

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**SCORPION PIER REPLACEMENT
ENVIRONMENTAL IMPACT STATEMENT**

**Channel Islands National Park
California**

The Department of the Interior, National Park Service (Park Service), has prepared this Record of Decision (ROD) on the *Scorpion Pier Replacement Final Environmental Impact Statement* (EIS) for Channel Islands National Park. This ROD includes a description of the background of the project, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a listing of measures to minimize environmental harm, and an overview of public and agency involvement in the decision-making process.

BACKGROUND OF THE PROJECT — PURPOSE AND NEED

The National Park Service proposes to replace and relocate Scorpion Pier, as well as make improvements to the access road, in order to improve park operations, improve the visitor experience, and provide safe access to Santa Cruz Island. The selection of a replacement site, including construction and operation, is hereafter referred to as the Project.

Scorpion Pier provides access to Santa Cruz Island, the most visited island in Channel Islands National Park. Santa Cruz Island provides numerous recreational opportunities, including beach activities, hiking trails, a historic district, a 240-person campground, kayaking, swimming, scuba diving, and snorkeling sites. Scorpion Anchorage is a semi-protected ocean environment that poses challenges in making safe boat to pier transitions, particularly during strong ocean swell conditions. Scorpion Pier supports approximately 1,055 vessel landings per year (approximately 65 landings for park operations and 990 landings for park concessioner operations).

The Scorpion Pier was originally installed in 2000 using a flatbed railcar as a temporary and relatively low cost solution for providing urgent access to Santa Cruz Island from Scorpion Anchorage following the Park Service's 1996 acquisition of the east end of the island. The structure was only intended to serve as a temporary solution and eventually deteriorated due to wave action and salt water. The flatbed railcar pier had a 90-foot-long by 9-foot-wide fixed span, and was connected to the island by a thick concrete platform supported by a partially submerged boulder in Scorpion Anchorage and a concrete abutment at the shoreline. In 2012, the park initiated an investigation and structural analyses of the flatbed railcar pier to estimate the allowable loading and service life of the pier structure. It was determined that the structure was in satisfactory condition, with a corrosion profile deterioration of approximately 1% per year of

service life (15% over 14 years). This however does not reflect the fact that the existing railcar pier never adequately met administrative functional requirements or visitor accessibility needs. Following the winter storm of 2015, severe wave damage rendered the flatbed railcar structurally deficient and the railcar pier was temporarily closed based on a structural engineer's analysis. Skiffs were used in the interim to transport visitors from the ferry to shore and back, until a prefabricated bridge could be transported to the site and inserted as a temporary span between the two original abutments. This current bridge span is 93-foot long by 5 foot 6 inches wide and is anchored to the abutments.

Disembarkation still requires visitors and Park Service staff to use ladders in pitching and shifting seas, and it is not safe for boats to approach or dock when tides are low or when large swells and wind waves exist. Boats are not moored or tied up to the pier because wave action generally makes the boat unsteady; instead, boat operators power into or alongside the pier terminus during loading and unloading of passengers and cargo. Any adverse swells or surges can easily cause dangerous situations to develop, and boat operators are sometimes required to quickly power vessels away from the pier to avoid potential damage or injury.

After disembarking, visitors are required to traverse an approximately 400-foot access road consisting of a sandy, gravelly, and rocky surface that can be difficult to negotiate, especially for older individuals or visitors with mobility disabilities, while carrying bags, packs, and other gear. This access road must be repaired and regraded several times per year due to impacts from storms, wave erosion, and the flooding of Scorpion Creek, a nearby seasonal stream.

The existing pier needs to be replaced and reconfigured in order to improve safety and accessibility, allowing all visitors to move safely from vessels to the pier deck, and to provide easy access to the adjacent shoreline, the historic Scorpion Ranch and visitor center, restrooms, orientation displays, campground, and hiking trails. A new pier constructed in deeper water would accommodate the current range of Park Service boats and concessioner ferry vessels, increase efficiency of loading and offloading cargo, and improve circulation of visitors, cargo, and Park Service operations.

DECISION (SELECTED ACTION)

The Park Service has selected the preferred alternative (Alternative 2), as described in the April 2016 *Scorpion Pier Replacement Final Environmental Impact Statement*, to implement. Alternative 2 would construct a longer, wider pier approximately 300 feet south of the existing pier, which is significantly closer to the Scorpion Canyon North Road. Once the new pier is completed, the existing bridgespan would be incorporated into the new pier as the passenger gangway and the abutments would be removed and disposed of on the mainland. The new pier would accommodate various water depths for safe embarkation, as well as a mobile crane. Visitors and NPS staff would use the gangway and landing aligned parallel to the pier to access the pier from NPS and concessioner boats.

The Alternative 2 pier design includes an 18-foot-wide pier (landward of the pierhead), and with a pierhead measuring 60 feet in length by 30 feet in width. The pier would consist of a tubular steel pier superstructure supported by steel cylindrical piles. This would include 18-inch steel

structural piles, 16-inch steel berthing piles, and 12-inch fiberglass fender piles. The use of a steel superstructure allows the pier to be structurally raised in the future, if necessary, such that it will be adaptable to increasing sea level rise and climate change. The gangway would be constructed of aluminum, and be raised and lowered by a hoist.

The relatively short access road that would connect the new pier terminus to the North Scorpion Valley Road would be supported by a steel sheetpile retaining wall protected from extreme waves and flood waters by rock armoring. The road would be surfaced with an even layer of crushed rock. Alternative 2 requires substantially less shoreline armoring as compared to Alternative 1 (1,800 cubic yards [cy] of riprap for Alternative 2, compared to 4,400 cy of riprap for Alternative 1), and would not require fill below the mean high tide line. Alternative 2 would also require substantially less wetland fill (0.04 acre for Alternative 2, compared to 0.30 acre for Alternative 1). Due to these differences, Alternative 2 would result in decreased residual impacts as compared to Alternative 1.

Once construction is complete, site access and arrival options under Alternative 2 would be greatly improved in terms of safety and accessibility as compared to the No Action Alternative.

Although the number of visitors to Santa Cruz Island has risen steadily in the past and future visitation levels are anticipated to remain close to maximum capacity, visitor levels are ultimately controlled by the concessioner ferry service contract, weather, and park rules and regulations (i.e., the General Management Plan/Wilderness Study/EIS and Park Superintendent's public use limits for the island). While the pier would provide improved access and efficiency of operations, the pier would not inherently increase visitation.

OTHER ALTERNATIVES CONSIDERED

The *Scorpion Pier Replacement Final Environmental Impact Statement* describes one other alternative (Alternative 1) and a no action alternative, each of which is summarized below.

No Action Alternative

The No Action Alternative is analyzed in this EIS pursuant to Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] Part 1502). This alternative, which represents no change from the Park Service's current management direction, provides a baseline for comparing the other alternatives' proposed changes and potential subsequent effects. It assumes a continuation of existing conditions at the existing location. If the No Action Alternative were selected, the existing unsafe conditions will continue to deteriorate over time, and taking no action will not meet the purpose and need or objectives of the project. Therefore, this alternative was not selected.

Alternative 1

Alternative 1 would remove and demolish the existing pier and abutments and replace it with a longer, wider pier, oriented over and parallel to the existing pier but extended farther into deeper water. The new pier would accommodate a greater range of water depths for safe embarkation,

as well as a mobile crane. Visitors would use the gangway and landing aligned parallel to the pier to access the pier from concessioner and NPS boats. The Alternative 1 pier width, pierhead dimensions, configuration (a tubular steel pier superstructure supported by steel cylindrical piles), and gangway design would be identical to the Alternative 2 design.

Significant improvements to the existing access road would also occur under Alternative 1. The improved access road would connect the new pier terminus to the road and be supported by a steel sheetpile retaining wall, and protective rock armoring would be installed all along the shoreline. The surface of the access road would be finished with an even layer of crushed rock. The amount of excavation required to construct the retaining wall, roadway, and rock armoring would be approximately 7,200 cy, and the amount of rock armoring required would be approximately 4,400 cy. Of this amount, there would be approximately 1,320 cy of permanent fill (rock riprap) below the mean high tide line. There would also be impacts to 0.30 acre of wetlands. This represents a substantial increase in fill compared to Alternative 2, which would result in increased impacts or potential impacts to biological and cultural resources.

Once construction is complete, site access and arrival options under Alternative 1 would be consistent with those of the No Action Alternative, although improved in terms of safety and accessibility.

Although the number of visitors to Santa Cruz Island has risen steadily in the past and future visitation levels are anticipated to remain close to maximum capacity, visitor levels are ultimately controlled by the concessioner contract, weather, and park rules and regulations (i.e., the General Management Plan/Wilderness Study/EIS and Park Superintendent's public use limits for the island). While the pier would provide improved access and efficiency of operations, the pier would not inherently increase visitation.

Compared to Alternative 2, Alternative 1 would have greater impacts related to recreation and visitor use, transportation and circulation during construction due to increased roadway construction and disruption to ongoing operations, aquatic biological resources, and visual resources. The potential for impacts to cultural resources is greater. For other resource topics, impacts would be comparable between Alternative 1 and Alternative 2.

BASIS FOR DECISION

After careful consideration of each alternative and its foreseeable environmental impacts, the expressed purpose and need for federal action, and all public and agency comments, including comments on the *Scorpion Pier Replacement Draft Environmental Statement*, Alternative 2 has been selected for implementation. This alternative best complies with Park Service management policies, and best meets the management objectives to preserve Channel Islands National Park's natural and cultural resources, while also providing increased opportunities for public use and enjoyment of the park.

The National Park Service has determined that the selected action will accomplish the following objectives:

- Provide safe access to Santa Cruz Island.

- Provide efficient access to Santa Cruz Island that accommodates visitor demand.
- Result in Scorpion Pier and access roadway operation that protects sensitive resources.
- Provide access to Santa Cruz Island in consideration of predicted sea level rise.
- Improve the visitor experience.
- Improve the pier while protecting marine and terrestrial environments.
- Improve access for Park Service and concessioner boats.
- Improve passenger, cargo, and operations circulation.
- Protect archeological resources.
- Preserve the historic landscape qualities and visual character of Scorpion Ranch.
- Improve efficiency and sustainability.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The National Park Service is required to identify an environmentally preferable alternative in its National Environmental Policy Act (NEPA) documents for public review and comment. Guidance from CEQ states that the environmentally preferable alternative is the alternative that “causes the least damage to the biological and physical environment,” as well as which “best protects, preserves, and enhances historic, cultural, and natural resources.” An alternative or alternatives may be identified as the environmentally preferable alternative.

The National Park Service has determined that Alternative 2 is the environmentally preferable alternative. For each of the action alternatives, long-term adverse impacts by resource topic are generally reduced from the No Action Alternative. The No Action Alternative would result in long-term, major, adverse impacts related to recreation and visitor use and public health and safety. The action alternatives would reduce or eliminate impacts to recreation and visitor use and public health and safety, thereby providing a long-term, major, beneficial impact. The magnitude of adverse impacts for the action alternatives would be similar and less than major, with the exception of recreation; Alternative 1 would result in increased adverse impacts to recreation and visitor use during construction. Each of the action alternatives would fulfill the Project objectives, while the No Action Alternative would not meet the Project objectives.

For other resource topics, Alternative 2 would result in the fewest impacts. Alternatives 1 and 2 would result in equivalent negligible to minor adverse impacts in the categories of air quality; noise and vibration; geology, soils, and seismicity; water quality and hydrology; terrestrial biological resources; and public health and safety. Alternatives 1 and 2 would result in equivalent moderate adverse impacts to geology, soils, and seismicity; and noise and vibration. Compared to Alternative 1, Alternative 2 would have reduced impacts related to transportation and circulation (during construction), aquatic biological resources, cultural resources, and visual resources. Alternatives 1 and 2 would have differing but comparable less-than-major impacts related to recreation and visitor use.

Therefore, Alternative 2 has been identified as the environmentally preferred alternative, as this alternative would fulfill the Project objectives while incurring reduced transportation and

circulation, aquatic biological resources, visual resources, and recreation and visitor use impacts and similar or reduced impacts to the remaining resource topics as compared to Alternative 1.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

Congress has charged the Park Service with managing the lands under its stewardship “in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (Park Service Organic Act). Park Service staff routinely evaluate and implement mitigation measures whenever conditions occur that could adversely affect the sustainability of National Park resources. Mitigation measures are the practicable and appropriate methods that will be used under the selected action to avoid or minimize harm to natural and cultural resources, wilderness character, visitors, and the visitor experience.

To ensure that implementation of the selected action applies appropriate levels of protection to natural and cultural resources and provides a quality visitor experience, a consistent set of mitigation measures will be applied to actions proposed in this plan. The Park Service will prepare implementation plans as required by commitments made under NEPA, the National Historic Preservation Act (NHPA), as amended, and other relevant legislation for these future actions, including any permits received in the future. These implementation plans will include more detailed mitigation and monitoring measures for specific projects. As part of environmental compliance, the Park Service will avoid, minimize, and mitigate adverse impacts when practicable.

Table 1 identifies mitigation measures that will be applied to avoid or minimize potential adverse impacts from implementation of the selected action. The mitigation measures have been developed by using existing laws and regulations, best management practices, conservation measures, and other known techniques.

TABLE 1. SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Description
Noise-MM-1	<p>The Park Service would ensure that the contractor does the following, to the extent feasible:</p> <ul style="list-style-type: none">• When feasible, install noise mufflers to stationary equipment and impact tools that are no less effective than those provided by the manufacturer• Install barriers around particularly loud activities at the construction site to eliminate the line of sight between the source of noise and nearby sensitive receptors• Surround the air compressors powering the down-the-hole hammer with a noise wall or shroud on three sides to help shield visitors, staff, and biota from any noise from the compressors• When feasible, use construction equipment with low noise emission ratings• Locate equipment, materials, and staging areas as far as practicable from sensitive receptors• Prohibit unnecessary idling of vehicles or equipment• Require applicable construction-related vehicles or equipment to use designated truck routes to access the Project site• Restrict construction activities between 7:00 a.m. to 7:00 p.m. Monday through Saturday
Aquatic-MM-1	<p>The Park Service would obtain and comply with all required resource agency permit conditions, including any required work windows.</p>
Aquatic-MM-2	<p>The Park Service would ensure that sensitive wetland habitats and biota (i.e., marine/intertidal/rocky shore, estuarine/intertidal/emergent, and riverine/ lower perennial/rock bottom wetlands) would be mapped prior to the initiation of construction and mitigation/replacement. This includes preconstruction surveys for black abalone and eelgrass. Plans would be developed and approved by resource agencies, as required through the permitting process completed in Aquatic-MM-1, to mitigate for impacts. Survey results would be submitted to the National Marine Fisheries Service (NMFS), Channel Islands National Marine Sanctuary (CINMS), and other agencies as appropriate. If habitat improvement or replacement is required, every attempt would be made to construct those habitats in the Scorpion Anchorage area. Likewise, transplant/translocation of sensitive species would be completed prior to the initiation of construction in the specified area and in accordance with agency-approved plans.</p>
Aquatic-MM-3	<p>Following construction, the Park Service would relocate the two existing mooring buoys and associated tackle to locations on sandy bottom, in order to minimize contact of the existing tackle</p>

Mitigation Measure	Description
	with sensitive substratum. In addition, the Park Service will replace the existing tackle with tackle that minimizes contact with the substratum as part of regularly scheduled maintenance. These improvements would occur as funds are available.
Aquatic-MM-4	<p>The Park Service would ensure the following:</p> <ul style="list-style-type: none"> • Contractor shall maintain a 500-meter (1,640-foot) safety zone (as is typically required by NMFS for Incidental Harassment Authorizations) around sound sources in the event that the sound level is unknown or cannot be adequately predicted. • Contractor shall bring loud mechanical equipment online slowly. • The Park Service shall employ a NMFS-approved protected species observer to conduct marine mammal monitoring during in-water construction. • The protected species observer shall halt work activities when a marine mammal enters the 500-meter (1,640-foot) safety zone.
Aquatic-MM-5	<p>The Park Service would ensure that pre-construction (within 60 days prior to construction) and post-construction (within 30 days following construction) surveys are conducted for eelgrass as required by the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014). If eelgrass is observed in the impact area, monitoring and mapping would be required to identify potential impacts from construction. Monitoring and mapping would include pre- and post-project transects to map the extent of eelgrass. Any decrease in eelgrass (i.e., pre-project versus post-project) would constitute an impact and would be mitigated for pursuant to CEMP (NMFS 2014). Survey results would be submitted to CINMS and other agencies as appropriate.</p>
Terrestrial-MM-1	<p>The Park Service would ensure that construction traffic, parking, and laydown areas would occur within previously disturbed lands to the extent feasible. Wildlife exclusion fencing would be installed and maintained around the perimeter of construction corridors and staging areas. To the extent feasible, roadside vegetation in the construction area would be maintained at short height to increase visibility of foxes if present. Equipment and vehicle travel would be limited to existing roads or construction corridors during construction. Vehicular speed would be limited to 15 miles per hour. Best management practices would be used by the construction contractor to minimize impacts on wildlife including no pets, containment of garbage, and no feeding of wildlife by construction crews that may be housed on the island. On-site open water sources that serve as wildlife attractants would not be created or maintained. Project construction would occur only during daylight hours. All employees and contractors working in the field would be required to complete environmental awareness training prior to working on site. Training would</p>

Mitigation Measure	Description
	<p>include information regarding sensitive biological resources, restrictions, protection measures, individual responsibilities associated with the Project, and the consequences of noncompliance.</p> <p>If the Santa Cruz Island fox is observed within the immediate vicinity of the pier, Park Service staff would stop pier construction and operation activities. Park Service biologists would then be notified immediately to determine the potential impacts that could result from the attendant human activity. Mitigation measures would then be developed to best avoid or minimize impacts on the Santa Cruz Island fox. Mitigation could include, but is not limited to, restricting park operations or visitor use within the active den area or relocating individual foxes to more remote areas of the island.</p> <p>Staging areas would be thoroughly inspected by the construction contractor to ensure no foxes have taken refuge within stockpiled materials or equipment. If a fox is found and does not leave on its own accord, Park Service biologists would be informed and the fox would be removed in a manner determined by the biologist that would cause the least amount of harm and stress to the animal.</p>
Cultural-MM-1	The process for identifying and implementing mitigation for impacts to cultural resources is described in Section 106 of the Programmatic Agreement (Appendix A). The PA will be implemented.

PUBLIC, NATIVE AMERICAN AND AGENCY INVOLVEMENT

Plan Development

The *Scorpion Pier Replacement Final Environmental Impact Statement* was developed based on input from the Park Service, the Santa Ynez Band of Chumash Mission Indians and the Barbareno-Ventura Band of Chumash Mission Indians, other agencies, and interested persons and organizations. Consultation and coordination was an important part of this project. The public had two primary avenues for participation during the development of the draft and final EIS: 1) participation in public scoping meetings; and 2) response to comment on the Draft EIS.

Public meetings were used to keep the public informed and involved regarding the purpose, need, and objectives of the Project and concepts for possible alternatives. Early agency and stakeholder scoping for the Project began in 2010. The Notice of Intent (NOI) for the Project was published in the Federal Register on May 29, 2013. The NOI announced the preparation of an EIS by the Park Service as the federal lead agency, and also included background information, potential alternatives, and methods for public comment.

The Park Service also announced the scoping period and public meeting dates and locations via existing Park Service mailing list recipients (via postal and electronic mail), as well as on its Project website (<http://parkplanning.nps.gov/ScorpionPier>). Scoping meetings were held on June 18 and 19, 2013, at the Robert J. Lagomarsino Visitor Center in Ventura and the Santa Barbara Public Library, respectively. Both meetings presented information about the purpose, need, and objectives of the Project and concepts for possible alternatives. The comment period closed on July 29, 2013.

Release of the Draft Scorpion Pier Replacement Final Environmental Impact Statement

The Draft EIS was published on October 9, 2015. Public notice of availability and opportunity to comment was provided through public postings and publication in the Federal Register, as well as to existing Park Service mailing list recipients via postal and electronic mail. Notice was also provided on the project website. The public comment period remained open from October 9 to December 18, 2015. The public was invited to submit comments during this time electronically through the Project's website and by physical mail.

Over the course of the 60-day comment period, the Park Service formally received comment letters from National Oceanic and Atmospheric Administration (NOAA), U.S. Environmental Protection Agency (USEPA), the California State Lands Commission (CSLC), the Santa Barbara County Air Pollution Control District (SBAPCD), and the California State Historic Preservation Office (SHPO). Together, these letters generally expressed concerns regarding potential adverse effects on the topics listed in the following paragraph. No public comments were received. The Santa Ynez Band of Chumash Mission Indians also met with representatives from the Park Service on November 17, 2015, and submitted subsequent notes and comments by email and during follow-up meetings.

Comments from the USEPA focused on the Project's location in the Scorpion State Marine Reserve and the Channel Islands National Marine Sanctuary, and potential impacts to aquatic habitats and species. CSLC requested that the EIS contain a thorough analysis of potential adverse impacts to marine resources to ensure compliance with all provisions of State CEQA Guidelines for use of the EIS as a CEQA equivalent document. SBAPCD requested that the EIS include an evaluation of air pollutant emissions and global climate change effects. SHPO requested that, in consideration of historic properties in the area of potential effects, the Park Service coordinate with SHPO and American Indian tribe(s) in order to comply with Section 106 of the NHPA and its implementing regulations in 36 CFR Part 800.8(c).

Release of the Scorpion Pier Replacement Final Environmental Impact Statement

The *Scorpion Pier Replacement Final Environmental Impact Statement* was released for public inspection in May, 2017. On May 19, 2017, the Environmental Protection Agency published its notice of filing of the final EIS in the *Federal Register*, initiating the minimum 30-day no action waiting period. The Park Service Notice of Availability was published in the *Federal Register* on May 22, 2017. The public was informed of the release through email messages to individuals and organizations on the park's mailing list and via a press release.

REGULATORY AGENCY AND OTHER CONSULTATION

Consultation with the State Historic Preservation Office, Advisory Council on Historic Preservation, and Native Americans

Section 106 of NHPA requires that agencies consult with the Advisory Council on Historic Preservation (ACHP), SHPO, interested and affected federally recognized Indian tribes, other interested parties, and the public. Section 106 regulations in 36 CFR Part 800.8(c) allow agencies to use “the process and documentation,” required under NEPA to fulfill all or part of Section 106 requirements. The Park Service has consulted with the Santa Ynez Band of Chumash Mission Indians (Tribe) and the Barbareno-Venturano Band of Chumash Mission Indians (Band).

In June 2013, the Park Service notified the ACHP, the SHPO, and the federally recognized Tribe of the proposed pier replacement project. This notice included the notice of intent to prepare an EIS and a statement that the NEPA process would be used to fulfill some Section 106 requirements related to consulting the public and other interested parties. The following is a summary of consultations prior to and subsequent to issuance of the Draft EIS, with a summary of concerns raised and how they were addressed.

In June 2013, the Park Service met with the Tribe to initiate formal consultation. The Park Service provided information on the plan to replace the pier; described the planning process, preliminary alternatives, and the likely necessity of archeological investigations; and invited the Tribe’s participation. The Park Service again met with the Tribe in April 2014 to provide an update about the planning process underway, reiterating the potential for effects to archeological resources at Scorpion Anchorage, particularly the historic Chumash village site of *Swaxil* (CA-ScrI-423).

In November 2014, the Park Service conducted an informal tour of the project area with a representative of the Tribe. This site visit resulted in recommendations from the Tribe specific to protection of the archeological resources, a request that the Park Service investigate the potential for submerged cultural resources in the area proposed for offshore construction, and a request to review a draft plan for archeological investigations. The Tribe requested that the Park Service include the Band, a local descendant community, as a participant in the consultations. The Park Service subsequently initiated consultation with the Band. In December 2014, the Park Service undertook limited archeological investigations of the project area.

The Park Service, SHPO, Tribe, and Band engaged in more detailed communications in 2015. In April 2015, the Park Service provided the Tribe and Band with draft results of the archeological investigations for review and comment. In May 2015, the Park Service provided the ACHP, SHPO, Tribe, and the Band with a detailed status of the project planning, the tentative selection of a preferred alternative for new pier construction, the historic properties identified within the area of potential effects, and notification of the Park Service’s proposed resolution to Section 106 consultations through a programmatic agreement. The Park Service invited the SHPO, Tribe, and Band to participate in a site visit, and requested input on proposed stipulations for the programmatic agreement. In July 2015 the Park Service provided the SHPO, Tribe, and Band with the final report of archeological investigations.

The SHPO notified the Park Service in July 2015 of their concurrence with identification of the area of potential effects, the plan to continue identification and evaluation of historic properties, and the plan to continue consultation as additional information regarding historic properties and project design becomes available. The SHPO also confirmed that a programmatic agreement is appropriate for addressing Section 106 responsibilities. In September 2015, the Park Service provided the SHPO, Tribe, and Band with an advance copy of the Draft EIS and a draft programmatic agreement for review and comment.

Additional detailed project consultations took place in late 2015 and early 2016. In December 2015, SHPO provided preliminary comments on the draft programmatic agreement. The Park Service and representatives from the Tribe and Band conducted a site visit in November 2015. Specific concerns were discussed, including impacts to the archeological site, visual impacts of the proposed structure, and concerns about potential for increased visitation. Two follow-up consultation meetings were held in March 2016 to address ideas presented by the Tribe for reducing the potential for effects to archeological resources. The final Programmatic Agreement was signed January 18, 2017.

Section 7 Consultation with the Fish and Wildlife Service and National Marine Fisheries Service, and Consultation under the Magnuson-Stevens Fisheries Conservation and Management Act

The Endangered Species Act of 1973 (ESA), as amended, requires in Section 7(a)(2) that each federal agency, in consultation with the Secretary of the Interior, ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. The project would have no effect on ESA-listed species. Although the Draft EIS determined that the project *may affect, but is not likely to adversely affect* the Santa Cruz Island fox, this species was officially delisted on August 12, 2016. No other terrestrial or aquatic ESA-listed species were identified as affected by the project in the Final EIS.

As described in the Final EIS, the project may result in *temporary and minimal effects* to essential fish habitat (EFH; Pacific Groundfish Fishery Management Plan), and may result in incidental harassment of marine mammals. These resources are managed by NMFS. The Park Service has completed consultation with NMFS for EFH and ESA issues, and NMFS has accepted the findings of *temporary and minimal effects* to EFH and no effect on ESA-listed species (as communicated via an email dated September 13, 2016). The consultation results in development of additional mitigation measures which are included in the EIS (Aquatic-MM-3).

Coastal Zone Management Consistency Determination and Consultation

Federal agency activities in or affecting California's coastal zone must comply with Section 307 of the Coastal Zone Management Act (CZMA) and implementing regulations, which require that such federal activities be conducted in a manner consistent to the maximum extent practicable with California's Coastal Management Program.


Although Channel Islands National Park is federal land and is excluded from California's coastal zone, the park is subject to the federal CZMA. The Park Service has determined that the preferred alternative described in the Final EIS is consistent with California's Coastal Management Program. Specifically, the preferred alternative is consistent with Chapter 3 of the California Coastal Act of 1976 regarding public access, recreation, the marine environment, land resources, and development.

On December 13, 2017, by a unanimous vote, the California Coastal Commission conditionally concurred with the consistency determination. Upon receiving the approved Record of Decision, the Commission will provide final concurrence (no additional project stipulations are expected, but any final stipulations are incorporated by reference in this decision).

CONCLUSION

The Park Service has selected the preferred alternative (Alternative 2) for replacement of Scorpion Pier. The selected action best complies with Park Service management policies, and best meets the project objectives. The selected action is also fully compliant with other pertinent laws and regulations.

The selected action proposes construction of a longer, wider pier approximately 300 feet south of the existing pier, a steel sheetpile retaining wall, and an improved access road.



Stan Austin
Regional Director
Pacific West Region, National Park Service

8/14/18
Date