

**U.S. Department of the Interior  
National Park Service, Northeast Region  
FINDING OF NO SIGNIFICANT IMPACT  
BAYSIDE PICNIC AND PARKING AREA RELOCATION**

**Assateague Island National Seashore  
Worcester County, Maryland**

## **INTRODUCTION**

The National Park Service (NPS) proposes to relocate the Bayside Picnic and Parking Area in the future to an area less susceptible to damage from storms. The project will minimize the impacts to natural resources and allow for sustained visitor access and recreational use of this area of the national seashore. Action is needed to address the vulnerability of the site to recurring storm activity and its susceptibility to damage from shoreline erosion. The proposed action is also needed to reduce the burden on park operations resulting from the required clean up and repair after recurring storm events. Additionally, prolonged parking area closures that result from recurring storm damage limit the national seashore's ability to provide high quality resource based recreational opportunities to the public on the bayside of the park.

The NPS prepared an environmental assessment (EA) that evaluated five alternatives: a no-action alternative and four action alternatives. The EA also analyzed the potential impacts these alternatives would have on the natural and human environment. The *Bayside Picnic and Parking Area Relocation Environmental Assessment* (2015) was prepared in accordance with National Environmental Policy Act; regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500-1508.9); and NPS Director's Order (DO) 12: *Conservation Planning, Environmental Impact Analysis, and Decision-Making* and accompanying DO-12 Handbook (2001).

During preparation of the EA, the NPS consulted with federal and state agencies, interested and affected parties, and the general public. The interested public and agencies were provided an opportunity to review and comment on the EA during a 60-day review period from October 1, 2015, through November 30, 2015. Availability of the EA was announced on the NPS Planning, Environment and Public Comment website and through a press release, which was published on September 30, 2015. A total of 14 correspondences were received during the public comment period. The three topics that received the majority of the comments were support for alternative 4 (the NPS preferred alternative), concern over migrating and nesting birds and their habitat, and concern over impacts of the proposal on wildlife and wildlife habitat. No changes were made to the EA or the selected alternative as a result of these comments; however, responses to a few substantive comments are included in attachment B.

## **SELECTED ACTION**

After further consideration, the NPS has selected alternative 4 (the preferred alternative) for implementation. The selected alternative is described below and in the environmental assessment on pages 27-31.

## **Parking Areas**

In 2015, the NPS began work to remove the existing asphalt and reconstruct the existing Bayside Parking Area in its current location with a clay base with clam shell aggregate. Construction is scheduled to be completed in March of 2016. This will protect the bay from asphalt debris that might result from future storm events. The parking area will accommodate approximately 63 vehicles, including 14 oversize vehicles and 3 universally accessible spaces. The NPS will continue to provide access to the Bayside Parking Area until storm damages render this parking area unusable at which point the NPS will construct a new parking area where Campground Loop C is located and remove the existing campsites. Installation of the new parking area will disturb approximately 1.5 acres of upland habitat. The parking area will be designed to accommodate approximately 62 cars, 6 oversize vehicles, and 4 universally accessible spaces. The southern end of the existing parking area will be converted into a drop off and roundabout to include 3 universally accessible parking spaces and a short-term loading/unloading zone for recreational use, which will disturb approximately 0.06 acres of upland habitat. Following construction, use of the remainder of the existing Bayside Parking Area will be phased out and disturbed areas will be allowed to revert to natural conditions. Some limited filling and grading and site cleanup might be necessary to return the area to more natural contours and conditions.

## **Pedestrian Access and Circulation**

To facilitate traffic flow through and around the new parking area location and the campground loops, the existing campground dump station will be removed from the south side of the campground exit road off Loop C and relocated to the south side of Bayside Drive just west of the Loop A entrance. Installation of the new dump station will disturb approximately 0.21 acres of upland habitat.

Access to and around the new picnic area, restroom facilities, and concession stand will be provided with a universally accessible trail. A second universally accessible trail will be constructed across the previous location of the Bayside Parking Area to extend from the southwest corner of the new parking area, along the former Loop C exit road, and provide access to the shoreline of the peninsula.

Bayside Drive will be rerouted north at the Bayside Campground Loop B entrance. A new picnic area and the relocated kayak concession stand will either be provided within a previously disturbed area of Bayside Drive south of the parking area or immediately north of the parking area. A portion of Bayside Drive between the new picnic area and the Loop B entrance will be designated for NPS administrative use only. Two new campground loops will be installed: one between Loops B and A, and one to the east of Loop A. The entrance to Loop A will be modified to accommodate the new design. Installation of the new trail network will disturb approximately 0.37 acres of upland habitat.

## **Visitor Amenities**

One objective of the project is to pull permanent facilities out of the buffer, as identified by the Coastal Bays Shoreline Protection Act, and provide facilities that are more sustainable, and accessible for visitor use. The new facilities will be designed to be movable where possible, with the ability to remove them in advance of a storm. This includes the concession facility, restrooms, information kiosks, picnic tables, and grills. The existing picnic tables, grills, trash

and recycling bins, and information kiosk at the tip of the peninsula will be kept in place as long as practical (i.e. the landbase exists and funding is available) given potential future storm damage. The new picnic amenities will be in addition to existing tables and grills maintained at the end of the peninsula. About 10 to 15 grills will be dispersed among the picnic tables. Given that shoreline erosion and the associated loss of vegetation will likely continue, it is anticipated that conditions within the proposed picnic areas will change over time and that the new picnic amenities can be placed within existing openings in the vegetation without the need to remove any trees. If any vegetation clearing is required, it will likely involve clearing vines and other understory species. Additionally, removable trash and recycling receptacles and an information kiosk will be installed at each of the proposed parking areas.

The parking area and visitor amenities will all be universally accessible. A new shower tower / foot wash and drinking water pumps will be installed adjacent to the new parking area. In addition, the existing permanent restroom facility at the Bayside Picnic and Parking Area will remain in place to serve visitors at the end of the peninsula until it is rendered no longer useful as a result of storm damage. At that point, the permanent restroom will be replaced with a moveable facility that will be in addition to the restroom facility at the new parking area.

Under the selected alternative, the following changes will be made to amenities at the Bayside Picnic and Parking Area:

- A new portable (that can be removed before storm events) comfort station will be installed immediately adjacent to the new proposed parking area. Installation of the comfort station will disturb approximately 0.01 acres of upland habitat.
- The kayak concession stand will be moved to one of two proposed locations:
  - Adjacent to the new proposed picnic area along a restored portion of Bayside Drive; or
  - Immediately north of the proposed parking lot on the north side of the peninsula.
- 10-12 picnic tables will be installed in three picnic areas, one north of the proposed parking area, one immediately south of the parking area, and one on a previously disturbed portion of Bayside Drive.

Under the selected alternative, the following changes will be made to amenities at the Bayside Campground:

- The existing Loop C will be removed and traffic will loop through the newly proposed Bayside Picnic and Parking Area in its place.
- Loop C and the campsites within will be replaced with the new parking area and/or converted into picnic areas.
- Additional picnic areas will be added along the north side of the new parking area.
- 5 campsites along the southern half of Loop B will be removed because of increased traffic along this access point to the parking area. A total of 6 campsites and one restroom facility will remain in Loop B.
- Between Loops A and B, 8 campsites will be added on a newly constructed loop. To the east of Loop A, a new campground loop will be constructed with 15 campsites and 1

restroom facility. Installation of these campsites, including the loop road, will disturb approximately 1.3 acres of upland habitat.

- In Loop A, 1 campsite will be removed for a total of 23 campsites and one restroom facility in Loop A.

## **MITIGATION MEASURES**

In addition to the mitigation measures described above, the selected alternative incorporates the mitigation measures and best management practices listed in appendix A of this finding of no significant impact. Additional mitigation measures and best management practices could be added to this list at the discretion of the NPS.

## **FINDING OF NO SIGNIFICANT IMPACT**

As described in the EA, the selected alternative has the potential for adverse impacts on floodplains, wildlife and wildlife habitat, including vegetation, and visitor use and experience and recreation resources; however, no potential for significant adverse impacts was identified through the analysis of impacts or the results of agency consultation or public comment.

The addition of impervious surface area will result in adverse impacts to the floodplain, but given their inland location of these paved areas, these impacts will be slight. Beneficial impacts will result from moving the parking area further inland and thereby gradually increasing the size of the natural buffer of the floodplain as the existing parking area is phased out and removed. The proposed location will maintain the ability of wetlands to support floodplain functions to reduce flood severity, aid in sediment retention, and shoreline stabilization.

Adverse impacts to wildlife and wildlife habitat, including vegetation, are expected to be temporary as a result of increased noise and the presence of heavy equipment during development of the proposed new area; however, the selected alternative will utilize an existing disturbed area for the new parking area and therefore disturb less contiguous habitat. While the close proximity to this area may disturb some individual birds, the proximity is similar to the existing lot, and the level of disturbance will not be noticeably different from what currently exists. The entire Bayside Peninsula consists of approximately 78 acres of shrub-scrub and mixed forested habitat. This habitat type can be found throughout the peninsula, as well as along the entire bayside shoreline of Assateague Island. Due to the availability of similarly vegetated areas nearby, the timing of the migrations, and the nature of visitation during that time, impacts to migratory birds are anticipated to be slight. The addition of a new campground loop will expand the overall footprint of day and nighttime use, the human presence, and level of ground disturbing activity farther to the east, which will result in adverse impacts to wildlife; however, these impacts will be limited as a result of the minimal size of the developed areas, the availability of suitable adjacent habitat, and the minimal disturbance time.

Temporary noise and traffic control measures associated with construction of the parking area location will result in adverse impacts to visitor use and experience and recreation resources. However, these impacts from construction will be minor due construction occurring during the off-season. In addition, temporary adverse impacts will result from increased confusion and disruption to traffic associated with the new location and from the increased distance visitors

would be required to walk from the new parking area to the tip of the peninsula and some visitor amenities. However, these impacts on visitors will be minor because during the peak season, visitors sometimes have to walk longer distances to these locations once the parking area is full and people begin parking along the road such that this would not be very different than existing conditions. These adverse impacts will also be minimized by the addition of a loading / unloading zone near the peninsula.

The closer proximity of the parking and picnic area activity to campground Loop B may result in some adverse impacts to visitors staying in this area. However, because the parking lots would not allow for overnight parking, these impacts would be limited to daytime use and will be slight. Beneficial impacts will result from increased sustainability of the new parking area, which will allow for extended visitor access to the Bayside Peninsula and visitor amenities located there.

In summary, the selected alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an environmental impact statement is not required for this action and thus will not be prepared.

**DECISION REACHED AND RATIONALE**

The NPS has selected the proposed action, Alternative 4, for implementation as described in this Finding of No Significant Impact.

Removing Bayside Campground Loop C and locating a new parking area in its place along with phasing out and eventually returning the existing Bayside Parking Area to a more natural condition would greatly reduce the potential for substantial damage during future catastrophic coastal storm surge or flood events. The increased sustainability of the new parking area will allow for extended visitor access to the Bayside Peninsula and visitor amenities located there. This alternative was chosen because it best meets the purpose and need for the project, provides the greatest recreational opportunities for day-use visitors, protects the greatest amount of scrub/shrub habitat of any of the proposed action alternatives, and provides for the greatest life span under most climate change scenarios.

For these reasons and in consideration of the likely environmental impacts described in this Finding of No Significant Impact, I have decided to select the proposed action alternative, which is also the NPS Preferred Alternative, for implementation.

Recommended: Deborah A. Darden 3/28/2016  
Deborah A. Darden, Superintendent Date

Approved: Michael A. Caldwell 4/12/16  
Michael A. Caldwell, Regional Director Date  
Northeast Region, National Park Service

- Appendix A Mitigation Measures and Permits and Approvals Needed
- Appendix B Agency Consultation
- Appendix C Public Involvement and Comments Received on the Environmental Assessment
- Appendix D Non-Impairment Determination

## **ATTACHMENT A**

### **MITIGATION MEASURES AND PERMITS AND APPROVALS NEEDED**

To prevent and minimize environmental impacts related to the action alternative, the NPS will implement best management practices and mitigation measures during the construction and post construction phases of the project. General and resource specific best management practices and mitigation measures are listed below by impact topic. This list provides a framework for mitigation measures that will be included in the contractor's specifications; future mitigation measures could be added to this list at the discretion of the NPS. Furthermore, the state and federal permits that will be required before this project proceeds with construction will likely include a variety of conditions specifically related to the protection of water quality and cultural resources from additional construction-related impacts.

Various best management practices will be adopted as part of the selected alternative and will be incorporated into design plans and specifications, providing a contractual requirement that any contractor retained for any phase of the action that will abide by the conditions and procedures identified in this document and permits. Those typical mitigation measures that could be applied are described below. Mitigation measures will be refined as the design of the project develops and as permit conditions are defined by the regulatory agencies.

### **GENERAL MEASURES**

- Information will be shared with the public regarding implementation of this project and its effects on access, parking, and circulation through the national seashore. Information will be distributed or posted at entrance stations, on the park's website, at trailheads, at other visitor sites, and through press releases.
- An NPS-approved traffic and pedestrian control plan will be developed and enforced for use during construction. The plan will minimize disruption to visitors and park operations and ensure safety of the public, park employees, contractors, and residents. Contractors will be required to coordinate with park staff to minimize disruption of normal park activities. Construction workers and supervisors will be informed about the special sensitivity of park values, regulations, and appropriate housekeeping measures to be used.
- All protection measures will be clearly stated in the construction specifications.
- The amount of ground disturbance will be minimized for activities not directly related to construction, such as staging and stockpiling areas. All staging and stockpiling areas will be restored following construction. Parking of construction and employee vehicles will be limited to designated staging areas or existing roads and parking lots.
- Construction zones will be identified and defined with construction tape, temporary fencing, or other material prior to any construction activity. The zone will be used to confine activity to the minimum area required for construction. It will be stipulated that construction activities, including material staging and storage, cannot occur beyond the construction zone fencing.
- Contractors will comply with federal and state regulations for the storage, handling, and disposal of all hazardous material and waste. If hazardous materials are used on site,

provisions will be made for storage, containment, and disposal. The contractor will be provided with a copy of U.S. Environmental Protection Agency document EPA 832-F-99-003, Storm Water Management Fact Sheet-Dust Control. Require the contractor to submit a dust control plan prior to construction.

- If recycled concrete or road base is used for backfill, it will be ensured free of waste metal products, debris, toxic material, or other deleterious substances and that it meets gradation and aggregate test requirements.
- Excavated areas will be backfilled with appropriate material and contoured so that, after settling, they would blend with the surrounding terrain.
- It will be ensured that construction equipment uses the best available technology for sound dampening muffler and exhaust systems.
- To save fuel and reduce noise and emissions, contractors will be required to develop and implement a plan that prevents excessive idling of all vehicles used in construction.
- Good housekeeping practices such as placing debris in refuse containers daily, emptying containers regularly, and prohibiting the burning or burying of refuse in the park will be required.

## **NATURAL RESOURCES**

- Specific provisions will be identified in construction contract(s) to prevent stormwater pollution during construction activities, in accordance with the National Pollutant Discharge Elimination System permit program of the Clean Water Act and all other federal regulations, and in accordance with the stormwater pollution prevention plan to be prepared for this project.
- Buffers will be planned and maintained between areas of soil disturbance and wetlands or waterways.
- Protection zones and tree line limits and/or limits of disturbance will be delineated to protect existing natural resources.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch will be used to prevent the entry of sediment into waterways.
- Equipment will be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Onsite fueling and maintenance will be minimized. If these activities cannot be avoided, fuels and other fluids will be kept in a restricted/designated area, and fueling and maintenance will be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil will be required.
- Actions will be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care will be taken to avoid any rutting caused by vehicles or equipment.

- Previously disturbed areas will be left to regenerate naturally. In limited areas, where vegetative screening is desired, some upland planting could occur; for example, in areas where campsites are removed.
- The action will be conducted to minimize adverse effects on normal movement, migration, reproduction, and health of terrestrial fauna. Construction will be timed seasonally to avoid impacts to migratory and shoreline bird populations.

## **APPROVAL NEEDED**

### **NPS Procedural Manual 77-2 Floodplain Management**

Due to the uncertainties of the coastal environment and the potential for shifting floodplains between completion of this document and any subsequent relocation efforts, the park will complete a floodplains statement of findings and post it for public review just prior to implementation of the selected alternative, pursuant to NPS Procedural Manual 77-2: *Floodplain Management*.

## APPENDIX B

### AGENCY CONSULTATION

#### **Section 7 of the Endangered Species Act**

The NPS reviewed species data for the study area through the U.S. Fish and Wildlife Information, Planning and Conservation System. Subsequently, in a letter sent in April 23, 2014, the NPS initiated informal consultation with the U.S. Fish and Wildlife Service about the presence of federally listed threatened or endangered species in the vicinity of the national seashore. Based on information gathered during scoping, a review of the U.S. Fish and Wildlife Service Information, Planning and Conservation website, and a review of park records and field surveys, no special status species and/or habitat concerns were identified within the vicinity of the Bayside Picnic and Parking Area or the proposed relocation sites. Because no special status species and/or habitat were identified within the vicinity of the Bayside Picnic and Parking Area, the proposed actions would have no effect on threatened and endangered species.

#### **Section 106 of the National Historic Preservation Act**

At the onset of this environmental assessment process, in accordance with section 800.3(c) of the Advisory Council on Historic Preservation's regulations (36 CFR 800), the park sent a letter to consult with the Maryland State Historic Preservation Officer to initiate section 106 consultation. Efforts to identify cultural resources in the study area included a site files search at the Maryland Historical Trust, archival research, literature review, and a Phase I archeological survey conducted in May 2013 for the *Bayside Picnic and South Ocean Beach Parking Areas Removal and Relocation Environmental Assessment*, which considered the same general area as those areas being considered in this environmental assessment. No archeological resources or historic structures were identified in the study area. The NPS determined that implementation of the proposed action would have no effect on historic properties. In a letter dated June 15, 2015, the State Historic Preservation Office concurred that no historic properties would be affected by the proposed action.

#### **Section 404 of the Clean Water Act and River and Harbors Act**

Wetlands in the vicinity of the study area were delineated in 2014 and several small wetlands were identified near the tip of the peninsula. These wetlands were considered and avoided during planning and alternative conceptual design. Wetlands will be avoided during any construction activity and a buffer will be established to protect them from construction related impacts during the short-term construction timeframe.

#### **Coastal Zone Management Act Consistency Determination**

The NPS completed its federal Coastal Zone Management Consistency Review and consultation, pursuant to the Coastal Zone Management Act, as amended, with the Maryland Department of Natural Resources. The NPS will review and coordinate the proposed action with the state. The consistency determination was submitted to the Maryland Department of Natural Resources along with the environmental assessment (see appendix C of the environmental assessment). Based on the information, data, and analysis presented in the determination, the NPS finds the

selected action consistent to the maximum extent practicable with the enforceable policies of the Maryland Coastal Zone Management Program.

## APPENDIX C

### PUBLIC INVOLVEMENT AND COMMENTS RECEIVED ON THE ENVIRONMENTAL ASSESSMENT

The interested public and agencies were provided an opportunity to review and comment on the environmental assessment during a 60-day review period from October 1, 2015 through November 30, 2015. Availability of the environmental assessment was announced on the NPS Planning, Environment and Public Comment website and through a press release, which was published on September 30, 2015. A total of 14 correspondences were received during the public comment period. The three topics that received the majority of the comments were support for alternative 4 (the NPS preferred alternative), concern over migrating and nesting birds and their habitat, and concern over impacts of the proposal on wildlife and wildlife habitat.

While no changes were made to the environmental assessment or the selected alternative as a result of public comments; responses to some of the substantive comments/requests are provided below.

- **Concern:** A suggestion was made to combine elements of alternative 5 into the NPS preferred alternative, including the immediate removal of the existing parking lot upon completion of the new lot, the elimination of the new drop off and roundabout, and, instead, simply provide an accessible trail to provide access to the tip of the peninsula.

**Response:** The National Park Service heard from many visitors that continued vehicular and universal access to the end of the peninsula is important to many members of the public. The preferred alternative would provide continued vehicle access from the parking lot to the tip of the peninsula for as long as practical (i.e. the landbase exists and funding is available) for visitor use and enjoyment.

- **Concern:** A comment was made requesting more information regarding stormwater management for the proposed project and the need to remove contaminants prior to discharge.

**Response:** Stormwater design at the Bayside Parking Area will be completed as part of the final design process. Stormwater management measures will be implemented pending coordination with the Maryland Department of Environment and identification of appropriate measures. The intent of stormwater management will be to work with the natural geomorphology of the area and allow natural vegetative succession to occur. The National Park Service will use best management practices to address stormwater and water quality. Permitting requirements will be addressed with the State of Maryland as appropriate in advance of any construction activity.

- **Concern:** A comment requested additional information regarding the species of migratory birds that are reported to congregate in the vegetated buffer, possible other locations for them to congregate, the time of year they are most frequent, and the potential for tourists to be directed elsewhere at that time.

**Response:** Assateague Island falls within the Atlantic migratory flyway and birding is a popular activity at the Bayside Picnic and Parking Area as well as at many other locations throughout the park. Neotropical migratory birds frequently converge along the entire bayside shoreline of Assateague Island National Seashore during fall and spring

migrations. A link to the Cornell Lab of Ornithology's list of the 277 species that have been recorded at the peninsula is included here (<http://ebird.org/ebird/hotspot/L455820?yr=all&m=&rank=mrec>) and on page 55 of the environmental assessment.

The Chesapeake and Delaware Bays harbor the largest concentrations of migratory shorebirds in the western hemisphere. The shrub-scrub and wooded areas adjacent to the existing and proposed Bayside Parking Area provide a resting place for some of these birds. The Bayside Picnic and Parking Area are popular with the birding community because they provide access to view this convergence during the spring and fall migrations.

Visitation to the park for birding typically occurs outside of the park's peak visitation season of May through August (as noted on page 63 of the environmental assessment). There may be some overlap in the spring; however, the birding community typically frequents the park at dusk and dawn (when the birds are most active), while most other visitors frequent the park during the day. Under the proposed action, the new parking area will be constructed within a previously disturbed area adjacent to one of the vegetated scrub-shrub habitat patches that birds are known to rest in. While the close proximity to this area may disturb some individual birds, the proximity is similar to the existing lot, and the level of disturbance will not be noticeably different from what currently exists. The entire Bayside Peninsula consists of approximately 78 acres of shrub-scrub and mixed forested habitat. This habitat type can be found throughout the peninsula, as well as along the entire bayside shoreline of Assateague Island. Due to the availability of similarly vegetated areas nearby, the timing of the migrations, and the nature of visitation during that time, impacts to migratory birds are anticipated to be slight.

## **APPENDIX D**

### **NON-IMPAIRMENT DETERMINATION**

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the National Park Service to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that the National Park Service must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1a-1).

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

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

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

This determination on impairment has been prepared for the selected alternative described in this finding of no significant impact. An impairment determination is made for all resource impact topics analyzed for the selected alternative. An impairment determination is not made for visitor experience, public health and safety, and park operations because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

### **FLOODPLAINS**

The NPS selected alternative will have both adverse and beneficial impacts on floodplains. Adverse impacts will primarily be related to the additional impervious surface area. Beneficial impacts will result from moving the parking area further inland and thereby gradually increasing the size of the natural buffer as the existing parking area is phased out. The NPS selected

alternative will contribute a slight beneficial increment to the overall beneficial cumulative impact on floodplains.

The NPS selected alternative will not result in impairment of floodplains because the additional impervious surface area will be similar in size to the existing parking area and minor when considered in the context of the entire floodplain. In addition, the new parking area location will maintain the ability of existing wetlands to support floodplain functions to reduce flood severity, aid in sediment retention, and shoreline stabilization.

## **WILDLIFE AND WILDLIFE HABITAT, INCLUDING VEGETATION**

The NPS selected alternative will have limited adverse impacts on wildlife and wildlife habitat, including vegetation. These impacts will primarily be related to noise and disturbance during implementation of the selected action, the permanent altering of a small area of habitat to accommodate the new parking area and facilities, and the expanded overall footprint of day and nighttime use. There will also be temporary adverse impacts during construction from increased noise and heavy equipment. However, any wildlife displaced during construction activities will return to the area and resume normal behaviors after construction activities are complete. In addition, the close proximity of the new parking area to the vegetated buffer where these species have been known to congregate may disturb some individual birds. However, the proximity is similar to the existing lot, and the level of disturbance will not be noticeably different from what currently exists. The entire Bayside Peninsula consists of approximately 78 acres of shrub-scrub and mixed forested habitat. This habitat type can be found throughout the peninsula, as well as along the entire bayside shoreline of Assateague Island. Due to the availability of similarly vegetated areas nearby, the timing of the migrations, and the nature of visitation during that time, impacts to migratory birds are anticipated to be slight. In addition, these types of impacts will be mitigated by avoiding construction during periods of seasonal migrations (see appendix A). The NPS selected alternative will contribute a slight adverse increment to the overall beneficial cumulative impact on wildlife and wildlife habitat, including vegetation.

The NPS selected alternative will not result in impairment of wildlife and wildlife habitat, including vegetation, because the selected action will utilize mostly previous disturbed areas and will therefore disturb very little contiguous existing habitat. In addition, sufficient habitat and natural communities near the proposed study area will allow wildlife to relocate and easily adapt to maintain normal biological activities. Impacts to wildlife and wildlife habitat during the limited implementation timeframe will be well within natural fluctuations and construction will be timed seasonally to avoid impacts to migratory and shoreline bird populations.