alternative one, where it states the "harvest of horseshoe crabs would continue to occur within the seashore."

### Finfishing

We applaud your decision allowing commercial finfishing in Virginia and omitting all language that would prohibited such activity. The commercial fishing has been a historical cultural way of life for folks living in Chincoteague for centuries and we would like to see this activity be passed down through families for another century. Oyster Watch Houses, Duck Blinds, Aquaculture and Horseshoe harvesting should all be treated the same as finfishing, they all have the same historical and cultural values to our community, and all were a part of our way of life in the past and future. The Seashore Act of 1965 did not give up any of the Commonwealth rights to allow and control these activities, but actually promoted them.

Thank you for the opportunity to provide comments on the draft general management plan. Our main concerns and support are based on cultural and historical preservation of the working watermen, which for these men, is their families only income. A waterman's skills and livelihood are well documented throughout Chincoteague's history. The Town of Chincoteague will continue to rely on NPS staff to support public recreational beach use, OSV use and shoreline management in Virginia through the interagency agreement with the FWS.

If you need additional information, please feel free to contact the Town Manager at 757-336-6519.

Sincerely,

**CAPTAIN BARRY**

*John H. Parr*  
**FRISHMAN**

~~John H. Parr~~  
Mayor

~~cc: Elected Representatives~~

Please see attached questions.

*"One-fifth of all the people in our Nation live within an easy day's drive of Assateague. And now as the result of your labors--you, the farsighted Members of Congress--these wide sandy beaches will be the people's to enjoy forever."*

*"What the Good Lord once gave in greatest abundance have now become rare and very precious possessions. Clear water, warm sandy beaches are a nation's treasure."*

*"For the rest of this century, the shoreline within reach of the major cities of this country just must be preserved and must be maintained primarily for the recreation of our people."*

Lyndon B. Johnson: "Remarks at the Signing of a Bill Establishing the Assateague Island Seashore National Park". September 21, 1965

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3 of 5

# QUESTIONS

Page i, 1-8 with ownership to mean high water in Maryland and mean low water in Virginia

1. What Virginia law gave the right to mean low water?

Page xv 961 automobile parking spaces

2. A standard parking space will not work for campers, boats etc. Will there be any type of overflow parking considered? Even if further back from the beach?
3. Beach Restoration in the form of sand fence and dredging around the jetty is still continuing on the North end. Will there be a chance that these activities will be extended to the Southern end of Assateague Island?

H-29  
4 of 5

**Carol Smith**  
**8522 Thistlewood**  
**Darien, IL 60561**

Dear Deborah,

I am a part time resident on Chincoteague for 20+ years.

However the plan evolves, please be sure to have no time period during summer tourist season when beach access is prohibited. We cannot risk families planning vacation around beach activities only to find "CLOSED" signs. A day or two may not sound like a lot for planners, but it is a bad experience for beach goers.

The topic of horseshoe crab harvesting needs to be revisited. To watermen the technical classification of this species as arachnid is meaningless and has no value to people making a living from the ocean. Please consider restoring watermen full ability to harvest this species.

About ponies, I am not sure if you have input into herd size and management, but the south of Beach Road group has less and less forage, so consider phasing the number down and transfer to north herd location.

Wanda J. Thornton  
Post Office Box 8  
Chincoteague, VA 23336

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Deborah Darden Superintendent  
Assateague Island National Seashore  
7206 National Seashore Drive  
Berlin, MD. 21811

**RE: General Management Plan Comments for Assateague National Seashore**

Dear Ms. Darden:

I am writing to offer my comments on the GMP Plan for Assateague Island National Seashore.

First I would like to state that the document is hard to read and understand because you keep referring back and forth between alternatives.

I fully support the comments that was submitted by the Town of Chincoteague and the County of Accomack.

**Aquaculture**

*This has been a traditional and historical way for local residents to earn their living for many years. The State of Virginia under the supervision of VMRC has been in charge of all the bottom lands in Virginia long before Assateague National Seashore was established. It should continue without any interference or restrictions, including you claim of the water column.*

**Duck Blinds and Oyster Watch Houses**

This has also been a traditional and historical way for local residents to earn a living prior to the Seashore Act and should continue. The State of Virginia controls the issuance of hunting license and the Fish and Wildlife uses all monies from the sale of Duck Stamps to purchase land for Conservation.

Wilderness area or Marine Sanctuary

I oppose any expansion of a Wilderness area or any attempt to establish a Marine Sanctuary in Chincoteague Bay, in Virginia. None of these regulations should be implemented without the consent of the local governing bodies and the State of Virginia.

The restoration project that was agreed upon between the Park Service and the U.S Army Corps of Engineers to replenish Assateague National Seashore in Maryland for 25 years needs to be studied to establish whether the changes that are occurring in the Southern portion of Assateague is being severely altered by this action. The cost of 2 million dollars per year for 25 years is not realistic when you are letting the southern portion of Assateague wash away wash away. This demolition by neglect is putting the health safety and welfare of the residents of Chincoteague in severe jeopardy. One severe storm could devastate the southern end of Chincoteague Island causing severe property destruction and loss of life.

Thank you for the opportunity to offer my comments.



Wanda Thornton

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 52

### Author Information

Keep Private: No  
Name: Ashley Mann  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address: PO box 1402  
Midlothian , VA 23113  
USA  
E-mail: AshleyMann@verizon.net

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-52  
Date Sent: 04/07/2016 Date Received: 04/07/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

hello,

I am against this plan as written as it does not preserve the history, environment, livelihood and open usage of Assateague island. I visited the area last week and was blown away by the nature, access and history thriving in Assateague. The oyster homes and duck blinds are amazing structures rich with history and natural purpose and still serve us up today. The water surrounding the island, the island land and sky were so filled with gently visited nature and wildlife, it was such a joy to explore the water ways and land and be so close to such natural, pristine public areas. These parks are a true treasure to the area, residents and visitors alike. Please consider this and rework the plan to protect the area. Thank you

**PEPC Project ID: 26140, DocumentID: 70269**  
**Correspondence: 57**

**Author Information**

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Lincolnton , NC 28092  
USA  
E-mail:

**Correspondence Information**

Status: Reviewed Park Correspondence Log: P-57  
Date Sent: 04/07/2016 Date Received: 04/07/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

Please do not make changes to the Assateague Island and Chincoteague Island area that do not protect the area. Assateague barrier island needs to be preserved, do that it can protect Chincoteague Island from the ocean. The duck blinds and hunting shacks all add to the wonderful appearance of the area, along with preserving the history of the area. Please don't do anything that doesn't help preserve the area.

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 59

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Falls Church, VA 22044  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-59  
Date Sent: 04/07/2016 Date Received: 04/07/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I've visited Chincoteague and Assateague only a handful of times, but from the second I arrived for the first time I fell in love. The National Park Service was created to conserve the area, the wildlife, the history and the future of the land and in completing your plan that you have laid out for the future of Assateague, and in turn Chincoteague, you do not uphold what you were create to do.

Removing historic oyster houses and duck blinds would remove the history of the islands; I've taken many tours when I have visited and the people who run the tours and live year round there can tell us exactly who has run those oyster houses and for how long. Removing access to certain areas and activities would hinder the way of life in Chincoteague; everything there relies on the peak seasons when people come to visit the ponies. Limiting what can be done and where it can be done puts such a strain on the life of everyone who lives and visits there.

Please protect the areas, the wildlife and the history of Assateague to ensure that there is a future for generations after me can enjoy it just as much as I have. Save Assateague to Save Chincoteague!

**PEPC Project ID: 26140, DocumentID: 70269**  
**Correspondence: 62**

**Author Information**

Keep Private: No  
Name: Mark N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Accomack, VA "23303  
USA  
E-mail:

**Correspondence Information**

Status: Reviewed Park Correspondence Log: P-62  
Date Sent: 04/07/2016 Date Received: 04/07/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

The oyster watch house have been passed down for generations they are part of the area history, the oysters planted help purified the water the watch houses pose no threat to the environment,

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 83

### Author Information

Keep Private: No  
Name: Jan N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Newark, DE 19713  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-83  
Date Sent: 04/08/2016 Date Received: 04/08/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I am very concerned about the proposed limits being outlined in this plan. I although my home is in Delaware I have a vacation home on the mainland off the islands. My family has vacationed there for over 20 years. It truly is one of the most beautiful places you would find. Rich with history, culture, resources, a step back in time, and a tranquility that i find in few other places. The Eastern Shore area is unique and its people are strong and proud.

The proposed limits of waterways is to deny the watermen their livelihood the heritage and legacy they pass from generation to generation. The removal of historical oyster houses, generationally owned duck blinds, and other historical building on Assateague which many have devoted time and resources to preserve as they show the history, culture and beauty of this unique area is quite frankly unacceptable.

Many families, generations whoses forefathers pioneered and weathered the natural elements of a time long ago where survival would have been a hard road, but no the less they endured and preserved, have loved ones buried in the historical cemetery on Assateague, they have a right to be able to continue to honor them. Assateague was a community, it's village well documented and some of the old structures still on Chincoteague after rolling them over the waters, although the horses and the mAny species of birds are the only who call it there homes, it was home to many ancestors of those still called this area home.

The community of Chincoteague has always valued Assateague. All respect its value, implementing policies to to insure the preservation and survival of Assateague. It's natural beauty is always important and will remain important.

Assateague Island VA is the home of the ponies, permitted to graze there, but supported, cared for without compromising their "wld" existence. There are important to the community, vital to the tourist industry which supports the island.

THE EXISTANCE OF ASSATEAGUE IS DIRECTLY RELATED TO THE SUVIVORAL OF CHINCOTEAGUE

There are valid reports that clearly show that global climate effects and previous studies of this have been substantially flawed. This is a driving factor sited to comply these changes and limits.

Every water based community, island or mainland, accepts the WILL OF THE SEA as a factor that must be accepted and there is little we can do to change the LAWS OF NATURE. As the long timers in this area so vividly remember and know the sea gives and the sea takes, topography of affected by the ebb and flow.

To make such devastating and dramatic changes in this area without the concerns of those impacted and without INPUT AND THE VALUE OF THEIR THOUGHTS, IDEAS AND CONCERNS is not right

Stop these proposal now, involve those who live there, work there and love there. I respect the work you do but do not feel all the necessary consideration and plans have been considered....I for one am unwilling to stand back and allow this to just happen!

**PEPC Project ID: 26140, DocumentID: 70269**  
**Correspondence: 96**

**Author Information**

Keep Private: No  
Name: A Scully  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Chincoteague Island , VA 23336  
USA  
E-mail:

**Correspondence Information**

Status: Reviewed Park Correspondence Log: P-96  
Date Sent: 04/09/2016 Date Received: 04/09/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

What about preserving the southern end of Assateague to keep it as a barrier island to protect Chincoteague Island?? Why are you limiting access to water around Assateague, removing duck blinds and taking down historic houses? How does this do anything to preserve/improve the park?? As the old adage states, "If it isn't broke, don't fix it!" People flock to our park because of the easy access to the beautiful beach - why not invest in saving what has worked for decades???

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 101

### Author Information

Keep Private: No  
Name: Kyle Krabill  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address: 415 Silva rd  
stockton, MD 21864  
USA  
E-mail: kylekrabill@gmail.com

### Correspondence Information

Status: Reviewed Park Correspondence Log: 101  
Date Sent: 04/12/2016 Date Received: 04/12/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Dear NPS,

I wish to voice my opinion on the changes proposed to Assateague. While it is good faith to update the 34 year old plan to include sea level rise I worry that options 2 3 and

4 may go too far with government control. First options 2, 3 and 4 will each cost much more to implement than maintaining the current plan. In these options I see a few

standout points with which I do not agree.

Reduction of camping / rv's - Assateague camping has long been a past time. We should not reduce camping opportunities for our future generations.

"Most hunting, fishing, and recreational shellfishing would continue in accordance with state and federal laws" - the term "most" is quite a blanket and should be defined.

It seems option 2,3 and 4 want to push the public toward using shuttles in the future to access the seashore, I am sure we all prefer not to use a shuttle.

All the oyster watch houses will have to follow modern sewage rules. These houses of history to which there are only a few left do not impact the environment enough to

warrant these forced laws. Some have been standing for upward of 80 years they do not pose a threat to the seashore. I feel that the NPS wants them all removed without concern

for the history of these houses. I do not see any talked about in the cultural resource management section though many of them are the source of great history stories.

Lastly banning horseshoe crab harvest will directly put people out of a job. Horseshoe crabs are quite protected in many other coastal areas and the permit holder who fishes

for these locally has built a livelihood doing so. The public will not see any benefit to stopping a horseshoe crab harvest in the area.

Thank you for hearing my comments, I would voice my option on choosing option 1 for the new plan.

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 102

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Greenbackville, VA 23356  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: 102  
Date Sent: 04/12/2016 Date Received: 04/12/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Dear NPS,

I wish to voice my opinion on the changes proposed to Assateague. While it is good faith to update the 34 year old plan to include sea level rise I worry that options 2, 3 and 4 may go too far with government control. First options 2, 3 and 4 will each cost much more to implement than maintaining the current plan. In these options I see a few standout points with which I do not agree.

Reduction of camping / rv's - Assateague camping has long been a past time. We should not reduce camping opportunities for our future generations.

"Most hunting, fishing, and recreational shellfishing would continue in accordance with state and federal laws" - the term "most" is quite a blanket and should be defined.

It seems option 2,3 and 4 want to push the public toward using shuttles in the future to access the seashore, I am sure we all prefer not to use a shuttle.

All the oyster watch houses will have to follow modern sewage rules. These houses of history to which there are only a few left do not impact the environment enough to

warrant these forced laws. Some have been standing for upward of 80 years they do not pose a threat to the seashore. I feel that the NPS wants them all removed without concern for the history of these houses. I do not see any talked about in the cultural resource management section though many of them are the source of great history stories.

Lastly banning horseshoe crab harvest will directly put people out of a job. Horseshoe crabs are quite protected in many other coastal areas and the permit holder who fishes for these locally has built a livelihood doing so. The public will not see any benefit to stopping a horseshoe crab harvest in the area.

Thank you for hearing my comments, I would like to voice my opinion on choosing option 1 for the new plan.

Plan 1 ensures people still have a fighting chance at the life styles we have been living. With better education and public involvement I know we can eventually come up with a plan that does not involve a gov't take over of our beaches, as well as cutting jobs and costing so much money. PLEASE hear me loud and clear when I say for SO many reasons we MUST CHOOSE OPTION 1!!

Thanks again.

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 103

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
WARFORDSBURG, PA 17267  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-103  
Date Sent: 04/12/2016 Date Received: 04/12/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Dear NPS,

I wish to voice my opinion on the changes proposed to Assateague. While it is good faith to update the 34 year old plan to include sea level rise I worry that options 2, 3 and 4 may go too far with government control. First options 2, 3 and 4 will each cost much more to implement than maintaining the current plan. In these options I see a few standout points with which I do not agree.

Reduction of camping / rv's - Assateague camping has long been a past time. We should not reduce camping opportunities for our future generations.

"Most hunting, fishing, and recreational shellfishing would continue in accordance with state and federal laws" - the term "most" is quite a blanket and should be defined.

It seems option 2,3 and 4 want to push the public toward using shuttles in the future to access the seashore, I am sure we all prefer not to use a shuttle.

All the oyster watch houses will have to follow modern sewage rules. These houses of history to which there are only a few left do not impact the environment enough to

warrant these forced laws. Some have been standing for upward of 80 years they do not pose a threat to the seashore. I feel that the NPS wants them all removed without concern for the history of these houses. I do not see any talked about in the cultural resource management section though many of them are the source of great history stories.

Lastly banning horseshoe crab harvest will directly put people out of a job. Horseshoe crabs are quite protected in many other coastal areas and the permit holder who fishes for these locally has built a livelihood doing so. The public will not see any benefit to stopping a horseshoe crab harvest in the area.

Thank you for hearing my comments, I would like to voice my opinion on choosing option 1 for the new plan.

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 105

### Author Information

Keep Private: No  
Name: Charles R. Yaukey  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Chambersburg, PA 17202  
USA  
E-mail: cyaukey@embarqmail.com

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-105  
Date Sent: 04/13/2016 Date Received: 04/13/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

Dear NPS,

I wish to voice my opinion on the changes proposed to Assateague.

While it is good faith to update the 34 year old plan to include sea level rise I worry that options 2, 3 and 4 may go too far with government control. First options 2, 3 and 4 will each cost much more to implement than maintaining the current plan. In these options I see a few standout points with which I do not agree.

Reduction of camping / rv's - Assateague camping has long been a past time. We should not reduce camping opportunities for our future generations.

"Most hunting, fishing, and recreational shellfishing would continue in accordance with state and federal laws" - the term "most" is a blanket statement and should be more clearly defined.

I feel the taxpayer's money is not being spent in a productive manner with options 2,3 and 4. Nearly one billion dollars has already been spent on the Piping Plover study. A bird that is already known to not propagate their best in a seaside environment but instead prefer the salt marsh or bayside environments. While one billion dollars is being spent on a study, the protected predator population is allowed to decimate the nesting birds at will. In my opinion, continued poor management of the wildlife on Assateague Island is more detrimental than a population of people trying to utilize the beachfront in a civilized manner for recreational activities. The one billion dollars could have and should have been spent more wisely.

It seems option 2,3 and 4 want to push the public toward using shuttles in the future to access the seashore, I am sure we all prefer not to use a shuttle. Again, shuttles are more taxpayer money being wasted. Forgive me, but I am not reading the entire document. Has anyone considered the upkeep and replacement costs on these shuttles?

All the oyster watch houses will have to follow modern sewage rules. These houses of history to which there are only a few left do not impact the environment enough to warrant these forced laws. Some have been standing for upward of 80 years they do not pose a threat to the seashore. I feel that the NPS wants them all removed without concern for the history of these houses. I do not see any talked about in the cultural resource management section though many of them are the source of great history stories.

Lastly banning horseshoe crab harvest will directly put people out of a job. Horseshoe crabs are quite protected in many other coastal areas and the permit holder who fishes for these locally has built a livelihood doing so. The public will not see any benefit to stopping a horseshoe crab harvest in the area. Once again, this will only continue the poor wildlife management.

Thank you for hearing my comments, I would like to voice my opinion on choosing option 1 for the new plan.

Charles R. Yaukey & Family

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 109

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Chincoteague , VA 23336  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-109  
Date Sent: 04/14/2016 Date Received: 04/14/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

I am opposed to moving the beach to the northern end of Assateague. It is important to the community of Chincoteague that the current area be built up with dune and vegetation. In the future it is going to be important for Chincoteague to have protection from the ocean. Also, I am opposed to the plan that will cause the watermen's livelihood to be in danger through Tom's cove. It sounds to me like it is a pick and choose what we protect on Assateague. If the pine trees have beetles, they are all cut down to save trees that do not have beetle and to stop the spread of the beetles. The beetles are nature taking it course, but are trying to stopped. Another example, if a Piping Clover is nesting the area is marked off to protect the bird. I understand they are endanger and happy to help protect them, but again, nature is not allowed to take its course. Hunters are allowed a period of time to help controlthe deer population, something else that is not allowing nature to take it course. So , why are we not helping to protect the beach and build it back up with sand dunes and dune grass to help with erosion. I am afraid if we let "nature takes it course" that in the future Chincoteague is going to be faced with oceanfront. It is important now that we start protecting the islands. As a resident of Chincoteague we are already experiencing effects during storms. Please stop and reconsider building up the dunes and helping protect the people of the island.

Also, only 30 letters received. What about all of the years past we have wrote letters, comments, and contacted of VA representatives to help with this issue! I am sure there are more than 30 when looking back on all of the years this upsetting process has taken!

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 160

### Author Information

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Chincoteague, VA 23336  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-160  
Date Sent: 04/29/2016 Date Received: 04/29/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

ASSATEAGUE ISLAND NATIONAL SEASHORE PROPOSED MANAGEMENT PLAN BY THE NATIONAL PARK SERVICE COMMENTS

I believe:

Virginia Assateague Island management plan needs to be separate from the Maryland Assateague Island management plan. The plan in reality is a binding contract between the federal government and the two different state citizens and two unique requirements.

I see no reason to destroy more natural "wild" grounds to move the beach from its existing site to one further north. It goes against why the National Parks Service (NPS) was created "to preserve grounds for future generations to have the use of and be able to see what the land would be like in the "wild"." NPS should maintain the existing beach and parking lots. The millions of dollars currently slated for establishing a new parking lot and beach should be used to put the dunes back on the existing beach and down the OVP section to the point. If NPS had maintained the dunes on the existing beaches and parking lots we would not be having this debate; the beach would not be in the shape it is today. NPS is responsible for caring for natural environments and wildlife. You can't justify the destruction of land/forest to establish a new beach and 1,000-space parking lot northward of the current recreational beach and stay within your mandate. The least damage to natural environment would be to maintain the current beach, create new dunes to help prevent beach erosion. Assateague Island protects Chincoteague Island during severe weather so the dunes should have been maintained years ago. NPS removed the snow fences, were suppose to replace them and never did (breach of contract?). The result is we have no dunes today; this is a good example why the government should not be making decisions. Furthermore, don't blame the pine tree beetle for the removal of the trees, which is currently taking place. If the beetle and the storm took down the trees the NPS should have only removed what was in the road or threaten to damage an existing structure to keep the "wild" in existence. The natural

cycle of the forest had been disrupted.

As for the existing duck blinds, watch-houses, horseshoe crab harvesting and aquaculture they should be left as they are today. If the NPS did their job these structures are all authorized or they would not be in existence today. So why spent countless hours paid for by taxpayers to try and decide if they are currently authorized or not is mute, what is in existence is authorized (NPS did their job, right?). Watermen have been harvesting horseshoe crabs in Tom's Cove for 56 years and have not depleted the supply. If you "phase out" harvesting you are just creating another problem for Assateague Island and will put the watermen out of business. The federal government might have book learning but does not have practical experience on horseshoe crab harvesting and should not make a decision to stop horseshoe crab harvesting. NPS says horseshoe crabs are considered "wildlife" and therefore, cannot be taken from a national park, if that is so how did the NPS justify shooting an EMU (again wildlife) that was on the Island; the national park boundaries are to the low tide mark of Assateague Island only and NPS jurisdiction ends there. Chincoteague has never relinquished their governance of everything between Assateague Island low tide mark and Chincoteague and won't stand for you trying to expand your jurisdiction.

The comments made at the open houses should to be considered formal comments. Why have open houses if the comments don't count? If the comments aren't considered they are a total waste of time and taxpayers dollars. They only give the illusion of the government wanting to hear what the public has to say and being able to say the government held them (but they don't count)-there is no honesty in that process.

Aquaculture is permitted because it has been determined that it falls under a ..."permit it as an historic scene exemption that allows us (US citizens) to have these kinds of activities in national parks if they are part of the historic scene". This is very generous of NPS to acknowledge, the horseshoe crab harvest is a "historic scene" in these waters as well.

Wanda Holman  
United States Citizen and Taxpayer

# PEPC Project ID: 26140, DocumentID: 70269

## Correspondence: 165

### Author Information

Keep Private: No  
Name: Lisa Traynor  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address:  
Chincoteague, VA 23336  
USA  
E-mail: lisa-traynor@hotmail.com

### Correspondence Information

Status: Reviewed Park Correspondence Log: P-165  
Date Sent: 04/30/2016 Date Received: 04/30/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

There is no reason the park and its facilities can't stay exactly where it is. A getty would be a more cost effective way to manage the beach, in addition to the reestablishment and maintenance of sand dunes. It would be detrimental to all those involved to move the beach and especially to have remote parking.

The watermen have used this area to hand harvest horseshoe crabs forever. The crabs are used for medical research. Hand harvesting them after they have spawned insures the continuation of the species.

Methods used that disturb the ecology of the area should be addressed.

I do not support the development of this plan as it stands. If there are changes to be made to Assateague Island, they need to be made with the guidance of those who actually live and use the island.

## Appendix F

# Other Agency Correspondence Received that Contains Non-Substantive Comments

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Letter Received from Beth Cole, Administrator, Project Review and Compliance, Maryland Department of Planning, Maryland Historical Trust (March 22, 2016).....	F-1
Letter Received from Bettina Sullivan, Manager, Environmental Impact Review and Long Range Priorities Program, Virginia Department of Environmental Quality (April 11, 2016) .....	F-2
Letter Received from Ethel R. Eaton, Senior Policy Analyst, Virginia Division of Resource Services and Review (March 17, 2016) .....	F-48
Letter Received Barbara Rudnick, NEPA Team Leader, Office of Environmental Programs, U.S. Environmental Protection Agency (May 1, 2016) .....	F-51
PEPC Comment Received from Ivy Wells, Director, Economic & Community Development, Town of Berlin (February 2, 2016) .....	F-53
PEPC Comment Received from Michael Luisi, Maryland Department of Natural Resources (April 29, 2016).....	F-54
Email Comment Received from Amy M. Ewing, Environmental Services Biologist/FWIS Biologist Supervisor, Virginia Game and Inland Fisheries (April 14, 2016) .....	F-55

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#37  
MAR 25 '16 AM 11:54Larry Hogan, Governor  
Boyd Rutherford, Lt. GovernorDavid R. Craig, Secretary  
Wendi W. Peters, Deputy SecretaryMaryland Department of Planning  
Maryland Historical Trust  
March 22, 2016Deborah Darden, Superintendent  
Assateague Island National Seashore  
National Park Service  
7206 National Seashore Lane  
Berlin, MD 21811Re: Draft General Management Plan (GMP) and  
Environmental Impact Statement  
Assateague Island National Seashore  
Worcester County, Maryland

Dear Superintendent Darden:

Thank you for your recent letter, dated February 12, 2016 and received by the Maryland Historical Trust (Trust) on February 17, 2016, regarding the above-referenced planning effort.

Your letter provided the Trust with a copy of the draft GMP/DEIS for Assateague Island National Seashore, for review and comment. Trust staff reviewed the document pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and the relevant provisions of the NPS Nationwide Programmatic Agreement (NPA), with regards to effects on historic and archeological properties. We appreciate the opportunity to participate in the park's planning efforts with regards to historic preservation issues in the Maryland section of the property.

The draft document presents detailed background information and discussion of the guiding principles, planning issues, resources, and alternatives NPS considered during the GMP planning and development process. Based on the information presented in the GMP, the Trust supports the NPS preferred alternative, Alternative Three – Sustainable Recreation and Climate Change Adaptation. Alternative Three presents a sound basis for addressing the various resource management, visitor experience, interpretation, administrative and maintenance issues within the dynamic seashore and barrier island environments. We are pleased that the plan includes completion of an island wide archeological –overview and assessment as a common action for all the alternatives. This would provide important information on the island's archeological heritage and help inform management decisions regarding the stewardship of archeological resources. We ask that NPS keep us informed regarding the archeological overview and assessment, so we may provide relevant input.

We look forward to working with NPS to complete the Section 106 review of individual undertakings located in Maryland, during the implementation of the preferred alternative, in accordance with the streamlined review process under the NPS NPA or standard review process under 36 CFR 800. If you have questions or need further assistance, please contact Troy Nowak, Assistant Underwater Archeologist at 410-514-7668 / [troy.nowak@maryland.gov](mailto:troy.nowak@maryland.gov) or me at 410-514-7631 / [beth.cole@maryland.gov](mailto:beth.cole@maryland.gov). Thank you for providing us this opportunity to comment.

Sincerely,

Beth Cole  
Administrator, Project Review and Compliance

EJC/TJN/201600617

cc: Bill Hulslander (NPS – Assateague)

100 Community Place - Crowpsville - Maryland - 21032

Te: 410.514.7600 - Toll Free: 1.800.756.0119 - TTY users: Maryland Relay - MHT.Maryland.gov

1-3



*COMMONWEALTH of VIRGINIA*

*DEPARTMENT OF ENVIRONMENTAL QUALITY*

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4020  
1-800-592-5482

April 11, 2016

Superintendent Deborah Darden  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Draft General Management Plan and Environmental Impact Statement:  
Assateague Island National Seashore (DEQ 16-026F)

Dear Ms. Darden:

The Commonwealth of Virginia has completed its review of the response to comments on the draft Environmental Impact Statement (EIS) for the above-referenced project. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response (see Federal Consistency Under the CZMA on page 3). This letter is in response to the January 2016 Draft EIS for the above referenced project. The following agencies participated in this review:

- Department of Environmental Quality
- Department of Agriculture and Consumer Services (VDACS)
- Department of Conservation and Recreation (DCR)
- Marine Resources Commission (VMRC)
- Department of Health (VDH)
- Department of Historic Resources (DHR)
- Department of Game and Inland Fisheries (DGIF)

The Department of Forestry, Virginia Institute of Marine Science, Town of Chincoteague, Accomack County and the Accomack-Northampton Planning District Commission also were invited to comment.

## PROJECT DESCRIPTION

The National Park Service (NPS), part of the U.S. Department of the Interior submitted a Draft General Management Plan (GMP) and Environmental Impact Statement (DEIS) for review and compliance with NEPA. The GMP is a policy-level document that defines the park's purpose and guides planning and management decisions into the future. The purpose of the Assateague Island National Seashore is to preserve the coastal resources of Assateague Island and to provide high quality recreational opportunities that are in-tune with the resources of the island. The seashore is a 37-mile barrier island following the eastern shores of Maryland and Virginia from the Ocean City inlet to Toms Cove Hook. It includes the 850-acre Assateague State Park in Maryland (owned by the Maryland Department of Natural Resources) and the Chincoteague National Wildlife Refuge in Virginia (managed by the U.S. Fish and Wildlife Service). Four planning management alternatives were considered with emphasis given to climate change and sea level rise, as two important factors that will influence the future of the seashore. The management alternatives are:

- Alternative 1: The “no action” alternative continues the current management strategy and implements projects that are presently funded or approved as is.
- Alternative 2: This alternative provides for concentrated traditional beach recreation within a high density developed area in Maryland, accessible by private vehicle. Artificial dune fortification and beach nourishment would occur in the developed area, while backcountry areas would be allowed to evolve naturally.
- Alternative 3 (Preferred Alternative): The NPS preferred alternative puts an emphasis on climate change adaption and over time, natural processes would become the dominant force shaping the island. Visitor infrastructure would evolve to include more sustainable designs and facilities would be sited in more stable locations. Some active management to sustain recreational uses would occur, including limited maintenance of the artificial dune system. Breach management protocols would balance the natural coastal processes that shape the island with consideration for human safety and infrastructure protection. Planning and development of potential water access points to the seashore would occur in preparation for possible loss of traditional vehicular access. The visitor experience would be focused on sustainable recreation.
- Alternative 4: This alternative allows for the island to evolve naturally, without active management, and subject to the full effects of natural coastal processes, including climate change and seas level rise. In Maryland, existing visitor infrastructure would remain in the developed areas, until such time as they are lost or damaged by natural processes. Over time visitor use would shift towards day-use activities in a more primitive island setting.

NPS Assateague Island National Seashore  
Draft GMP and EIS  
DEQ 16-026F  
Page 3

For Alternatives 2, 3, and 4, in Virginia, the NPS would continue to support beach-oriented recreational uses on the island developed area within Chincoteague National Wildlife Refuge. NPS would continue to manage the beach in accordance with the memorandum of understanding (MOU) between NPS and the U.S. Fish and Wildlife Service (FWS). Through the MOU, the NPS has management responsibility for providing public recreation opportunities in the Virginia Assigned Area, currently Toms Cove, of the refuge. The FWS's Final EIS and Comprehensive Conservation Plan (CCP) for the Chincoteague National Wildlife Refuge support the continued management of the beach and associated parking by NPS. Additionally, it recognized that the current parking area is vulnerable to the effects of coastal erosion and sea level rise and proposes that the beach and parking area move to an area 1.5 miles north of the existing beach over time and as conditions warrant. Until the beach moves, NPS would maintain the Toms Cove Visitor Center. After the move, the center would be used for environmental education programs until the building is no longer serviceable. Regarding marine resources, the NPS would collaborate with Maryland, Virginia, and local communities to protect the marine landscape and way of life, in addition to protecting seashore resources. Virginia and Maryland would continue to manage shellfishing within the seashore and NPS would issue a special use permit to VMRC to continue to allow commercial aquaculture within Virginia. The harvest of horseshoe crabs would be prohibited, as proposed by the FWS Final CCP.

## **FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT**

Pursuant to the Coastal Zone Management Act of 1972, as amended, activities both within and outside of the Commonwealth's designated coastal zone with reasonably foreseeable effects on any coastal uses or resources resulting from a federal agency activity (15 CFR Part 930, Subpart C) must be consistent, to the maximum extent practicable, with Virginia's Coastal Zone Management (CZM) Program. The Virginia CZM Program consists of a network of programs administered by several agencies. DEQ coordinates the review of federal consistency determinations (FCDs) with agencies administering the enforceable policies of the Virginia CZM Program.

According to the cover letter (dated January 29, 2016) submitted with the GMP and DEIS, a specific FCD was not developed due to the broad scope and programmatic nature of the draft GMP and EIS. However, Section 930.31(a) of the federal consistency regulations define federal agency activities as including "a plan that is used to direct future agency actions." In addition, state federal consistency lists identify federal agencies and activities that the state believes will have reasonably foreseeable coastal effects. Consistency is triggered by the "reasonably foreseeable effects" test. Accomack County is within Virginia's designated coastal zone. Also, the acquisition and management of lands, including development of master plans for national parks and seashores, by the NPS is a listed activity in the Virginia CZM Program

NPS Assateague Island National Seashore  
Draft GMP and EIS  
DEQ 16-026F  
Page 4

(<https://coast.noaa.gov/czm/consistency/media/va.pdf>). The Virginia CZM Program believes that the proposed plan would have reasonably foreseeable effects on Virginia's coastal zone. Whether an activity is listed or not, it is the federal agency's responsibility to provide the Virginia CZM Program with consistency determinations for federal agency activities affecting the coastal zone. If the NPS believes that there are no reasonable foreseeable coastal effects, then Section 930.35 of the federal consistency regulations require that a federal agency submit a negative determination for a federal agency activity which is identified by a state agency on its list. See Item 13 under the Regulatory and Coordination Needs Section for additional information.

## ENVIRONMENTAL IMPACTS AND MITIGATION

**1. Water Quality and Wetlands.** The DEIS (page 4-17) states that under the preferred alternative (Alternative 3) seashore management would allow the island to evolve naturally. Visitor use infrastructure would evolve to more sustainable designs and shift to more stable locations. Wetlands would be avoided, but new sites would be within the 100-year floodplain. The natural resource management approach would seek to enhance the resiliency of saltmarsh habitats and inland wetlands, with improved water quality being the expected outcome. Some adverse impacts associated with this alternative include potential water contamination associated with private motorboat use, oversand vehicle use, routine seashore operations and maintenance, and use of chemical treatments for pest management.

**1(a) Agency Jurisdiction.** The State Water Control Board promulgates Virginia's water regulations covering a variety of permits to include the Virginia Pollutant Discharge Elimination System Permit (VPDES) regulating point source discharges to surface waters, Virginia Pollution Abatement Permit regulating sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes, the Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection (VWP) Permit regulating impacts to streams, wetlands, and other surface waters. The VWP permit is a state permit which governs wetlands, surface water, and surface water withdrawals and impoundments. It also serves as §401 certification of the federal Clean Water Act §404 permits for dredge and fill activities in waters of the U.S. The VWP Permit Program is under the Office of Wetlands and Stream Protection, within the DEQ Division of Water Permitting. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities:

- Clean Water Act, §401;
- Section 404(b)(i) Guidelines Mitigation Memorandum of Agreement (2/90);

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- State Water Control Law, Virginia Code section 62.1-44.15:20 *et seq.*; and
- State Water Control *Regulations*, 9 VAC 25-210-10.

**1(b) Agency Findings.** The DEQ Tidewater Regional Office (TRO) did not comment on specific wetlands impacts. For impacts to surface waters, authorization from the VWP Program must be received prior to construction.

The possible wastewater treatment plant (WWTP) at the FWS Maintenance Facility in Virginia will require a VPDES permit if it is to discharge to surface water.

**1(c) Requirement.**

- Submit a Joint Permit Application for any impacts to surface waters.
- Coordinate with DEQ TRO regarding the submittal of a Certificate to Construct (CTC) and Certificate to Operate (CTO) for the WWTP at the FWS Maintenance Facility in Virginia, if that wastewater treatment option is chosen.
- Submit a VPDES permit application to TRO if the WWTP will be constructed.

**2. Subaqueous Lands and Tidal Wetlands.** According to the DEIS (page 4-18), working with Virginia, the NPS would assess the legal status of owned structures (oyster watch house and hunting blinds) located within the seashore's Virginia waters and pursue removal of unauthorized structures. For authorized structures, NPS would work to ensure appropriate wastewater treatment. When vehicular access to the island ceases, access would shift to a ferry-based operation. New facilities near the existing seashore headquarters would include a ferry terminal, docking facilities, offices, and associated infrastructure. During construction, dredging, placement of piers, construction of bulkheads, and disposal of dredged material would potentially impact subaqueous lands. Some wetland areas could be lost or adversely impacted by development of ferry docking facilities.

**2(a) Agency Jurisdiction.** The Virginia Marine Resources Commission (VMRC) regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code §28.2-1200 through 1400. For nontidal waterways, VMRC states that it has been the policy of the Habitat Management Division to exert jurisdiction only over the beds of perennial streams where the upstream drainage area is 5 square miles or greater. The beds of such waterways are considered public below the ordinary high water line.

**2(b) Agency Finding.** The VMRC has indicated that they are drafting comments to submit to the NPS.

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**3. Erosion and Sediment Control and Stormwater Management.** The DEIS (page 4-17) states that the NPS would strive to utilize non-structural stormwater management techniques, and alternatives in design and construction of new facilities to limit stormwater runoff and potential impacts to water quality as a result of erosion. These efforts would include the use of alternatives to asphalt paving, to improve groundwater recharge and reduce runoff, erosion, and sheetflow from impervious sites. During construction of new facilities, best management practices (BMPs) would be implemented to address stormwater management and water quality protection.

**3(a) Agency Jurisdiction.** The DEQ Office of Stormwater Management (OSWM) administers the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and the Virginia Stormwater Management Law and Regulations (VSWML&R). Also, DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land-disturbing activities under the Virginia Stormwater Management Program.

**3(b) Requirements.**

**3(b)(i) Erosion and Sediment Control and Stormwater Management Plans.** The applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with VESCL&R and VSWML&R, including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the total land disturbance of equal to or greater than 10,000 square feet or 2,500 square feet on lands analogous to Chesapeake Bay Preservation Areas would be regulated by VESCL&R. Accordingly, the applicant must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DEQ regional office that serves the area where the project is located for review for compliance. The applicant is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy (Reference: VESCL 62.1-44.15 *et seq.*).

**3(b)(ii) General Permit for Stormwater Discharges from Construction Activities (VAR10).** The operator or owner of a construction project involving land-disturbing activities equal to or greater than one acre is required to register for coverage under the

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General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the VSMP Permit Regulations. General information and registration forms for the General Permit are available on DEQ's website at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx> (Reference: VSWML 62.1-44.15 *et seq.*; VSMP Permit Regulations 9VAC 25-870-10 *et seq.*).

**4. Air Quality.** The DEIS (page 1-38) states that air quality was an impact that was dismissed from further analysis. All alternatives would have local, short-term impacts on air quality due to fugitive dust. Operation of construction equipment would result in temporary increase in vehicle emissions and exhaust. The long-term impacts to air quality resulting from local traffic and vehicle idling during peak visitation periods would be negligible.

**4(a) Agency Jurisdiction.** DEQ's Air Division, on behalf of the State Air Pollution Control Board, is responsible for developing regulations that implement Virginia's Air Pollution Control Law. DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia's federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance. As a part of this mandate, environmental impact reports of projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

**4(b) Ozone Attainment Area.** According to the DEQ Air Division, the project site is located in an ozone attainment area.

#### **4(c) Requirements.**

**4(c)(i) Open Burning.** If the project activities include any open burning or use of special incineration devices in the disposal of land clearing debris, this activity must meet the requirements under 9VAC5-130 *et seq.* of the regulations for open burning, and it may require a permit. The regulations provide for, but do not require, the local

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adoption of a model ordinance concerning open burning. The responsible party should contact the locality to determine what local requirements, if any exist.

**4(c)(ii) Fugitive Dust.** As applicable, fugitive dust must be kept to a minimum by using control methods outlined in 9VAC5-50-60 *et seq.* of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, water or chemicals for dust control;
- Install and use hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
- Cover open equipment for conveying materials; and
- Promptly remove spilled or tracked dirt or other materials from paved streets and dried sediments resulting from soil erosion.

**4(c)(iii) Fuel-Burning Equipment.** Fuel-burning equipment (boilers, generators, compressors, etc.) or any other air-pollution-emitting equipment may be subject to registration or permitting requirements.

**5. Chesapeake Bay Preservation Areas.** The DEIS does not include a specific discussion on Chesapeake Bay Preservation Areas.

**5(a) Agency Jurisdiction.** The DEQ Office of Local Government Programs administers the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 *et seq.*) and Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830-10 *et seq.*). Each Tidewater locality must adopt a program based on the Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations. The Act and regulations recognize local government responsibility for land use decisions and are designed to establish a framework for compliance without dictating precisely what local programs must look like. Local governments have flexibility to develop water quality preservation programs that reflect unique local characteristics and embody other community goals. Such flexibility also facilitates innovative and creative approaches in achieving program objectives. The regulations address nonpoint source pollution by identifying and protecting certain lands called Chesapeake Bay Preservation Areas. The regulations use a resource-based approach that recognizes differences between various land forms and treats them differently.

**5(b) Agency Findings.** DEQ OLGP did not comment on the GMP or DEIS for the Assateague Island National Seashore. Their comments on the recent review of the Chincoteague and Wallops Island National Wildlife Refuges Comprehensive

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Conservation Plan dated (September 29, 2015) are attached for reference and summarized below.

Accomack County's local Chesapeake Bay Preservation Act program includes designated Chesapeake Bay Preservation Areas; however, CBPAs are not designated on federally owned lands. The refuges include lands that would be analogous to Resource Protection Areas and Resource Management Areas.

**5(c) Requirements.** NPS must ensure that proposed activities are implemented consistent with the requirements in the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 *et seq.*) and Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830-10 *et seq.*).

**6. Shellfish Sanitation.** The draft EIS (page 2-25) states that desired conditions for shellfish will be achieved through collaboration with states and partners; the states will continue to manage shellfishing. Periodic pumping of vault toilets associated with visitor infrastructure could result in inadvertent spills of untreated wastewater.

**6(a) Agency Jurisdiction.** The VDH's Division of Shellfish Sanitation is responsible for protecting the health of the consumers of molluscan shellfish and crustacea by ensuring that shellfish growing waters are properly classified for harvesting, and that molluscan shellfish and crustacea processing facilities meet sanitation standards. The mission of this Division is to minimize the risk of disease from molluscan shellfish and crustacea products at the wholesale level by classifying shellfish waters for safe commercial and recreational harvest; by implementing a statewide regulatory inspection program for commercial processors and shippers; and by providing technical guidance and assistance to the shellfish and crustacea industries regarding technical and public health issues.

**6(b) Agency Comment.** The VDH Office of Shellfish Sanitation determined that the document, as drafted, will not change the current classification of shellfish waters in the area.

**7. Solid and Hazardous Waste Management.** The DEIS (page 4-23) states that handling solid waste in transit from the island to disposal sites on the mainland may pose a risk of accidental spills that could introduce contaminants into the environment. Spill prevention and response actions would be implemented to minimize the potential for contamination resulting from solid waste handling at the site.

**7(a) Agency Jurisdiction.** On behalf of the Virginia Waste Management Board, the DEQ Division of Land Protection and Revitalization is responsible for carrying out the mandates of the Virginia Waste Management Act (Virginia Code §10.1-1400 *et seq.*), as

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well as meeting Virginia's federal obligations under the Resource Conservation and Recovery Act and the Comprehensive Environmental Response Compensation Liability Act, commonly known as Superfund. The DEQ Division of Land Protection and Revitalization also administers those laws and regulations on behalf of the State Water Control Board governing Petroleum Storage Tanks (Virginia Code §62.1-44.34:8 *et seq.*), including Aboveground Storage Tanks (9VAC25-91 *et seq.*) and Underground Storage Tanks (9VAC25-580 *et seq.* and 9VAC25-580-370 *et seq.*), also known as 'Virginia Tank Regulations', and § 62.1-44.34:14 *et seq.* which covers oil spills.

#### **Virginia:**

- Virginia Waste Management Act, Virginia Code § 10.1-1400 *et seq.*
- Virginia Solid Waste Management Regulations, 9 VAC 20-81
  - (9 VAC 20-81-620 applies to asbestos-containing materials)
- Virginia Hazardous Waste Management Regulations, 9 VAC 20-60
  - (9 VAC 20-60-261 applies to lead-based paints)
- Virginia Regulations for the Transportation of Hazardous Materials, 9 VAC 20-110.

#### **Federal:**

- Resource Conservation and Recovery Act (RCRA), 42 U.S. Code sections 6901 *et seq.*
- U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 Code of Federal Regulations, Part 107
- Applicable rules contained in Title 40, Code of Federal Regulations.

**7(b) Agency Findings.** The DEQ Division of Land Protection and Revitalization (DLPR) conducted a cursory review of its database files, including a Geographic Information System search (100-foot radius) and found no waste sites of concern in close proximity to the Virginia park sites.

#### **7(c) Requirements.**

**7(c)(i) Generated Waste.** Test and dispose of any soil that is suspected of contamination or wastes that are generated during construction-related activities in accordance with applicable federal, state and local laws and regulations.

#### **7(c)(ii) Asbestos-containing Material and Lead-based Paint**

All structures being demolished or removed should be checked for asbestos-containing materials (ACM) (such as insulation) and lead-based paint (LBP) prior to construction. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9 VAC 20-80-640 for ACM and 9 VAC 20-60-261 for LBP must be followed.

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**7(c)(iii) Petroleum Releases.** If evidence of a petroleum release is discovered during implementation of this project, it must be reported to DEQ, as authorized by Virginia Code § 62.1-44.34.8 through 9 and 9 VAC 25-580-10 *et seq.*

**7(c)(iv) Fuel Storage Tanks**

The installation and use of an aboveground storage tank (AST) (>660 gallons) for temporary fuel storage (>120 days) during the project must be conducted in accordance with the requirements of the Virginia Tank Regulations 9 VAC 25-91-10 *et seq.*

**7(d) Agency Recommendations.** DEQ encourages all projects and facilities to implement pollution prevention principles, including:

- the reduction, reuse and recycling of all solid wastes generated; and
- the minimization and proper handling of generated hazardous wastes.

**8. Natural Heritage Resources.** According to the DEIS (page 4-48), Alternative 3 could have both beneficial and adverse impacts on vegetation and habitat. Habitat disturbances could occur during construction of new visitor facilities. Adversely affected areas would be forest, shrubland, dunes and grassland habitat on the island, and upland forest on the mainland.

Beneficial impacts resulting from the action include the restoration of natural surface and groundwater flows in saltmarsh habitat and a reduction of sedimentation in saltmarsh, forest and shrubland, inland wetland, and dunes and grassland habitat. Additionally, the action will foster a return to natural conditions in areas where land use or construction of new facilities have damaged or caused a loss of natural habitat (DEIS, page 4-49).

**8(a) Agency Jurisdiction.**

**8(a)(i) The Virginia Department of Conservation and Recreation's (DCR) Division of Natural Heritage (DNH).** DNH's mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217), authorized DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and to protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

**8(a)(ii) The Virginia Department of Agriculture and Consumer Services (VDACS).** The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement

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established between VDACS and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

**8(b) Agency Findings.** DCR has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted maps associated with the Assateague Island National Seashore Draft General Management Plan.

The site is located within the Assateague Island Conservation Site. Assateague Island Conservation Site has been given a biodiversity significance ranking of B1, which represents a site of outstanding significance. The natural heritage resources within the project area are included in the attached Table 1: Assateague Island National Seashore General Management Plan – Natural Heritage Resources (attached).

DCR supports efforts to maintain lands to maximize habitat and wildlife management strategies for rare, threatened and endangered species, migratory birds and resident wildlife for all of the proposed alternatives. DCR also supports ongoing research by the National Park Service and others to benefit threatened and endangered species as stated in *The Draft General Management Plan and Environmental Impact Statement Assateague Island National Seashore (GMP/EIS)*, 2016, p 4-84. DCR supports the expansion of natural resource management actions that restore island habitats, remove invasive *Phragmites australis*, manage the deer populations and once access is lost, the removal of visitor facilities to allow developed areas to return to natural conditions (p 4-99).

**8(b)(i) State-listed Plant and Insect Species.**

The project or activity may impact Seabeach amaranth, a state rare plant. VDACS found that the draft management plan for the Assateague Island National Seashore addresses concerns regarding Seabeach amaranth. It is anticipated from the statements contained in the document that efforts will be taken to preserve, and potentially benefit, this and other threatened and endangered species on the island.

**8(b)(ii) State Natural Area Preserves.**

DCR files do not indicate the presence of any State Natural Area Preserves under the agency's jurisdiction at either project site.

**8(c) DCR Recommendations.**

- Avoid of documented natural heritage resources including the mapped natural communities when planning for potential development and placement of new facilities. To obtain the Natural Heritage digital data for the Chincoteague National Wildlife Refuge/Assateague Island National Seashore for use in planning and management of natural heritage resources, please contact Rene'

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Hypes, Environmental Review Coordinator, at [rene.hypes@dcr.virginia.gov](mailto:rene.hypes@dcr.virginia.gov) or 804-371-2708 with your request. VDACS concurs with this recommendation with regard to those species under the regulatory authority of the Department of Agriculture and Consumer Services.

- Perform a new inventory of the Chincoteague National Wildlife Refuge/ Assateague Island National Seashore (CNWR/AINS) in order to accurately document the current location and extent of natural heritage resources within the CNWR/AINS and allow for appropriate planning based on current information. Many of the resources were documented in the late 1990s or early 2000s and have not recently been field verified. VDACS concurs with this recommendation.
- DCR-Division of Natural Heritage biologists are qualified and available to conduct inventories for rare, threatened, and endangered species. Contact J. Christopher Ludwig, Natural Heritage Inventory Manager, at [chris.ludwig@dcr.virginia.gov](mailto:chris.ludwig@dcr.virginia.gov) or 804-371-6206 to discuss arrangements for field work. A list of other individuals who are qualified to conduct inventories may be obtained from the FWS.
- Coordinate with FWS to ensure compliance with protected species legislation regarding the following species: the Loggerhead sea turtle, Piping plover, the Delmarva fox squirrel, and the Seabeach amaranth.
- Re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

**9. Wildlife Resources.** Wildlife resources stand to be impacted and benefitted by the proposed alternative (DEIS, page 4-75). Adverse impacts resulting from construction of new visitor use facilities would include habitat loss and disturbances.

Beneficial impacts would result over the long-term from the continuation of certain management actions that would enhance wildlife habitats. Seashore management would allow the island to evolve naturally, benefitting the wildlife inhabiting the beach, intertidal areas, dunes, grasslands, and saltmarshes. Visitor use infrastructure would evolve in a more sustainable fashion and over time development on the island would become less intensive (DEIS, page 4-70).

**9(a) Agency Jurisdiction.** DGIF, as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state- or federally-listed endangered or threatened species, but excluding listed insects (Virginia Code, Title 29.1). DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.Code §661 *et seq.*) and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate

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measures to avoid, reduce or compensate for those impacts. For more information, see the DGIF website at [www.dgif.virginia.gov](http://www.dgif.virginia.gov).

**9(b) Agency Findings.** Assateague Island National Seashore (AINS) lies within the states of Virginia and Maryland. The southern section of AINS, totaling approximately 10,000 acres, is located within Virginia and is encompassed within Chincoteague National Wildlife Refuge (CNWR), managed by the FWS. According to the Draft GMP/EIS, the only lands within Virginia that fall under the management authority of NPS are those associated with the Assateague Beach U.S. Coast Guard Station. All other Virginia lands will be managed by the FWS in accordance with the recently finalized Chincoteague National Wildlife Refuge Comprehensive Conservation Plan (CCP).

Assateague Island and associated waters in Virginia are known to support, at some time during the year, federal-listed threatened piping plovers, state-listed threatened peregrine falcons, federal-listed threatened loggerhead sea turtles, federal-listed threatened green sea turtles, federal-listed endangered Kemp's Ridley sea turtles, VA Wildlife Action Plan Tier II northern diamond-backed terrapins, and the recently de-listed Delmarva Peninsula fox squirrels. During review of the draft CCP for CNWR, DGIF provided the attached comments (dated July 22, 2014) and recommendations in support of *Alternative B: A Balanced Approach*, the FWS's preferred alternative plan for management of CNWR. It is possible that Delmarva Peninsula fox squirrels on Assateague Island have moved from CNWR to areas north of the Virginia border.

As described in *Alternative 3: Sustainable Recreation and Climate Change Adaptation*, the NPS's preferred alternative, Assateague Beach U.S. Coast Guard Station is located within the Cultural Resource Zone and is proposed to be protected and maintained in situ, including activities to keep historically relevant structures in good repair. This alternative also states that NPS will actively seek out partners to rehabilitate and protect these structures. Protective actions may include non-structural bayside shoreline stabilization for protection against storm and wave action.

**9(c) Agency Recommendation.**

- The NPS should work closely with FWS to survey for the Delmarva Peninsula fox squirrel in all suitable habitats within the boundaries of Assateague Island National Seashore and work cooperatively to monitor and manage any documented populations of this species and their habitats in Maryland in accordance with CNWR's CCP.
- Shoreline stabilization activities associated with the protection of the U.S. Coast Guard Station should be completed in accordance with living shoreline or other

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ecologically sound and sensitive design principles. NPS should coordinate closely with FWS to ensure adherence to the CNWR CCP.

- Adhere to the CNWR CCP, particularly as it relates to the protection of sensitive wildlife species and unique habitats.

#### **9(d) Agency Conclusion.**

Provided adherence to the above recommendations, DGIF are supportive of continued management of Assateague Island within in Virginia by the FWS, as described in all of the alternatives still under consideration in the draft GMP/EIS for AINS.

**10. Public Water Supply.** The DEIS (page 3-59) states that at Toms Cove Beach in Virginia, wells along the parking area perimeter are used for potable water and cold water showers.

**10(a) Agency Jurisdiction.** The Virginia Department of Health (VDH) Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

**10(b) Agency Findings.** VDH ODW states that there are no apparent impacts to public drinking water sources due to this project. There are no public groundwater wells within a 1-mile radius of the project site. There are no surface water intakes located within a 5-mile radius of the project site. The project is not within the watershed of any public surface water intakes.

**11. Septic Tanks and Drainfields.** The DEIS (page 4-9) states that at the FWS Maintenance Facility in Virginia, development of seventeen additional bedrooms for seasonal employees would result in additional potable water usage and the need for wastewater treatment infrastructure. Potable water would be obtained from a new groundwater well or by tapping in to the Wallops Island potable water system. Wastewater treatment would be achieved via the installation of a package plant or a community on-site wastewater disposal system.

**11(a) Agency Jurisdiction.** The mission of the VDH Onsite Sewage and Water Services is to protect public health and ground water quality. This is best achieved by implementing an onsite wastewater program based on sound scientific, engineering, and public health principles.

**11(b) Agency Requirement.** Coordinate with the Virginia Department of Health if an alternative system that does not discharge is chosen for the FWS Maintenance Facility.

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Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

**12. Historic and Archaeological Resources.** According to the DEIS (page 4-115) some adverse impacts to historic resources are expected as some structures eligible for the National Register of Historic Places would be lost due to natural coastal processes under the Preferred Alternative.

**12 (a) Agency Jurisdiction.** The Virginia DHR conducts reviews of both federal and state projects to determine their effect on historic properties. Under the federal process, DHR is the State Historic Preservation Office, and ensures that federal undertakings – including licenses, permits, or funding – comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation at 36 CFR Part 800. Section 106 requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. For state projects or activities on state lands, DHR is afforded an opportunity to review and comment on (1) the demolition of state property; (2) major state projects requiring an EIR; (3) archaeological investigations on state-controlled land; (4) projects that involve a landmark listed in the Virginia Landmarks Register; (5) the sale or lease of surplus state property; (6) exploration and recovery of underwater historic properties; and (7) excavation or removal of archaeological or historic features from caves. See DHR's website for more information about applicable state and federal laws and how to submit an application for review: <http://www.dhr.virginia.gov/StateStewardship/Index.htm>.

**12 (b) Agency Findings.** DHR supports Alternative 3, Sustainable Recreation and Climate Change Adaptation, the National Park Service preferred alternative for the future management of the seashore lands and waters under its jurisdiction.

Regarding archaeological sites, DHR states that there is a critical need to collect baseline data about the spatial, historical and cultural contexts of the prehistoric sites, followed by periodic monitoring of identified resources in order to more effectively manage them. Presently there is little archaeological survey data available for most of the island.

The Assateague Beach U.S. Coast Guard Station and its Cultural Landscape are considered eligible for both the Virginia Landmarks Register and the National Register of Historic Places. Under alternative 3, management actions would protect and maintain the Assateague Beach U.S. Coast Guard Station in situ until the site and/or structures are no longer sustainable. DHR notes that there are no management strategies proposed to address the access problem to the station which has resulted in the facility being underutilized and vacant.

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### **12 (c) Agency Recommendation.**

- DHR strongly encourages including effective ways to address the unavoidable impacts to cultural resources associated with natural coastal processes and the effects of climate change/sea level rise in the future management strategies in the GMP.
- DHR strongly encourages NPS not to drop archaeological resources from consideration in the GMP but to include archaeological resources together with other Cultural Resources (Historic Structures and Cultural Landscapes).
- DHR recommends that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) includes a management strategy of conducting baseline archaeological survey and monitoring. Failure to do so may be considered an adverse impact, and inconsistent with the directives of Section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, as well as Bulletin 28.
- DHR encourages the NPS to include as a management strategy partnering with the Chincoteague and Wallops Island National Wildlife Refuges in the NPS's wreck monitoring program, which will serve both as a useful monitoring tool for cultural resources as well as for assessing the movement of the barrier islands.
- DHR encourages the NPS to explore partnerships to rehabilitate and reuse the U.S. Coast Guard Station, such as with the Chincoteague and Wallops Island National Wildlife Refuges, potentially including the Station as a venue for environmental education.
- Coordinate with the Pamunkey Tribe on the GMP/EIS, in accordance with Section 106 of the NHPA.

**13. Pesticides and Herbicides.** In general, when pesticides or herbicides must be used, their use should be strictly in accordance with manufacturers' recommendations. In addition, DEQ recommends that the responsible agent use the least toxic pesticides or herbicides effective in controlling the target species. For more information on pesticide or herbicide use, please contact the Virginia Department of Agriculture and Consumer Services (804-786-3798).

### **14. Local Comments.**

**14(a) Jurisdiction.** In accordance with CFR 930, Subpart A, § 930.6(b) of the Federal Consistency Regulations, DEQ, on behalf of the state, is responsible for securing necessary review and comment from other state agencies, the public, regional government agencies, and local government agencies, in determining the Commonwealth's concurrence or objection to a federal consistency determination.

**14(b) Local Comments.** The Accomack-Northampton Planning District Commission, Town of Chincoteague and Accomack County did not comment on the project.

NPS Assateague Island National Seashore  
Draft GMP and EIS  
DEQ 16-026F  
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## REGULATORY AND COORDINATION NEEDS

**1. Wetlands and Water Quality.** Virginia Water Protection Permit authorization is required for proposed project impacts to wetlands and surface waters pursuant to Virginia Code §62.1-44.15:20 *et seq.* Coordinate with DEQ TRO (757-518-2000) to obtain VWP authorization if there will be impacts to surface waters or wetlands. Coordinate with VMRC (757-247-8027) regarding the submittal of a JPA if necessary.

### **2. Wastewater Treatment.**

- Coordinate with DEQ TRO (757-518-2000) to apply for and obtain a VPDES permit if a WWTP at the FWS Maintenance Facility in Virginia is installed and proposes to discharge to surface water.
- Submit a CTC to DEQ TRO if construction of a wastewater treatment plant is planned. A CTO will be required prior to operation of the plant.
- If an alternate system is used that will not discharge, coordinate with the Department of Health (Eastern Shore Health District, 757-787-5880).
- Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

**3. Air Pollution Control.** Contact DEQ TRO (Troy Breathwaite at Troy.Breathwaite@deq.virginia.gov or 757-518-2006) for additional information on air quality regulations or if the project proposes the use of fuel-burning equipment that may be subject to registration or permitting requirements.

**4. Chesapeake Bay Preservation Act.** The GMP must be consistent the applicable requirements of the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 – 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) as locally implemented. Contact DEQ (Daniel Moore at Daniel.Moore@deq.virginia.gov) for additional information as necessary.

**5. Erosion and Sediment Control and Stormwater Management.** The draft GMP and EIS must be consistent with Virginia's Erosion and Sediment Control Law (Virginia Code § 62.1-44.15:61) and Regulations (9 VAC 25-840-30 *et seq.*) and Stormwater Management Law (Virginia Code § 62.1-44.15:31) and Regulations (9 VAC 25-870-210 *et seq.*) as administered by DEQ. Erosion and sediment control, and stormwater management requirements should be coordinated with the DEQ TRO (Noah Hill at Noah.Hill@deq.virginia.gov or 757-518-2024).

**6. General Permit for Stormwater Discharges from Construction Activities (VAR10).** The operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to register for coverage under the General

NPS Assateague Island National Seashore  
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Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Specific questions regarding the Stormwater Management Program requirements should be directed to DEQ (Holly Sepety at 804-698-4039) (Reference: VSWML §62.1-44.15 *et seq.*).

**7. Solid and Hazardous Waste Management.** Contact DEQ TRO (757-518-2000) for additional information on waste management, tank installation requirements, or if evidence of petroleum contamination is found.

**8. Natural Heritage Resources.** Contact DCR-DNH, Rene Hypes at (804) 371-2708, to secure updated information on natural heritage resources if the scope of the project changes and/or six months passes before the project is implemented, since new and updated information is continually added to the Biotics Data System.

Coordinate with DHR (Christopher Ludwig, 804-371-6209) regarding their recommendation to conduct a new inventory of the natural heritage resources located in the Chincoteague National Wildlife Refuge/ Assateague Island National Seashore.

**9. Protected Species Coordination.** Coordinate with the FWS (Troy Anderson, troy\_anderson@fws.gov) regarding potential impacts to the following protected species: the Loggerhead sea turtle, Piping plover, the Delmarva fox squirrel, and the Seabeach amaranth.

**10. Wildlife Resources.** Coordinate with DGIF (Amy Ewing, 804-367-2211) with questions related to DGIF's recommendations to protect wildlife and comply with the CNWR CCP.

**11. Historic Resources.** Coordinate with DHR (Ethel Eaton, 804-482-6088) regarding its recommendations to protect cultural resources and conduct archaeological surveys and monitoring.

**12. VMRC Coordination.** VMRC has indicated that they have comments on the draft EIS related to fisheries and habitat issues. These comments will be submitted directly to NPS. Coordinate with VMRC (Rachael Maulorico, 757-247-8027) with questions.

**13. Federal Consistency.** The NPS must submit a FCD pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended (16 USCA, CZMA § 307, § 1456(c)(3)(A)) and its implementing federal consistency regulations (15 CFR Part 930, subpart C). Coordinate directly with OEIR for the submittal of FCDs. Information on document submission is available at <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/DocumentSubmission.aspx>. Information on FCDs is available at

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<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>

Thank you for the opportunity to comment. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4204 or Janine Howard at (804) 698-4299 for clarification of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Bettina Sullivan", with a long horizontal flourish extending to the right.

Bettina Sullivan, Manager  
Environmental Impact Review and Long Range  
Priorities Program

Enclosures

ec: Amy Ewing, DGIF  
Keith Tignor, VDACS  
Robbie Rhur, DCR  
Keith Tignor, VDACS  
Roy Soto, VDH  
Roger Kirchen, DHR  
Pam Mason, VIMS  
Greg Evans, DOF  
Tony Watkinson, VMRC  
Robert G. Ritter, Town of Chincoteague  
Steven B. Miner, Accomack County  
Elaine K.N. Meil, Accomack-Northampton PDC  
Bill Hulslander, NPS

DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: Janine L. Howard

DEQ - OEIA PROJECT NUMBER: DEQ #16-026F

PROJECT TYPE: X STATE EA / EIR  FEDERAL EA / EIS  SCC

CONSISTENCY DETERMINATION

PROJECT TITLE: Assateague Island National Seashore Draft General Management Plan

PROJECT SPONSOR: National Park Service

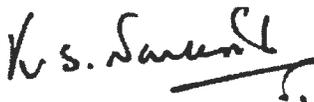
PROJECT LOCATION: X OZONE ATTAINMENT AREA

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO:  CONSTRUCTION  
 OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

- 1.  9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
- 2.  9 VAC 5-45-760 et seq. – Asphalt Paving operations
- 3. X 9 VAC 5-130 et seq. – Open Burning
- 4. X 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
- 5.  9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to \_\_\_\_\_
- 6.  9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
- 7.  9 VAC 5-50-400 Subpart \_\_\_\_\_, Standards of Performance for New Stationary Sources, designates standards of performance for the \_\_\_\_\_
- 8.  9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
- 9.  9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the \_\_\_\_\_
- 10.  9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
- 11.  9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to \_\_\_\_\_

COMMENTS SPECIFIC TO THE PROJECT:  
Applicable where construction is involved.



(Kotur S. Narasimhan)  
Office of Air Data Analysis

DATE: February 18, 2016



## MEMORANDUM

**TO:** Janine Howard, DEQ/EIR Environmental Program Planner

**FROM:** Steve Coe, DLPR Review Coordinator

**DATE:** February 29, 2016

**COPIES:** Sanjay Thirunagari, DLP&R Review Manager  
EIR File

**SUBJECT:** EIR Project No. 16-026F Assateague Island National Seashore Draft General Management Plan National Park Service – Review Comments

The Division of Land Protection & Revitalization has completed its review of the Environmental Impact Report regarding Assateague Island National Seashore Draft General Management Plan (GMP) proposed by the National Park Service.

The project scope: replacement of existing General Management Plan with new one.

The submittal generally addressed potential solid and/or hazardous waste issues. The submittal did not indicate a search of waste-related databases. The submittal indicated that the GMP defines the park's basic approaches to the natural and cultural resource management, interpretation, the visitor experience, and partnerships over the long term. Solid waste generated by facility replacement would be properly disposed on the mainland, thus removing fill previously placed in the floodplain and offsetting placement of new fill required for new facilities.

The DLPR staff has conducted a cursory review of its database files, including a GIS database search (100 foot radius) of the Virginia park sites and determined the information below:

No facility waste sites were located in close proximity to the Virginia park sites.

The staff's summary comments are as follows:

**Hazardous Waste Facilities** – none in close proximity to the Virginia park sites

**CERCLA Sites** – none in close proximity to the Virginia park sites

The following websites may prove helpful in locating additional information for these identification numbers: <http://www.epa.gov/superfund/sites/cursites/index.htm> or [http://www.epa.gov/enviro/html/rcris/rcris\\_query\\_java.html](http://www.epa.gov/enviro/html/rcris/rcris_query_java.html).

**FUDs Sites** – none

**Solid Waste Facilities** – none

**VRP Sites** - none**Petroleum Release Sites** – none in close proximity to the Virginia park sites

(Note: Dates above are the latest PC Database edit dates of the specific petroleum contamination (PC) Case Nos.)

Please note that the DEQ's PC case files of the PC Case Nos., within 100 feet of the proposed project are identified above and these petroleum releases should be evaluated by the project engineer or manager to establish the exact location of the release and the nature and extent of the petroleum release and the potential to impact the proposed project. The facility representative should contact the DEQ's Tidewater Regional Office (757-518-2000) Tanks Program for further information and the administrative records of the PC cases which are in close proximity to the proposed project.

**GENERAL COMMENTS****Soil, Sediment, and Waste Management**

Any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Part 107.

**Asbestos and/or Lead-based Paint**

All structures being demolished/renovated/ removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to Ms. Lisa Silvia at the Tidewater Regional Office (757-518-2175).

**Pollution Prevention – Reuse - Recycling**

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Steve Coe, Environmental Specialist, at (804) 698-4029.



DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
ENVIRONMENTAL IMPACT REVIEW COMMENTS

March 15, 2016

**PROJECT NUMBER:** 16-026F

**PROJECT TITLE:** Assateague Island National Seashore Draft General Management Plan

As Requested, TRO staff has reviewed the supplied information and has the following comments:

**Petroleum Storage Tank Cleanups:**

DEQ records indicate that there have been no reported petroleum releases at or adjacent to the proposed project. If evidence of a petroleum release is discovered during implementation of this project, it must be reported to DEQ, as authorized by CODE # 62.1-44.34.8 through 9 and 9 VAC 25-580-10 et seq. Contact Mr. Tom Madigan at (757) 518-2115 or Ms. Lynne Smith at (757) 518-2055. Petroleum-contaminated soils and ground water generated during implementation of this project must be properly characterized and disposed of properly.

**Petroleum Storage Tank Compliance/Inspections:**

The installation and use of an AST (>660 gallons) for temporary fuel storage (>120 days) during the project must follow the requirements in 9 VAC 25-91-10 et. seq. Please contact Steve Pollock of the DEQ Tidewater Regional Office (757) 518-2014 for additional details.

**Virginia Water Protection Permit Program (VWPP):**

Provided that the applicant submits a Joint Permit Application for any impacts to surface waters for the proposed project, receives authorization from our program, and adheres to the conditions of that authorization, the project will be consistent with the VWP program.

**Air Permit Program :**

No comments

**Water Permit Program :**

The possible WWTP at the FWS Maintenance Facility in Virginia will require a VPDES permit if it is to discharge to surface water. If an alternative system that does not discharge is used, coordination with the Virginia Department of Health may be needed. Additionally a Certificate to Construct and Operate may be required to be obtained. Contact the DEQ Tidewater Regional Office for more information.



DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
ENVIRONMENTAL IMPACT REVIEW COMMENTS

March 15, 2016

**PROJECT NUMBER:** 16-026F

**PROJECT TITLE:** Assateague Island National Seashore Draft General Management Plan

**Waste Permit Program :**

No existing Solid or Hazardous Waste permits for this project site. All waste generated at the site shall be managed in accordance with applicable solid and hazardous waste regulations. No other comments.

**Storm Water Program: (CGP &ESC)**

**No Comments**

The staff from the Tidewater Regional Office thanks you for the opportunity to provide comments.

Sincerely,

---

Cindy Keltner  
Environmental Specialist II  
5636 Southern Blvd.  
VA Beach, VA 23462  
(757) 518-2167  
Cindy.Keltner@deq.virginia.gov

**Howard, Janine (DEQ)**

---

**From:** Tignor, Keith (VDACS)  
**Sent:** Thursday, March 24, 2016 11:17 PM  
**To:** Howard, Janine (DEQ)  
**Subject:** RE: DCR

Janine,

The draft management plan for the Assateague Island National Seashore addresses concerns regarding seabeach amaranth. It is anticipated from the statements contained in the document that efforts will be taken to preserve, and potentially benefit, this and other threatened and endangered species on the island. We concur with DCR's recommendation to avoid documented natural heritage resources with regard to those under the regulatory authority of the Department of Agriculture and Consumer Services. In addition, we concur with DCR's recommendation regarding the need to update the inventory of nature heritage resources on Assateague Island National Seashore. Contact me if you have further questions regarding this project as to its impact on seabeach amaranth.

Sincerely,  
Keith Tignor  
Office of Plant Industry Services  
Virginia Dept. of Agriculture & Consumer Services

---

**From:** Howard, Janine (DEQ)  
**Sent:** Thursday, March 17, 2016 3:40 PM  
**To:** Tignor, Keith (VDACS)  
**Subject:** FW: DCR

Hi Keith,

The DCR has noted (see attached) that a state-listed rare plant (Seabeach amaranth) may be impacted by the Assateague Island National Seashore Draft General Management Plan (sent out to reviewers on 2/16). I wanted to touch base with you to check whether VDACS may have comments on this topic.

Thanks,

*Janine L. Howard*  
Environmental Impact Review Coordinator

Office of Environmental Impact Review  
Division of Environmental Enhancement  
Virginia Department of Environmental Quality  
629 E. Main Street  
Richmond, VA 23219

t: (804) 698-4299  
f: (804) 698-4032

For program updates and public notices please subscribe to the [OEIR News Feed](#)

**From:** Rhur, Robbie (DCR)  
**Sent:** Thursday, March 17, 2016 2:45 PM

Molly Joseph Ward  
Secretary of Natural Resources

Clyde E. Cristman  
Director



**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz  
Deputy Director of  
Administration and Finance

David C. Dowling  
Deputy Director of  
Soil and Water Conservation  
and Dam Safety

Thomas L. Smith  
Deputy Director of Operations

**MEMORANDUM**

**DATE:** March 17, 2016  
**TO:** Janine Howard, MRC  
**FROM:** Roberta Rhur, Environmental Impact Review Coordinator  
**SUBJECT:** DEQ 16-026F, NPS, Assateague Island National Seashore Draft General Management Plan

**Division of Natural Heritage**

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted maps associated with the Assateague Island National Seashore Draft General Management Plan. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, this site is located within the Assateague Island Conservation Site. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. Assateague Island Conservation Site has been given a biodiversity significance ranking of B1, which represents a site of outstanding significance. The natural heritage resources within the project area are included in the attached Table 1: Assateague Island National Seashore General Management Plan – Natural Heritage Resources

DCR recommends avoidance of documented natural heritage resources including the mapped natural communities when planning for potential development and placement of new facilities. To obtain the Natural Heritage digital data for the Chincoteague National Wildlife Refuge/Assateague Island National Seashore for use in planning and management of natural heritage resources, please contact Rene' Hypes, Environmental Review Coordinator, at [rene.hypes@dcr.virginia.gov](mailto:rene.hypes@dcr.virginia.gov) or 804-371-2708 with your request.

Additionally, DCR recommends an updated inventory of the Chincoteague National Wildlife R/Assateague Island National Seashore (CNWR/AINS) in order to accurately document the current location and extent of natural heritage resources within the CNWR/AINS and allow for appropriate planning based on current information. Many of the resources were documented in the late 1990's or early 2000's and have not recently been field verified.

DCR-Division of Natural Heritage biologists are qualified and available to conduct inventories for rare, threatened, and endangered species. Please contact J. Christopher Ludwig, Natural Heritage Inventory Manager, at [chris.ludwig@dcr.virginia.gov](mailto:chris.ludwig@dcr.virginia.gov) or 804-371-6206 to discuss arrangements for field work. A list of other individuals who are qualified to conduct inventories may be obtained from the USFWS.

DCR supports efforts to maintain lands to maximize habitat and wildlife management strategies for rare, threatened and endangered species, migratory birds and resident wildlife for all of the proposed alternatives. DCR also supports ongoing research by the National Park Service and others to benefit threatened and endangered species as stated in *The Draft General Management Plan and Environmental Impact Statement Assateague Island National Seashore (GMP/EIS)*, 2016, p 4-84. DCR also supports the expansion of natural resource management actions that restore island habitats, remove invasive *Phragmites australis*, manage the deer populations and once access is lost, the removal of visitor facilities to allow developed areas to return to natural conditions p 4-99.

Due to the legal status of the Loggerhead sea turtle, Piping plover, and Delmarva fox squirrel, DCR recommends coordination with USFWS and VDGIF to ensure compliance with protected species legislation. Due to the legal status of the Peregrine falcon, Bald eagle, Gull-billed tern, Wilson's plover, DCR recommends coordination with VDGIF to ensure compliance with protected species legislation. Due to the legal status of the Seabeach amaranth, DCR recommends coordination with USFWS and VDACS to ensure compliance with protected species legislation.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

The Virginia Department of Agriculture and Consumer Services (VDACS), which has regulatory authority to conserve rare and endangered plant and insect species through the Virginia Endangered Plant and Insect Species Act, has established a Memorandum of Agreement with the Virginia Department of Conservation and Recreation (DCR). Under this Agreement DCR's Division of Natural Heritage, in consultation with VDACS, represents VDACS in its comments and recommendations regarding the potential impact of reviewed projects or activities on state-listed plant and insect species. Since it has been determined that this project or activity may impact Seabeach amaranth, a state rare plant, VDACS will respond directly to ensure compliance with Virginia's Endangered Plant and Insect Species Act. Further correspondence regarding the potential impacts of this project or activity on state-listed plant and insect species should be directed to VDACS.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or [Ernie.Aschenbach@dgif.virginia.gov](mailto:Ernie.Aschenbach@dgif.virginia.gov).

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

CC: Amy Ewing, VDGIF  
Troy Andersen, USFWS

TABLE 1: ASSATEAGUE ISLAND NATIONAL SEASHORE DRAFT GENERAL MANAGEMENT PLAN - Natural Heritage Resources

Group Name	Scientific Name	Common Name	Last Observed	Global Rank	USFWS - Species of concern	Federal Status	State Status	Conservation Site Name
Vascular Plant	<i>Dichanthium catulense</i>	Blue Witch Grass	2006-09-05	G2G3	SO			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> / <i>Hudsonia tomentosa</i> Woodland	Loblolly Pine / Sand Heather Dune Woodland	1996-10-03	G1G2	S1S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	Herbaceous Vegetation	Xeric Backdune Grassland	1996-10-01	G2				ASSATEAGUE ISLAND
Vascular Plant	<i>Amaranthus pumilus</i>	Sea-beach amaranth	1967-07-05	G2		LT		ASSATEAGUE ISLAND
Vascular Plant	<i>Plantago maritima</i> var. <i>juncoides</i>	Seaside Plantain	1987-10-25	G5T5				ASSATEAGUE ISLAND
Vascular Plant	<i>Vaccinium macrocarpon</i>	Large Cranberry	1998-09	G4				ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Spartina patens</i> - <i>Fimbristylis castanea</i> , <i>caroliniana</i> - <i>Cyperus fillicinus</i> - <i>Schoenoplectus pungens</i> Herbaceous Vegetation	Interdune Swale (Northern Mixed Grassland Type)	1996-09-05	G1G2	S17			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Spartina patens</i> - <i>Fimbristylis castanea</i> , <i>caroliniana</i> - <i>Cyperus fillicinus</i> - <i>Schoenoplectus pungens</i> Herbaceous Vegetation	Interdune Swale (Northern Mixed Grassland Type)	1996-10-02	G1G2	S17			ASSATEAGUE ISLAND
Vascular Plant	<i>Plantago maritima</i> var. <i>juncoides</i>	Seaside Plantain	1966-09-07	G5T5	S1			ASSATEAGUE ISLAND
Vascular Plant	<i>Cuscuta polygonorum</i>	Smartweed Dodder	1998-09	G5	S1			ASSATEAGUE ISLAND
Vascular Plant	<i>Polygonum glabrum</i>	Sea-beach Knotweed	1966-09-07	G3	S2			ASSATEAGUE ISLAND
Vascular Plant	<i>Heliotropium curassavicum</i> var. <i>curassavicum</i>	Seaside Heliotrope	1966-09-07	G5T5	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Bacopa monnieri</i> - <i>Eleocharis albidia</i> Herbaceous Vegetation	Interdune Pond (Coastal Water-Hyssop - White Spikerush Oligohaline Type)	1996-09-04	G1Q	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Eleocharis rostellata</i> - <i>Spartina patens</i> Tidal Herbaceous Vegetation	Tidal Oligohaline Marsh (Beaked Spikerush - Saltmeadow Cordgrass Estuarine Fringe Type)	1996-09-11	G3	S17			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> / <i>Morella cerifera</i> / <i>Ornithium spectabilis</i> Forest	Maritime Wet Loblolly Pine Forest	1996-09-30	G3	S27			ASSATEAGUE ISLAND
Invertebrate Animal	<i>Cicindela lepida</i>	Spectral Tiger Beetle	1991-07	G3G4	S1			ASSATEAGUE ISLAND
Vertebrate Animal	<i>Sciurus niger cinereus</i>	Downy Fox Squirrel	1994-02-10	G5T3	S1	LE		ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Bacopa monnieri</i> - <i>Eleocharis albidia</i> Herbaceous Vegetation	Interdune Pond (Coastal Water-Hyssop - White Spikerush Oligohaline Type)	1996-09-04	G1Q	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Falco peregrinus</i>	Peregrine Falcon	1998	G4	S1B,S2N	LT		ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Spartina patens</i> - ( <i>Bolboschoenus robustus</i> ) Herbaceous Vegetation	Interdune Swale (Saltmeadow Cordgrass Brackish Type)	1996-10-01	G7G4	S27			ASSATEAGUE ISLAND
Vascular Plant	<i>Polygonum glabrum</i>	Sea-beach Knotweed	1996-09-05	G3	S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Bacopa monnieri</i> - <i>Eleocharis albidia</i> Herbaceous Vegetation	Interdune Pond (Coastal Water-Hyssop - White Spikerush Oligohaline Type)	1996-09-04	G1Q	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Spartina patens</i> - ( <i>Bolboschoenus robustus</i> ) Herbaceous Vegetation	Interdune Swale (Saltmeadow Cordgrass Brackish Type)	1996-10-02	G2G4	S27			ASSATEAGUE ISLAND
Vertebrate Animal	<i>Caretta caretta</i>	Loggerhead (Sea Turtle)	2010-07-20	G3	S1B,S1N	LE		NORTH WALLOPS ISLAND, ASAWOMAN ISLAND, ASSATEAGUE ISLAND
Invertebrate Animal	<i>Drosena graphica</i>	Graphic moth	1998-08-11	G4	S2S3			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> / <i>Hudsonia tomentosa</i> Woodland	Loblolly Pine / Sand Heather Dune Woodland	1996-09-30	G1G2	S1S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	Vegetation	Interdune Swale / Pond (Switchgrass Type)	1996-09-04	G2G4	S27			ASSATEAGUE ISLAND
Vascular Plant	<i>Euphorbia bombensis</i>	Southern seaside spurge	1998-09	G4G5	S2			ASSATEAGUE ISLAND
Vascular Plant	<i>Amaranthus pumilus</i>	Sea-beach amaranth	2008-08	G2	S1	LT		ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> - ( <i>Quercus falcata</i> , <i>Prunus serotina</i> ) / <i>Morella cerifera</i> / <i>Vitis rotundifolia</i> Forest	Maritime Loblolly Pine Forest	1996-10-01	G2	S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> - ( <i>Quercus falcata</i> , <i>Prunus serotina</i> ) / <i>Morella cerifera</i> / <i>Vitis rotundifolia</i> Forest	Maritime Loblolly Pine Forest	1996-10-03	G2	S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Pinus taeda</i> - ( <i>Quercus falcata</i> , <i>Prunus serotina</i> ) / <i>Morella cerifera</i> / <i>Vitis rotundifolia</i> Forest	Maritime Loblolly Pine Forest	1996-10-3	G2	S2			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Bacopa monnieri</i> - <i>Eleocharis albidia</i> Herbaceous Vegetation	Interdune Pond (Coastal Water-Hyssop - White Spikerush Oligohaline Type)	1996-10-01	G1Q	S1			ASSATEAGUE ISLAND
Vascular Plant	<i>Cyperus diandrus</i>	Umbrella Flatsedge	1998-09	G5	S1			ASSATEAGUE ISLAND
Vascular Plant	<i>Paspalum distichum</i>	Joint Paspalum	1998-09	G5	S1			ASSATEAGUE ISLAND, WILDCAT MARSH, ASSATEAGUE ISLAND
Vascular Plant	<i>Dichanthium ovale</i> var. <i>ovale</i>	Oval-flowered panic grass	1998-09	G5T5	S17			ASSATEAGUE ISLAND
Vascular Plant	<i>Sciara verticillata</i>	Whorled Nutrush	1998-09	G5	S2			ASSATEAGUE ISLAND
Vascular Plant	<i>Euphorbia bombensis</i>	Southern seaside spurge	1998-09	G4G5	S2			ASSATEAGUE ISLAND
Vascular Plant	<i>Juncus megacephalus</i>	Big-headed rush	1998-09	G4G5	S2			ASSATEAGUE ISLAND
Invertebrate Animal	<i>Papaipema duvetai</i>	Seaside Goldenrod Stem Borer	1998-10-14	G4	S1S3			ASSATEAGUE ISLAND
Vascular Plant	<i>Amaranthus pumilus</i>	Sea-beach amaranth	2004	G2	S1	LT		ASSATEAGUE ISLAND
Vascular Plant	<i>Heliotropium curassavicum</i> var. <i>curassavicum</i>	Seaside Heliotrope	1988-09-24	G5T5	S1			ASSATEAGUE ISLAND
Vertebrate Animal	<i>Charadrius wilsonia</i>	Wilson's Plover	1991	G5	S1B	LE		ASSATEAGUE ISLAND
Vertebrate Animal	<i>Charadrius melodus</i>	Piping Plover	2009-06-09	G3	S2B,S1N	LT		ASSATEAGUE ISLAND
Vascular Plant	<i>Cyperus diandrus</i>	Umbrella Flatsedge	1998-09	G5	S1			ASSATEAGUE ISLAND
Vascular Plant	<i>Carex silicea</i>	Sea-beach Sedge	2014-07-29	G5	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Prunus serotina</i> / <i>Smilax rotundifolia</i> / <i>Schizachyrium litoreale</i> Woodland	Black Cherry Xeric Dune Woodland	1996-10-01	G1G2	S1			ASSATEAGUE ISLAND
Terrestrial Natural Community	<i>Panicum virgatum</i> - <i>Schoenoplectus pungens</i> Herbaceous Vegetation	Interdune Swale / Pond (Switchgrass Type)	1996-09-04	G2G4	S27			ASSATEAGUE ISLAND

**Howard, Janine (DEQ)**

---

**From:** Warren, Arlene (VDH)  
**Sent:** Monday, March 14, 2016 11:42 AM  
**To:** Howard, Janine (DEQ)  
**Cc:** Soto, Roy (VDH)  
**Subject:** RE: NEW PROJECT NPS ASSATEAGUE GMP 16-026F

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to public drinking water sources (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

There are no public groundwater wells within a 1 mile radius of the project site.

There are no surface water intakes located within a 5 mile radius of the project site.

The project is not within the watershed of any public surface water intakes.

There are no apparent impacts to public drinking water sources due to this project.

Comments from VDH Office of Shellfish Sanitation:

“The document as drafted will not change our current classification of shellfish waters in the area.”

–Eric Aschenbach, Shellfish Growing Area Manager

Regards,

Arlene Fields Warren

Office of Drinking Water  
Virginia Department of Health  
109 Governor Street  
Richmond, VA 23220  
(804) 864-7781

---

**From:** Fulcher, Valerie (DEQ)  
**Sent:** Tuesday, February 16, 2016 10:44 AM  
**To:** dgif-ESS Projects (DGIF); Tignor, Keith (VDACS); Rhur, Robbie (DCR); odwreview (VDH); Coe, Stephen (DEQ); Narasimhan, Kotur (DEQ); Gavan, Larry (DEQ); Moore, Daniel (DEQ); Sepety, Holly (DEQ); Robinson, Cindy (DEQ); Kirchen, Roger (DHR); Spears, David (DMME); Evans, Gregory (DOF); Watkinson, Tony (MRC); Meil, Elaine; Miner, Steven B.; Ritter, Jr, Robert G  
**Cc:** Howard, Janine (DEQ)  
**Subject:** NEW PROJECT NPS ASSATEAGUE GMP 16-026F

**Good morning - this is a new OEIR review request/project:**

**Document Type:** Draft Environmental Impact Statement  
**Project Sponsor:** National Park Service  
**Project Title:** Assateague Island National Seashore Draft  
General Management Plan  
**Location:** Accomack County, Town of Chincoteague  
**Project Number:** DEQ #16-026F

**Howard, Janine (DEQ)**

---

**From:** Eaton, Ethel (DHR)  
**Sent:** Thursday, March 17, 2016 4:17 PM  
**To:** Howard, Janine (DEQ)  
**Subject:** DEQ #16=026F; DHR File No. 2010- 1241; Draft GMP/EIS Assateague National Seashore  
**Attachments:** In situ Fox Creek Point Drowned Middle Woodland Midden.jpg; In situ Paleoindian beneath Holocene Dune and late Pleistocene Loess.jpg; 18TA212 Erosive and Non Erosive Conditions.jpg

Janine,

We have been working with the National Park Service on the draft General Management Plan/Environmental Impact Statement for the Assateague National Seashore. Please see our comments attached.

Regards,

Ethel

Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Review and Compliance Division  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

(804) 482-6088 voice

(804) 367-2391 fax

<http://www.dhr.virginia.gov>

*"We will not stand idly by and watch our archaeological past erode into the sea."*

Chesapeake Bay Archaeological Consortium

(CBAC)

---

**From:** Eaton, Ethel (DHR)  
**Sent:** Thursday, March 17, 2016 4:10 PM  
**To:** 'Darden, Deborah'  
**Cc:** Bill Hulslander; 'Ellen\_Carlson@nps.gov'; Kendrick, Jim; Cheryl Sams  
**Subject:** DHR File No. 2010- 1241; Draft GMP/EIS Assateague National Seashore

Deborah,

Please see attached our letter on the draft General Management Plan/Environmental Impact Statement for the Assateague National Seashore.

Thank you for offering us the opportunity to comment.

Regards,

Ethel

Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Review and Compliance Division  
Virginia Department of Historic Resources  
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Richmond, VA 23221

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*"We will not stand idly by and watch our archaeological past erode into the sea."*

Chesapeake Bay Archaeological Consortium

(CBAC)



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward  
*Secretary of Natural Resources*

Julie V. Langan  
*Director*

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[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

March 17, 2016

Deborah A Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Re: Assateague Island National Seashore  
Draft General Management Plan/Environmental Impact Statement  
Accomack County, Virginia  
DHR File No. 2010-1241  
Received February 16, 2016

Dear Ms. Darden:

Thank you for your letter of February 12, 2016 requesting our review of the draft General Management Plan/Environmental Impact Statement for Assateague Island National Seashore. The Department of Historic Resources supports Alternative 3, Sustainable Recreation and Climate Change Adaptation, the National Park Service (NPS)' preferred alternative for the future management of the seashore lands and waters under its management. We note the Conclusions section on page 4-198 states: "Under all alternatives cultural resources would continue to be exposed to unavoidable adverse impacts associated with natural coastal processes and the effects of climate change/sea level rise". We appreciate the challenges facing the Seashore. However, we strongly encourage including in the future management strategies in the GMP effective ways to address these unavoidable impacts. We offer the following comments for your consideration:

**Archaeological Sites.** On page viii the draft GMP acknowledges the absence of archaeological survey data for most of the island. The challenge in identifying these sites is illustrated by the attached photos courtesy of Darrin Lowery. Some shorelines have an erosive season (or phase) and a stable season (or phase). In our comments on the Chincoteague and Wallops Island National Wildlife Refuges Comprehensive Conservation we brought to the attention of the U.S. Fish and Wildlife Service a prehistoric site eroding

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out of the shoreline on Metomkin Island, 44AC0138. Although located on the Nature Conservancy portion of Metomkin Island (not the Service' portion), the site illustrates both the potential for prehistoric resources and the threat of erosion to the cultural resources on the refuges. Stating that occasional discoveries of aboriginal projectile points in the ocean surf zone constitute the only physical evidence of Native American use of Assateague Island (or presumably on other barrier islands within the jurisdiction of the NPS) ignores the critical need to collect baseline data about these sites spatial, historical and cultural contexts, followed by periodic monitoring of identified resources in order to more effectively manage them.

The section, **Assessing Impacts**, on page 4.1.3, states: "The NPS is an agency with a "conservation" mandate and identifies fundamental resources and values in its GMPs". In section 1.4.3 of the GMP/EIS, Cultural Resources are included under Other Important Resources, ranging from historic structures to archaeological objects and sites. We strongly encourage NPS not to drop archaeological resources from consideration in the GMP but to include archaeological resources together with other Cultural Resources (Historic Structures and Cultural Landscapes). We recommend that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) includes a management strategy of conducting baseline archaeological survey and monitoring. Failure to do is in our opinion may be considered an adverse impact, and inconsistent with the directives of Section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, as well as Bulletin 28.

We also encourage the NPS to include as a management strategy partnering with the Chincoteague and Wallops Island National Wildlife Refuges in the Service' wreck monitoring program, which will serve both as a useful monitoring tool for cultural resources as well as assessing the movement of the barrier islands.

**Assateague Beach U.S. Coast Guard Station.** The Assateague Beach U.S. Coast Guard Station and its Cultural Landscape are considered eligible for both the Virginia Landmarks Register and the National Register of Historic Places. Under alternative 3, management actions would protect and maintain the Assateague Beach U.S. Coast Guard Station in situ until the site and/or structures are no longer sustainable... Page viii states that the Assateague Beach U.S. Coast Guard Station sits vacant and underutilized due to problems with access. We do not see any management strategies to address the access problem. We are pleased to see, however, that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) that NPS would seek partners to rehabilitate and reuse the station, perhaps including an historic lease or with commercial service providers to provide access... We encourage the NPS to explore partnerships, such with the Chincoteague and Wallops Island National Wildlife Refuges, potentially including the Station as a venue for environmental education. The NPS might also schedule occasional interpretive tours with local partners to encourage an understanding the Station's place in the history of Assateague Island, enhancing Visitor Use and Experience in addition to the kayak tours from Toms Cove that include a stop at the site.

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We look forward to working with the NPS under section 106 of the NHPA and the Service-wide 2008 Programmatic Agreement among the NPS, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers as plans progress. Tribal consultation will need to be considered in the Section 106 process. As you know, the Virginia Council on Indians no longer exists. Virginia now has its first resident federally recognized Indian Tribe, the Pamunkey Tribe. If NPS has not already done so, we encourage initiating consultation with the Pamunkey Tribe on the GMP/EIS.

Thank you for offering us the opportunity to comment. If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me (for archaeology) at (804)482-6088; e-mail [ethel.eaton@dhr.virginia.gov](mailto:ethel.eaton@dhr.virginia.gov), or M. Amanda Lee (for architectural issues) at (804) 482-6092; [amanda.lee@dhr.virginia.gov](mailto:amanda.lee@dhr.virginia.gov).

Sincerely,



Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Division of Resource Services and Review

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In situ Fox Creek type point

O<sub>1</sub>-horizon (0 to 42 cm)

AC-horizon (42 to 63 cm)

A-horizon (63 to 70 cm)

Big-horizon (70 to >100 cm)







Figure 13. Erosive Winter View of a Shoreline Archaeological Site, Talbot County, Maryland.



Figure 14. Non-erosive Summer View of the Same Archaeological Site in Figure 13.



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

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## MEMORANDUM

**TO:** Daniel Moore

**FROM:** Shawn Smith, Chesapeake Bay Local Assistance

**DATE:** September 29, 2015

**SUBJECT:** DEQ 15- 146F Chincoteague and Wallops Island National Refuge– Accomack County

We have reviewed the draft Chincoteague and Wallops Island National Refuge Plan. These federal Refuges are located in Accomack County. Accomack County's local CBPA program includes designated Chesapeake Bay Preservation Areas, however, CBPAs are not designated on federally owned lands. The Refuges do include lands that would be analogous to Resource Protection Areas and Resource Management Areas. While not specifically mentioned, the plan nonetheless does include strategies to minimize impacts to sensitive lands and species while providing for human access. The preferred alternative would result in activities that are consistent with the requirements of the Chesapeake Bay Preservation Act.

**Howard, Janine (DEQ)**

---

**From:** Ewing, Amy (DGIF)  
**Sent:** Monday, April 04, 2016 3:50 PM  
**To:** Howard, Janine (DEQ)  
**Cc:** Boettcher, Ruth (DGIF)  
**Subject:** ESSLog# 31030\_16-026F\_Assateague Island National Seashore

We have reviewed the Draft General Management Plan and Environmental Impact Statement (Draft GMP/EIS) for Assateague Island National Shoreline, owned and managed by the National Park Service (NPS).

Assateague Island National Seashore (AINS) lies both within the states of Virginia and Maryland. The southern section of AINS, totaling approximately 10,000 acres, is located within Virginia and is encompassed within Chincoteague National Wildlife Refuge (CNWR), managed by the U.S. Fish and Wildlife Service (FWS). According to the Draft GMP/EIS, the only lands within Virginia that fall under the management authority of NPS are those associated with the Assateague Beach U.S. Coast Guard Station. All other Virginia lands will be managed by the FWS in accordance with the recently finalized Chincoteague National Wildlife Refuge Comprehensive Conservation Plan (CCP).

Assateague Island and associated waters in Virginia are known to support, at some time during the year, federally Threatened piping plovers, state Threatened peregrine falcons, federally Threatened loggerhead sea turtles, federally Threatened green sea turtles, federally Endangered Kemp's Ridley sea turtles, VA Wildlife Action Plan Tier II northern diamond-backed terrapins, and recently de-listed Delmarva Peninsula fox squirrels. During review of the draft CCP for CNWR, we provided the attached comments and recommendations in support of *Alternative B: A Balanced Approach*, the FWS's preferred alternative plan for management of CNWR. Assuming FWS adherence to the CNWR CCP, particularly as it relates to the protection of sensitive wildlife species and unique habitats, we are supportive of continued management of Assateague Island within in Virginia by the USFWS, as described in all of the alternatives still under consideration in the draft GMP/EIS for AINS. It is possible that Delmarva Peninsula fox squirrels on Assateague Island have moved from CNWR to areas north of the Virginia border. Therefore, we recommend that the NPS work closely with FWS to survey for this species in all suitable habitats within the boundaries of Assateague Island National Seashore and work cooperatively to monitor and manage any documented populations of this species and their habitats in Maryland in accordance with CNWR's CCP.

As described in *Alternative 3: Sustainable Recreation and Climate Change Adaptation*, the NPS's preferred alternative, Assateague Beach U.S. Coast Guard Station is located within the Cultural Resource Zone and is proposed to be protected and maintained in situ, including activities to keep historically relevant structures in good repair. This alternative also states that NPS will actively seek out partners to rehabilitate and protect these structures. Protective actions may include non-structural bayside shoreline stabilization for protection against storm and wave action. Assuming any shoreline stabilization activities will be done in accordance with living shoreline or other ecologically sound and sensitive design principles and that close coordination with FWS is performed to ensure adherence to the CNWR CCP, we are supportive of such activities.

We appreciate the opportunity to review and provide comments on the Draft General Management Plan and Environmental Impact Statement for Assateague Island National Shoreline. Please get in touch if you need anything additional.

Thanks, Amy

**Amy M. Ewing**

**Environmental Services Biologist/FWIS Biologist Supervisor**  
**Chair, Team WILD (Work, Innovate, Lead and Develop)**  
**VA Department of Game and Inland Fisheries**  
**7870 Villa Park Dr., Suite 400, PO Box 90778, Henrico, VA 23228**  
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# COMMONWEALTH of VIRGINIA

Molly J. Ward  
Secretary of Natural Resources

Department of Game and Inland Fisheries

Robert W. Duncan  
Executive Director

July 22, 2014

Mr. Charles H. Ellis  
Office of Environmental Impact Review  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, VA 23219

Dear Mr. Ellis:

Re: ESSLog# 34096  
Draft EIS/CCP  
Chincoteague NWR and  
Wallops Island NWR

We have reviewed the draft Comprehensive Conservation Plan / Environmental Impact Statement for Chincoteague and Wallops Island National Wildlife Refuges and offer the following recommendations. Of the three alternatives proposed, we support *Alternative B: Balanced Approach*, identified in the DEIS as the U.S. Fish and Wildlife Service's Preferred Alternative. We do, however, recommend inclusion of the following additional actions that are discussed in the DEIS.

1. Reinitiate consultation and coordination with local interests regarding development of offsite parking and a transit system, in addition to relocation northward of the recreational beach parking area: We recognize that this action was discarded in deference to locality concerns, but we agree with the discussion presented by USFWS that suitable offsite parking and transit is an important component of responsible management to provide visitors with an alternative option to driving along with bicycling and walking, to address high levels of demand on peak beach visitor use days, and to address potential impacts of rising sea level and climate change on recreational beach parking.
2. Management and reduction of sika deer and non-migratory Canada goose populations: We support efforts to reduce the non-native sika deer population on the Refuge as this will assist with restoration of native understory, resulting in benefits to native forest wildlife species. Reduction of the overabundant resident Canada goose population may result in increased use of impoundments by nesting and migratory waterbirds, perhaps even restoring black duck breeding activity on the Refuge.

Mr. Charles H. Ellis

July 22, 2014

Page 2

3. Reduce the Chincoteague pony herd to 125 animals and remove them from the Wilderness Area: Although they have cultural and economic value within the Chincoteague community, the non-native ponies damage the natural vegetative communities within the Refuge, posing threats to listed and imperiled plants through excessive browsing and trampling. We recommend reducing the number of ponies in the herd and restricting them to an area on the island where they can be easily viewed by the public but where their adverse ecological impacts are minimized.

Additional Recommendations:

1. We recommend the USFWS consider daily sea turtle monitoring during the appropriate nesting season on Assateague and Assawoman islands, and adopt new sea turtle nest monitoring and management protocols pursuant to the Virginia and Maryland Sea Turtle Conservation Plan.
2. We recommend that the USFWS work cooperatively with NASA to gain daily access to Assawoman Island for biological monitoring and management.
3. We recommend that the USFWS increase law enforcement presence on the southern islands, especially on North Metompkin, where the island is narrow, resulting in humans traversing piping plover nesting sites to get from one side of the island to the other.
4. We recommend that the USFWS have at least one law enforcement officer on call to handle wildlife violations on the southern islands from Memorial Day through Labor Day each year.
5. We recommend incorporation of native plants that produce fruits high in antioxidants such as arrowwood (*Viburnum* spp.) and Virginia creeper (Alan et al. 2013; Bolser et al. 2013) in restoration efforts that entail planting of native vegetation to benefit migratory songbirds.
6. We do not recommend removing fencing from the North Wash Flats wetland impoundment. This fencing was installed as a component of a waterfowl enhancement project funded by our Department in partnership with Ducks Unlimited, USFWS, and the Chincoteague Volunteer Fire Department. The fencing was installed to assist in keeping the ponies out of the impoundment: in the future it could be used as a management tool to control or prevent pony grazing.

Recommended Corrections/Updates to the DEIS:

1. On page 2-21&22, the list of species that may breed in the Refuge-owned salt marsh habitats should also include willets, black ducks, and possibly black-necked stilts.

Mr. Charles H. Ellis

July 22, 2014

Page 3

2. On page 2-22, the American Oystercatcher is defined as a species of concern in Virginia. It is actually a Tier II Species of Greatest Conservation Need indicating that it is a species with a very high conservation need and has a high risk of extinction or extirpation (VDGIF 2005). On the same page it should be clarified that oystercatchers nest on topographical high spots in low salt marsh islands. Please see more information at [www.bewildvirginia.org](http://www.bewildvirginia.org).
3. On page 2-22, whimbrels are described as an important local wintering species when in fact they only occur in Virginia during spring and fall migration.
4. On page 3-32, the narrative describing the legal status of sea turtles that occur in Virginia should be reworded to clarify that the state status is the same as the federal status for each species.

We appreciate the opportunity to review and provide input on this draft EIS and Comprehensive Conservation Plan for the Chincoteague and Wallops Island National Wildlife Refuges. Please do not hesitate to contact me or Ray Fernald at [ray.fernaldd@dgif.virginia.gov](mailto:ray.fernaldd@dgif.virginia.gov) if we can be of additional assistance.

Sincerely,



Robert W. Duncan  
Executive Director

RWD/rf

Mr. Charles H. Ellis

July 22, 2014

Page 4

Literature Cited:

Alan, R.R., S.R. McWilliams, and K.J. McGraw. 2013. The importance of antioxidants for avian fruit selection during autumn migration. *Wilson Journal of Ornithology* 125(3): 513-525.

Bolser, J.A., R.R. Alan, A.D. Smith, L. Li, N.P. Seeram, and S.R. McWilliams. 2013. Birds select fruits with more anthocyanins and phenolic compounds during autumn migration. *Wilson Journal of Ornithology*, 125(1): 97-108.

Virginia Department of Game and Inland Fisheries. 2005. Virginia's comprehensive conservation wildlife strategy. Virginia Department of Game and Inland Fisheries, Richmond.

## Howard, Janine (DEQ)

---

**From:** Howard, Janine (DEQ)  
**Sent:** Friday, April 08, 2016 2:53 PM  
**To:** Maulorico, Rachael (MRC)  
**Subject:** RE: NPS Comments

Hi Rachael,

What is the status of MRC's comments on this project? I need to move forward with the state review response which is now ready for final review and issuance.

Thanks,

*Janine L. Howard*

Environmental Impact Review Coordinator

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Division of Environmental Enhancement  
Virginia Department of Environmental Quality  
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---

**From:** Maulorico, Rachael (MRC)  
**Sent:** Thursday, March 31, 2016 2:22 PM  
**To:** Howard, Janine (DEQ)  
**Subject:** RE: NPS Comments

Hi Janine,

I received your e-mail while typing the draft. Our Commissioner has a conference call with Richmond tomorrow at 4:00 to discuss the options for addressing the ban on horseshoe crab harvest. I am waiting to find out the conclusion of the meeting to finalize our comment.

Rachael

**From:** Howard, Janine (DEQ)  
**Sent:** Thursday, March 31, 2016 2:20 PM  
**To:** Maulorico, Rachael (MRC)  
**Subject:** RE: NPS Comments

Hi Rachael,

Just checking in to see how MRC's comments are coming along? I'm presently working on the response for this project.

Thanks,

*Janine L. Howard*

Environmental Impact Review Coordinator

Office of Environmental Impact Review  
Division of Environmental Enhancement  
Virginia Department of Environmental Quality  
629 E. Main Street  
Richmond, VA 23219

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**From:** Maulorico, Rachael (MRC)

**Sent:** Tuesday, February 16, 2016 12:03 PM

**To:** Howard, Janine (DEQ)

**Subject:** NPS Comments

Hi Janine,

We are working on drafting official comments to the NPS. It looks like your deadline is a little earlier, but we definitely plan on commenting. We can send you the comments that we draft for NPS, but it may be a little later than March 18. We will be including fisheries and habitat issues.

*Rachael L. Maulorico*

*Habitat Engineer*

*Virginia Marine Resources Commission*

*2600 Washington Avenue, 3rd Floor*

*Newport News, VA 23607*

*Phone: 757-247-8027*

*Cell: 757-504-7276*

# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward  
*Secretary of Natural Resources*

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
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March 17, 2016

Deborah A Darden, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

Re: Assateague Island National Seashore  
Draft General Management Plan/Environmental Impact Statement  
Accomack County, Virginia  
DHR File No. 2010-1241  
Received February 16, 2016

Dear Ms. Darden:

Thank you for your letter of February 12, 2016 requesting our review of the draft General Management Plan/Environmental Impact Statement for Assateague Island National Seashore. The Department of Historic Resources supports Alternative 3, Sustainable Recreation and Climate Change Adaptation, the National Park Service (NPS)' preferred alternative for the future management of the seashore lands and waters under its management. We note the Conclusions section on page 4-198 states: "Under all alternatives cultural resources would continue to be exposed to unavoidable adverse impacts associated with natural coastal processes and the effects of climate change/sea level rise". We appreciate the challenges facing the Seashore. However, we strongly encourage including in the future management strategies in the GMP effective ways to address these unavoidable impacts. We offer the following comments for your consideration:

**Archaeological Sites.** On page viii the draft GMP acknowledges the absence of archaeological survey data for most of the island. The challenge in identifying these sites is illustrated by the attached photos courtesy of Darrin Lowery. Some shorelines have an erosive season (or phase) and a stable season (or phase). In our comments on the Chincoteague and Wallops Island National Wildlife Refuges Comprehensive Conservation we brought to the attention of the U.S, Fish and Wildlife Service a prehistoric site eroding

out of the shoreline on Metomkin Island, 44AC0138. Although located on the Nature Conservancy portion of Metomkin Island (not the Service' portion), the site illustrates both the potential for prehistoric resources and the threat of erosion to the cultural resources on the refuges. Stating that occasional discoveries of aboriginal projectile points in the ocean surf zone constitute the only physical evidence of Native American use of Assateague Island (or presumably on other barrier islands within the jurisdiction of the NPS) ignores the critical need to collect baseline data about these sites spatial, historical and cultural contexts, followed by periodic monitoring of identified resources in order to more effectively manage them.

The section, *Assessing Impacts*, on page 4.1.3, states: "The NPS is an agency with a "conservation" mandate and identifies fundamental resources and values in its GMPs". In section 1.4.3 of the GMP/EIS, Cultural Resources are included under Other Important Resources, ranging from historic structures to archaeological objects and sites. We strongly encourage NPS not to drop archaeological resources from consideration in the GMP but to include archaeological resources together with other Cultural Resources (Historic Structures and Cultural Landscapes). We recommend that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) includes a management strategy of conducting baseline archaeological survey and monitoring. Failure to do is in our opinion may be considered an adverse impact, and inconsistent with the directives of Section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, as well as Bulletin 28.

We also encourage the NPS to include as a management strategy partnering with the Chincoteague and Wallops Island National Wildlife Refuges in the Service' wreck monitoring program, which will serve both as a useful monitoring tool for cultural resources as well as assessing the movement of the barrier islands.

**Assateague Beach U.S. Coast Guard Station.** The Assateague Beach U.S. Coast Guard Station and its Cultural Landscape are considered eligible for both the Virginia Landmarks Register and the National Register of Historic Places. Under alternative 3, management actions would protect and maintain the Assateague Beach U.S. Coast Guard Station in situ until the site and/or structures are no longer sustainable... Page viii states that the Assateague Beach U.S. Coast Guard Station sits vacant and underutilized due to problems with access. We do not see any management strategies to address the access problem. We are pleased to see, however, that Section 2.6.5 Cultural Resource Management (NPS Preferred Alternative) that NPS would seek partners to rehabilitate and reuse the station, perhaps including an historic lease or with commercial service providers to provide access... We encourage the NPS to explore partnerships, such with the Chincoteague and Wallops Island National Wildlife Refuges, potentially including the Station as a venue for environmental education. The NPS might also schedule occasional interpretive tours with local partners to encourage an understanding the Station's place in the history of Assateague Island, enhancing Visitor Use and Experience in addition to the kayak tours from Toms Cove that include a stop at the site.

We look forward to working with the NPS under section 106 of the NHPA and the Service-wide 2008 Programmatic Agreement among the NPS, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers as plans progress. Tribal consultation will need to be considered in the Section 106 process. As you know, the Virginia Council on Indians no longer exists. Virginia now has its first resident federally recognized Indian Tribe, the Pamunkey Tribe. If NPS has not already done so, we encourage initiating consultation with the Pamunkey Tribe on the GMP/EIS.

Thank you for offering us the opportunity to comment. If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me (for archaeology) at (804)482-6088; e-mail [ethel.eaton@dhr.virginia.gov](mailto:ethel.eaton@dhr.virginia.gov), or M. Amanda Lee (for architectural issues) at (804) 482-6092; [amanda.lee@dhr.virginia.gov](mailto:amanda.lee@dhr.virginia.gov).

Sincerely,

A handwritten signature in cursive script that reads "Ethel R. Eaton". The signature is written in black ink on a white background.

Ethel R. Eaton, Ph.D., Senior Policy Analyst  
Division of Resource Services and Review



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

May 1, 2016

Ms. Deborah A. Darden  
Superintendent  
United States Department of the Interior  
National Park Service  
7206 National Seashore Lane  
Berlin, MD 21811

Re: Draft General Management Plan/ Environmental Impact Statement, for Assateague Island National Seashore, Maryland, January 2016; CEQ 20160018

Dear Ms. Darden:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the Draft General Management Plan/ Environmental Impact Statement (GMP/EIS), for Assateague Island National Seashore. The purpose of the GMP/EIS 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.

The DEIS evaluates four Alternatives:

- Alternative 1: NPS would continue to manage resources as it does today.
- Alternative 2: Most visitors would enjoy traditional beach recreation concentrated within a high density area accessible by private vehicles. This Alternative would likely require significant manipulation of the natural environment to protect facilities and infrastructure in the island developed area.
- Alternative 3 (Preferred Alternative): Over time infrastructure would evolve to more sustainable designs and likely shift to more stable locations both on and off the island. New water-based points of access would prove access to additional low density visitor use in the backcountry. This alternative represents a long-term shifting of facilities and assets to climate change.
- Alternative 4: Visitors would continue using existing facilities and infrastructure until such a time as they were lost and /or damaged by natural coastal processes and /or the effects of climate change/sea level rise. Lost or damaged facilities would either not be replaced or would be minimally replaced with sustainable substitutes. Alternative 4 represents a quicker adaptation of seashore facilities and assets to the effects of climate change.

Based on our review we rate this Draft EIS, Lack of Objection (LO). A description of our rating system can be found at <http://www.epa.gov/compliance/nepa/comments/ratings.html>. However, we offer the following recommendations and suggest that additional information be provided describing future projects presented in the GMP/EIS.

- We suggest that the timeframe for this plan be clearly stated.
- It is suggested that additional information be provided in the Final EIS describing proposed stormwater management measures for future projects.
- Low impact development should be considered for future development.
- Air emissions and alternative fuel modes of transportation should be considered if and when ferry and shuttle services are developed. Also, the cost of these services to users should be included.
- The Final EIS should provide details on the environmental impacts (wetland, sub-aquatic vegetation, Aquatic Resources, dredging, etc) related to activities associated with the GMP/EIS. In addition, permits may need to be obtained as well as mitigation for unavoidable impacts. Impacts to species of concern, aquatic resources and other habitats should be avoided and minimized.
- The Final EIS should also identify seasonal aquatic construction restrictions related to fish, birds and other wildlife.

Please continue to work with EPA and other stakeholders as the Final EIS, Record of Decision and additional NEPA analysis for the various components of this plan move forward. Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Barbara Okorn; she can be reached at 215-814-3330.

Sincerely,



Barbara Rudnick  
NEPA Team Leader  
Office of Environmental Programs

**PEPC Project ID: 26140, DocumentID: 70269**  
**Correspondence: 2**

**Author Information**

Keep Private: No  
Name: Ivy Wells  
Organization: Town of Berlin  
Organization Type: T - Town or City Government  
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**Correspondence Information**

Status: Reviewed Park Correspondence Log: P-2  
Date Sent: 02/02/2016 Date Received: 02/02/2016  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

**Correspondence Text**

I fully support the National Park Service's recommendation to support Alternative 3: Sustainable Recreation and Climate Change Adaption.

Thank you,  
Ivy Wells  
Director, Economic & Community Development  
Town of Berlin  
14 S. Main Street  
Berlin, MD 21811  
410-629-1722

**PEPC Project ID: 26140, DocumentID: 70269**  
**Correspondence: 157**

**Author Information**

Keep Private: No  
 Name: Michael Luisi  
 Organization: Maryland Department of Natural Resources  
 Organization Type: I - Unaffiliated Individual  
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**Correspondence Information**

Status: Reviewed Park Correspondence Log: P-157  
 Date Sent: 04/29/2016 Date Received: 04/29/2016  
 Number of Signatures: 1 Form Letter: No  
 Contains Request(s): No Type: Web Form  
 Notes:

**Correspondence Text**

April 29, 2016

Deborah A. Darden  
 Superintendent  
 Assateague Island National Seashore  
 7206 National Seashore Lane  
 Berlin, MD 21811

Dear Ms. Darden:

Thank you for the opportunity to review and comment on the Assateague Island National Seashore Draft General Management Plan (GMP). Fisheries Service would like to take this opportunity to indicate our desire to work cooperatively on commercial and recreational fisheries issues referenced in the GMP. Commercially licensed fishing activity within the National Seashore boundary includes activities such as crabbing, eeling, and gill netting. Recreational and charter activities include clamming, crabbing, surf fishing, and fishing in the Coastal Bays. These activities are important to our local economy and historic use of the area; we hope they can continue.

If you have any fisheries questions please contact Angel Willey, Program Manager, Coastal Fisheries Program. Mrs. Willey can be reached by phone at 410-456-0311 or via email at Angel.Willey@Maryland.Gov.

Sincerely,

Michael Luisi  
 Director, Estuarine and Marine Fisheries

**From:** Ewing, Amy (DGIF)  
**Sent:** Thursday, April 14, 2016 4:57 PM  
**To:** Howard, Janine (DEQ)  
**Cc:** Fernald, Ray (DGIF)  
**Subject:** ESSLog# 31030\_16-026F\_Assateague Island National Seashore

Janine,

Please accept the below as an addendum to our comments on the subject project which were originally sent to you on April 4, 2016.

We note that the DEIS Preferred Alternative states that NPS would "Initiate an assessment of privately owned structures (oyster watch houses and hunting blinds) located within the seashore's Virginia waters to determine their legal status; pursue removal of any unauthorized structures." As stipulated, the pertinent hunting blinds are located in Virginia waters, and are subject to the jurisdiction of the Code of Virginia and to regulations of the Virginia Department of Game and Inland Fisheries. We look forward to working cooperatively with USFWS and NPS regarding any issues that arise regarding siting, regulation, use, or management of such blinds.

Thanks, Amy

**Amy M. Ewing**

**Environmental Services Biologist/FWIS Biologist Supervisor**

**Chair, Team WILD (Work, Innovate, Lead and Develop)**

**VA Department of Game and Inland Fisheries**

**7870 Villa Park Dr., Suite 400, PO Box 90778, Henrico, VA 23228**

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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.





Assateague Island National Seashore  
2017