

**Restore North and South Seawalls at Perry's Victory to Safeguard Site
Project, Ottawa County, Ohio**
PEVI-200745

Finding of No Significant Impact

Introduction

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate alternatives to restore the existing seawalls, stormwater system and visitor enhancements at Perry's Victory and International Peace Memorial (PEVI). The EA evaluated two alternatives: a no-action alternative an action alternative and analyzed the potential impacts these alternatives would have on the human environment.

The EA was prepared in accordance with the National Environmental Policy Act (NEPA), as amended (NEPA) (42 United States Code [U.S.C.] 4321 et seq.); the Council on Environmental Quality (CEQ) regulations implementing NEPA, as amended [Title 40 of the Code of Federal Regulations (CFR) Part 1500 to 1508]; the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. § 300101, et seq.); and the NPS Director's Order-12 (as reflected in the DO-12 Handbook),

During preparation of the EA, the NPS consulted with federal and state agencies, state historic preservation office, interested and affected parties, and the general public. The EA was made available for a 30-day review period. See "Attachment C: Public Comment" for more details.

This Finding of No Significant Impact (FONSI) describes the purpose and need for the project, the selected action and other alternatives considered prior to selecting the Proposed Action. The FONSI and EA explain why the selected action will not result in significant impacts.

Purpose, Need, and Objectives

The purpose of the selected alternative is to protect and create safe conditions for visitors by restoring the seawalls, limiting wave overtopping, and managing stormwater at the Park. The selected alternative will protect the cultural resources, help ensure the health and safety of the public, and enhance the visitor experience while preserving the setting of the Park.

The project is needed because two concrete seawalls to the north and south of the Park have deteriorated or been severely undermined as a result of the harsh marine environment. The existing seawalls allow waves to overtop and water to inundate the site, and the existing stormwater system is not adequately sized to manage large rainfall events. Current stormwater drainage outlets allow Lake Erie to flow backward into the stormwater system.

As a result of these infrastructure inadequacies, the Park is frequently flooded during high water levels and rainfall events, soil stability surrounding the seawalls and the Monument is jeopardized, and visitor use of the Park grounds is diminished. Furthermore, State Highway (SH) 357 becomes impassable and visitor access is impeded. These conditions threaten park visitor and island resident safety, the nationally significant Monument, the cultural landscape, and associated historic buildings.

In addition to meeting the project purpose and addressing the identified needs, the selected alternative meets the following objectives to the extent possible:

- Reduce flooding to protect the cultural resources of the Park, including the Monument.
- Improve operational efficiency and sustainability by reducing maintenance associated with flooding.
- Maintain viewsheds and the cultural landscape.
- Improve the visitor experience at the site.
- Improve visitor and resident safety.

Selected Alternative

The NPS has selected the action alternative for implementation. The action alternative was identified in the EA as the NPS preferred alternative and is described on pages 2-4 thru 2-12 of the EA. The action alternative meets the purpose and need of the project and creates safe conditions for visitors by restoring the seawalls, limiting wave overtopping, and managing stormwater at the Park. The selected alternative will protect the cultural resources and enhance the visitor experience while preserving the setting of the Park.

The NPS selected alternative, restores or extends the seawalls, improves stormwater management, protects cultural resources, and enhances the visitor experience. The selected alternative applies different restoration and repair methods to different sections of the seawalls depending on the predicted wave energy and the extent of deterioration. Seawall improvements include raising and partially or fully replacing 3,322 linear feet (LF) of the existing North and South Seawalls, extending the length of the South Seawall with 80 LF of new seawall, and patching repairs to the South Seawall. The North Seawall will be raised a maximum of 24 inches and the South Seawall will be raised a maximum of 18 inches.

Stormwater system improvements will include new drainage pipes, new pump stations, replacement of nine catch basins, three new 10-inch outfalls, and a new vortex separator to provide treatment of stormwater runoff from the sidewalk and roadway along the North Seawall and SH 357.

Visitor experience enhancements include new sidewalks, realignment of a 128-LF section of the North Seawall, step-lighting embedded in the seawalls, an interpretive plaza, and other features including benches and trash receptacles along the seawalls throughout the Park. Seawall and stormwater elements of the selected alternative protect cultural resources by reducing the frequency and extent of flooding, which in turn protects the Monument and cultural landscape.

Mitigation Measures and Best Management Practices

The selected alternative was designed through an iterative process to avoid and minimize impacts. Protective measures will be implemented as part of the Proposed Action to help ensure the protection of natural and cultural resources and the quality of the visitor experience at the Park. Impact mitigation is not part of the selected alternative because avoidance and minimization best management practices are part of the selected alternative.

NPS and/or its contractors will implement protection measures and best management practices (BMPs) to minimize adverse impacts to natural resources. These measures and associated regulatory requirements are identified in Attachment 1. The NPS may add protection measures and BMPs to this list in the future. A non-impairment determination is included in Attachment 2.

Significance Criteria Review

This section explains why the selected alternative will not have a significant effect on the quality of the human environment. As defined in 40 CFR 1501.3, agencies are required to consider the degree of effects by examining the following, as appropriate to the specific action:

- *Both short- and long-term effects, and both beneficial and adverse effects*

The impacts associated with the selected alternative are not significant. Most adverse impacts associated with implementation of the selected alternative will be short-term and temporary, and limited to the construction period. BMPs are incorporated into the selected action to reduce and minimize these adverse impacts. Over the long-term, beneficial impacts are expected for all resource categories evaluated in the EA.

Over the short-term, the selected alternative will result in no or minor adverse impacts to resources as a result of construction activities. Water resources, water quality, and floodplain impacts may result from an increase in debris, but this will be localized, temporary, and minimized through the use of BMPs. Construction will have a negligible affect to shoreline processes. No significant archaeological resources are in the project area and submerged archaeological resources will be avoided by implementing a 5-meter (15-foot) avoidance buffer during construction. Short-term effects to human health and safety are described in the next bullet.

Over the long-term, the selected alternative will result in minor adverse impacts and significant benefits to resources as a result of a reduced area and frequency of flooding at the site. Construction will result in the permanent loss of 0.021 acre of Lake Erie and a permanent loss of a 0.01-acre wetland.

These impacts to waters of the United States have been minimized to the extent practicable, meet requirements for Nationwide Permit 3 – Maintenance, do not require compensatory mitigation, and are considered minor. Benefits to water resources include an improvement in the quality of the stormwater runoff from the installation of a vortex separator, and the reduced frequency and extent of flooding. Access to the Park and along SH 357 will improve, as will the Park's operational efficiency and sustainability. The selected alternative will resolve erosion issues at the Park shoreline and will not contribute to new erosion or debris at neighboring shorelines. Changes are compatible with design recommendations in the Cultural Landscape Treatment Plan and will have no adverse effects on the historic property. Reduced surface water ponding and flooding will result in a long-term benefit to the site and its contributing features. Long-term effects to human health and safety are described in the next bullet.

- *Effects on public health and safety*

Over the short-term, the selected alternative will result in minor impacts to human health and safety. Construction will occur from the land and Lake Erie and will require the use of heavy equipment throughout the construction period. A Site Health and Safety Plan will be implemented for the project and barriers, fencing, and signs placed to limit visitor and staff access to construction areas and hazards. Temporary lane closures of SH 357 and temporary utility outages will occur.

Over the long-term, the selected alternative will result in long-term benefits to public health and safety because it will reduce the frequency and extent of flooding. Ongoing maintenance will be reduced as sinkholes along the North Seawall will no longer form, and spalled concrete will no longer need to be regularly cleaned up. Reducing the frequency of flooding in the Park and on SH 357 will improve access between the east and west sides of South Bass Island, including that of emergency vehicles. Occurrences of unsafe conditions in the Park will be reduced.

- *Effects that would violate federal, state, tribal, or local law protecting the environment.*

The selected alternative will not violate federal, state, or local environmental protection laws. NPS has complied, or prior to construction, will comply with all federal, state, and local laws that apply to the selected alternative.

Public Involvement

The NPS conducted an internal kickoff meeting on May 14, 2020. An internal scoping meeting was held on June 10, 2020, to identify potential stakeholders, define the purpose and need for the project, identify potential actions to address the need, determine the likely issues and impact topics, and identify the relationship of the Proposed Action to other planning efforts at the Park.

On July 20, 2020, NPS issued a scoping press release officially opening the public scoping comment period for the project. NPS also notified, contacted, or consulted with agencies, individuals, and organizations during the scoping process. Public comments were accepted through August 21, 2020. During the public scoping comment period, one public meeting was held virtually over Microsoft Teams on July 29, 2020. The purpose of the public scoping meeting was to describe the issues and challenges the park was looking to solve and give the public an opportunity to bring up additional concerns.

An interagency meeting was also held on July 20, 2020. State and federal agencies in attendance included the U.S. Army Corps of Engineers – Buffalo District, the Ohio Department of Natural Resources – Division of Wildlife, the Ohio Department of Natural Resources – Office of Coastal Management Program, the Ohio Historic Preservation Office, the Ohio Department of Transportation, and the Ohio Environmental Protection Agency.

There are no federally recognized tribes with direct cultural affiliations with the Memorial.

During the public scoping comment period, 226 pieces of correspondence (115 unique) were received. The correspondence yielded a total of 529 (118 unique) comments on five topics. The comments received during public scoping fell into five broad categories:

- Support for the Proposed Action
- Modifications to the Proposed Action
- Shoreline Processes: Erosion at the North Shore
- Shoreline Processes: Beach and Erosion at the South Shore
- Shoreline Processes: Debris at the Public Beach

The majority of comments focused on shoreline processes, including erosion at the North Shore, the Village of Put-in-Bay beach and erosion at the South Shore, and debris accumulation at the beach. Many comments suggested design-related changes and advocated for NPS assistance in addressing shoreline issues adjacent to the Park.

Agency consultation letters received included concurrence with the no adverse effect determination from the Ohio State Historic Preservation Office, concurrence with the Coastal Zone Management Act federal consistency statement from the Ohio Department of Natural Resources – Office of Coastal Management, and concurrence

with species effects determinations and recommendations from Ohio Department of Natural Resources – Division of Wildlife. These letters are included in Attachment 3.

The EA was published on November 30, 2020. On November 30, 2020, NPS issued a press release officially opening the public comment period for the project EA. NPS also notified, contacted, or consulted with agencies, individuals, and organizations during the EA public review process. One public meeting was held virtually over Microsoft Teams on December 17, 2020 to provide the public with an opportunity to comment on the selected alternative and project impact evaluation. Public comments were accepted through December 31, 2020. During this period, 8 pieces of correspondence (6 unique) were received. Attachment 4 summarizes public comments received during the EA public review period and provides NPS responses to those public comments. Errata to the EA is also included in Attachment 4.

Finding of No Significant Impact


Based on the review of the facts and analysis contained in the EA, NPS has selected Alternative 2 (NPS Proposed Action) for implementation. The selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement, nor will the selected alternative have a significant effect on the human environment in accordance with section 102(2)(c) of the NEPA. Adverse environmental impacts that could occur are limited in duration, context and intensity. Benefits are significant and would include reduced frequency and extent of flooding and wave overtopping, improved water quality, improved operational efficiency, protection of cultural resources and improved visitor use, safety, and experience. There are no unmitigated adverse impacts to resources or values of the Park. No highly uncertain impacts, unique or unknown risks, or significant reasonably foreseeable impacts would occur. Implementation of the actions would not violate any federal, state, or local law.

The selected alternative will not have a significant adverse impact. Accordingly, the requirements of NEPA, regulations promulgated by the CEQ, regulations promulgated by the Department of the Interior, and provisions of Director's Order 12 and the 2015 NPS NEPA Handbook have been fulfilled.

Therefore, I have determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. In accordance with NEPA and CEQ regulations (40 CFR 1508 et seq.), an environmental impact statement is not required and will not be prepared to implement the selected alternative.

Recommended: **BARBARA ROWLES**  Digitally signed by BARBARA ROWLES
Date: 2021.01.15 15:57:10 -05'00' January 15, 2021
Date

Barbara Rowles
Superintendent
National Park Service
Perry's Victory and International Peace Memorial

Approved: **HERBERT FROST**  Digitally signed by HERBERT FROST
Date: 2021.02.02 09:29:49 -06'00'
Date

Herbert C. Frost, Ph.D.
Regional Director
National Park Service
Interior Regions 3, 4, and 5

Enclosures:

- Attachment 1 – Avoidance, Minimization Measures and Best Management Practices
- Attachment 2 – Non-Impairment Determination
- Attachment 3 – Public Involvement and Agency Consultation
- Attachment 4 – Errata and Public Comments

Attachment 1 – Avoidance, Minimization Measures and Best Management Practices

Avoidance, Minimization Measures and Best Management Practices

The NPS and/or its contractors will implement measures and best management practices (BMPs) to the degree and/or severity of adverse effects on natural resources, historic structures, cultural landscapes, historic viewsheds, etc. Avoidance and minimization measures and BMPs are further defined in the project design documents and permits. The NPS may add mitigation measures and BMPs to this list in the future.

General Considerations/Site Design and Construction

- Work areas will be identified with construction fence, silt fence, or a similar material prior to any activity. The fencing will define the work zone and confine activity to the minimum area required. All protection measures will be clearly stated in the construction specifications, and workers will be instructed to avoid conducting activities beyond the work zone. Disturbances will be limited to areas inside the designated construction limits.
- Demolition of the existing seawall, excavation and clearing work will proceed in a manner which prevents collapse or damage to the existing seawall and the release of fill or construction debris into Lake Erie.
- All demolished materials will be removed from the Park's property and disposed of legally.
- The construction contractor shall verify the location of asbestos boards at the existing expansion/contraction joints of the seawalls and ensure the demolition and removal is in accordance with relevant codes and standards.
- Imported material will be clean and free of debris.
- All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed from the project work limits upon project completion.
- All staging and stockpiling areas will be returned to preconstruction conditions after construction. Contractors will be required to properly maintain construction equipment (i.e. mufflers and brakes) to minimize noise.

Water Resources

- Erosion and sediment control measures will be implemented to avoid and minimize sedimentation, and other impacts that may temporarily affect water resources.
- Temporary shoring and best management practices for in-water work, including turbidity curtains will be implemented to reduce sedimentation and impacts to water quality.
- In-water work will be limited to only that which is necessary and can be completed in the shortest amount of time possible. Waterside equipment and staging is limited to 150 feet from the outshore face of the seawall.

- Temporary fills will be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas will be revegetated, as appropriate.
- Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, will be installed and maintained.

Biological Resources

- The contractor shall ensure that prior to moving equipment onto the Project Area, all equipment is free of soil, seeds, vegetative matter, or other debris that could hold seeds. The contractor will ensure that all equipment has been pressure washed and is free of exotic species.
- Tree protection fencing will be installed to protect existing trees and shrubs that are not identified for removal during construction activity. Construction traffic, cutting, filling, or trenching will not occur within the tree fencing limits. No storage of material or equipment will occur within tree protection fencing.
- Tree pruning shall take place only where roots of existing trees have been damaged or will be damaged by the contractor during construction of the Project, as directed by the Certified Arborist.
- Turf and grass will be restored following construction as shown on Contract Documents. A healthy, uniform, close stand of grass will be established with thatch to accommodate frequent use, free of weeds and surface irregularities.
- Special-status species protection measures will be followed as agreed upon with USFWS, and ODNR DOW and as specified in the conditions of the permits issued for the project. Protection measures include seasonal tree-clearing restrictions for Indiana and northern long-eared bats. Cutting of trees greater than 3 inch diameter breast height (dbh) will be limited to October 1 through March 31.
- Biological monitoring will be implemented as agreed upon by NPS and ODNR DOW for the Lake Erie watersnake.

Cultural Resources

- An avoidance buffer of 15 feet (5 meters) from the extent of each submerged archaeological resource will be established during construction activities to limit unintentional disturbances associated with barge traffic or mooring during construction.
- Inadvertent discoveries of archaeological remains will be treated in accordance with 36 CFR 800.13. The Ohio State Historic Preservation Office (SHPO) will be contacted in the event of an inadvertent discovery.

Human Health, Safety, and Use

- Park facilities will comply with Architectural Barriers Act Accessibility Standard regulations. Contractor work affecting accessibility of disabled persons must

maintain this compliance.

- The construction contractor will conduct the operations to ensure the least inconvenience to the public. The Park grounds are open to the public continuously, and the Memorial and Visitor Center are open to the public from 10 AM to 6 PM daily. Shutdown of Park buildings, including but not limited to the Memorial and Visitor Center, must be outside of hours open to the public.
- Road closures will be minimized to the extent practicable. Road closures will be permitted, when required, upon specific approval of the Contracting Officer. Single lane closure shall be allowed for a maximum of 6 hours. Full road closure shall be allowed for a maximum of 2 hours. Emergency vehicle access must be coordinated through the Village of Put-in-Bay.
- Utility interruptions will be minimized to the extent practicable. Utility interruptions will be limited to 4 hours for water shutdowns; and 2 hours for electric, phone, and cable shutdowns.
- Work will generally be performed during normal business working hours, Monday through Friday, except when otherwise indicated. Weekend and early morning work is not permitted without written permission of the Contracting Officer. Disruptive activities (pile driving, demolition or other noisy activities) will not begin prior to 8 AM.
- Construction operations will be performed to minimize noise. Noise-producing work will be performed in less sensitive hours of the day or week as directed by the Contracting Officer. Repetitive and/or high-level noise is permitted only during daytime.
- Public access to any area of construction will not be allowed.
- Regulatory and/or enforcement agencies will be notified prior to any construction.
- Warning signs will be posted along village roads and pedestrian circulation in the park and the community as necessary.

Attachment 2 – Non-Impairment Determination

Non-Impairment Determination

National Park Service (NPS) Management Policies 2006 (§1.4) require that potential effects of a proposed project be analyzed to determine whether the action will impair a park's resources and values. The fundamental purpose of the national park system established by the Organic Act of 1916 and reaffirmed by the General Authorities Act of 1970, as amended, mandates the NPS to conserve park resources and values. NPS managers must always seek ways to avoid or to minimize to the greatest degree practicable, adverse impacts on park resources and values. The laws do give NPS management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park; however that discretion is limited by the requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically provides otherwise.

Prohibited impairments are those that, in the professional judgment of the responsible NPS manager, will harm the integrity or values of park resources, including the opportunities that would otherwise be present to enjoy the resources or values. Whether an impact meets this definition depends on the resources that would be affected; the severity, duration, and timing of the impact; and the direct and indirect effects of the impact. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact is more likely to be an impairment to the extent that it affects a resource whose conservation is:

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

An impact may be less likely to constitute impairment if it is an unavoidable result of an action needed to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

This determination of non-impairment has been prepared for the selected alternative as described in the Restore North and South Seawalls at Perry's Victory to Safeguard Site Project Environmental Assessment and Finding of No Significant Impact. An impairment determination is made below for resource impact topics analyzed for the selected alternative. An impairment determination is not made for non-resource topics such as human health, safety, and use because impairment findings relate back to park resources and values; this impact topic is not generally considered to be a park resource or value according to the Organic Act.

Water Resources and Floodplains

The selected action would not impair water resources or floodplains. The selected action would improve storm resiliency and better protect the Park by reducing the degree, frequency and extent of stormwater, flooding, and wave overtopping that occurs throughout the Park grounds. During a typical 10-year design storm event, no flooding or ponding would occur as a result of the North and South Seawall improvements and replacement of the stormwater system. The selected alternative would also reduce the frequency of wave overtopping so that it would not occur for storms more frequent than the 25-year storm.

The selected action would improve water quality by protecting the physical, chemical, and biological characteristics of the receiving waters (Lake Erie). Stormwater from the approximately 11.2-acre north catchment area would be treated prior to discharge. The treatment system would remove debris, total suspended solids, hydrocarbons, and oils from stormwater prior to discharge into Lake Erie. Therefore, impacts to water resources and the floodplain are considered to be long-term and positive.

During construction water quality and water resources would experience increased turbidity and sediment loads in the construction area adjacent to the shoreline. In-water activities include construction workspaces in Lake Erie that would temporarily impact 10.4 acres of Lake Erie along the North and South Seawalls. The most intrusive activities would be associated with the underwater construction of the North Seawall—Center section, fill placement in the lake, and temporary excavation and backfilling activities. Excavation and backfilling would temporarily change the contours of the lake bottom. In areas where just the top section of the seawall is being removed and the elevation raised, impacts from construction activities would be short-term and localized with potential impacts minimized by sediment and erosion controls. Lakebed disturbances from vessel mooring could cause temporary and localized suspended sediments.

The proposed stormwater system improvements would require excavation and grading, resulting in dust and debris deposition in the localized construction area. Soil erosion and sediment controls would be implemented, and the duration of exposed soils minimized to the extent possible. Similar measures would be used to construct new and replace existing sidewalk and add interpretive elements and lighting.

Sediment and debris deposition would be limited in all construction areas by measures such as shoring, trench shields, and sediment controls such as turbidity curtains, silt fences, straw wattles, and inlet filter sacks. Other best management practices would be implemented as described in the FONSI. As a result, the degree of short-term impacts to water resources and the floodplain would be minimal and water resources and floodplains would not be impaired.

Shoreline Processes

The selected action would not impair shoreline resources. It would fully or partially replace seawalls at the Park to restore the seawall's structural integrity and stabilize the Park's shoreline, assuring that it remains open and operational in the future. The North Seawall—Center section would be replaced with a new foundation that would protect against erosion and undermining. Deteriorated portions of the seawall would be replaced and therefore broken pieces of seawall would not create new debris in the lake and in the Park. The new South Seawall—West extension of the Proposed Action would prevent waves from propagating onto the Park and decrease flooding and debris buildup in this corner of the property.

The restored and raised seawalls would improve protection of the shoreline by rebounding wave energy into the lake. The rebounded wave energies from the Perry's Victory Memorial Seawalls would increase by a maximum of 8 percent, as described in the EA. This increase is considered minor and would not degrade or otherwise change shoreline processes affecting the Park.

Over the short-term, seawall construction is expected to temporarily affect the water patterns and sediment source at the seawalls due to the presence of work barges and in-water demolition. Best practices such as a turbidity curtain surrounding the site would limit the potential for debris to enter the lake and be transported down shore. Dust and debris in the localized area, lakebed disturbances, and vessel mooring are all expected during construction. These would contribute to debris moving down shore but would be minor and temporary. The suspension of sediments within the turbidity curtain during construction would not affect erosion along the shoreline and shoreline conditions along the extended shoreline would remain unchanged.

The selected alternative in combination with protection measures and BMPs during construction would not impair shoreline processes along the Park shoreline.

Cultural Resources

The selected action would not impair archeological resources or cultural landscapes.

Archeological Resources

No significant archaeological resources are present in the Park project area. Soils in the terrestrial portion of the project area have been heavily disturbed, likely the result of fill and construction-related activities during the construction of the Monument and Park. The 10 submerged archaeological resources identified in Lake Erie are not eligible for listing in the National Register of Historic Places. Short-term impacts to submerged archaeological resources would be avoided by implementing a 5-meter (15-foot) avoidance buffer during construction. In the event of an unanticipated discovery during construction, archaeological monitoring would be implemented. Therefore, impairments to known or previously unidentified archeological resources are not expected.

Cultural Landscapes

The 14.5-acre Memorial, level topography, openness, manicured landscape and six historic viewsheds are the primary contributing features to the Park's cultural landscape. The selected action would not impair the quality of the cultural landscape and contributing features. The seawalls are not contributing features and not subject to an impairment determination.

Improvements associated with the selected action, such as restored or new seawalls with a 12- to 24-inch height increase, stormwater management improvements and visitor improvements, such as sidewalks along the North Seawall, additional benches and step lights would not affect contributing features of the cultural landscape and would not alter or obstruct any contributing viewshed. Topographic changes and grading would not affect the level appearance of the site or the earthen berm around the Memorial plaza. The proposed increase in seawall elevations would provide a beneficial effect to the site because damage caused by stormwater and flooding would be lessened. Similarly, with reduced flooding, interruptions of pedestrian circulation would be reduced.

There would be no long-term changes to the manicured lawn, patterns of large tree massing on the east and west boundaries of the historic core, four Norway maple trees, and 15 Austrian pines.

Over the short-term, major construction activities would be concentrated in vicinity of the seawalls and would not extend to the Monument. Best practices would be established to minimize site erosion, vibration, and auditory impacts.

The selected alternative in combination with protection measures and BMPs during construction would not impair the cultural landscape.

Summary

Based on the expected outcomes described above, implementing the selected alternative would not impair any resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's Foundation Document or other relevant National Park Service planning documents as being of significance. This conclusion is based in the consideration of the purpose and significance of the park, a thorough analysis of the environmental impacts described in the environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of National Park Service.

Attachment 3 – Public Involvement and Agency Consultation

Public Involvement and Agency Consultation

NPS staff consulted with federal and state agencies, interested and affected parties, and the general public. These activities are summarized in Chapter 5 page 5-2 and 5-3 of the EA and are further described below.

Public Involvement

The EA was available for public review between November 30 and December 31, 2020. During this time, comments were received directly in the National Park Service's Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/PEVI>). One public meeting was held virtually over Microsoft Teams on December 17, 2020 to provide the public with an opportunity to comment on the selected alternative and project impact evaluation. During this period, 8 pieces of correspondence (6 unique) were received. Attachment 4 summarizes public comments received and provides NPS responses to those public comments.

Agency Consultation

During the scoping period, the National Park Service consulted with the following agencies and tribes:

Ohio State Historic Preservation Office

In 1979 the Memorial was listed in the NRHP as a historic structure and the original 14.5-acre land grant as a historic property. In June 2020, a Phase I Archaeological Survey was conducted of the 27-acre project area between June 1 and 10, 2020. Eleven archaeological resources were identified, including one precontract bifacial stone tool found on land, and 10 isolated finds encountered during the maritime survey. None of the resources were recorded as an archaeological site nor do they qualify as historic properties. Although submerged archaeological resource finds lack historic integrity, a 5-meter (15-foot) avoidance buffer would be implemented around features associated with a historic rail dock.

Six viewsheds were identified as contributing features of the cultural landscape. In July 2020, a Visual Impact Assessment (VIA) was conducted to assess the potential for visual impacts from the proposed changes to the seawalls and to the sidewalks along the seawalls. The VIA confirmed that the proposed changes were either not visible or would not affect the cultural landscape.

The NPS determined that this undertaking would have no adverse effect on cultural resources. The EA substituted the NEPA process and documentation for the Section 106 process, in compliance with 36 CFR 800.8(c).

The EA was published and sent to the Ohio SHPO on November 30, 2020. In a letter dated December 8, 2020, the Ohio SHPO concurred that the planned work would have no adverse effect on cultural resources. In the event of an unanticipated discovery during construction, archaeological monitoring would be implemented.

Tribal Consultation

There are no federally recognized tribes with direct cultural affiliations with the Memorial.

US Fish and Wildlife Service

The NPS planning team accessed the US Fish and Wildlife Service Information for Planning and Conservation (IPaC) system to identify federally listed plant and animal species with the potential to occur at the Park. The National Park Service sent a letter dated October 20, 2020 to the US Fish and Wildlife Service to request concurrence with species effects determinations.

In a letter dated August 21, 2020, the USFWS concurred with NPS determinations that the project “is not likely to adversely affect” the northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*), and would have no effect on four other federally-listed species (piping plover, red knot, Eastern prairie fringed orchid, and lakeside daisy). Trees greater than or equal to 3-inch dbh will only be cut between October 1 and March 31 to avoid adverse effects to the northern long-eared bat and Indiana bat.

Coastal Zone Management Act

As defined by the Coastal Zone Management Act, federal actions subject to the enforceable policies of approved state management programs are any actions that 1) cause changes in the manner in which land, water, or other coastal zone natural resources are used, 2) cause limitations on the range of uses of coastal zone natural resources, or 3) cause changes in the quality or quantity of coastal zone natural resources.

The NPS prepared a federal consistency determination that demonstrates compliance with the provisions of Ohio's Coastal Management Program under the Coastal Zone Management Act. The federal consistency determination was provided to the State of Ohio Department of Natural Resources for review and concurrence. On August 31, 2020, the Ohio Office of Coastal Management concurred with the NPS' consistency determination. The NPS is acquiring a Shore Structure Permit in accordance with Ohio revised Code Section 1506.40.

Ohio Department of Natural Resources

The NPS planning team evaluated the potential for impacts to state-listed plant and animal species. On July 17, 2020, the NPS planning team submitted a request for concurrence with species effects determinations and request for environmental review to the Ohio Department of Natural Resources (ODNR) Division of Wildlife. On October 8, 2020, a concurrence letter was received.

Based on the response, trees greater than or equal to 3-inch dbh will only be cut between October 1 and March 31 to avoid adverse effects to the northern long-eared bat and Indiana bat. Protection measures for the Lake Erie Watersnake (*Nerodia sipedon insularum*) will be implemented including biological monitoring as agreed by NPS and ODNR DOW.

On July 17, 2020, the NPS planning team submitted a request for an in-water work waiver to the ODNR Division of Wildlife (DOW) to request an extension to the allowable period of in-water construction. On October 16, 2020 ODNR DOW granted a full waiver for the requested periods of April 15 through June 30, 2021 and 2022.

Attachment 4 – Errata and Public Comments

Errata and Public Comments

Errata

Figure 2-1 on page 2-5 of the Environmental Assessment (EA) has been revised to include updated locations of a Stormwater Outfall and Stormwater Pump Station. Figure 2-1 should be replaced with the following figure:

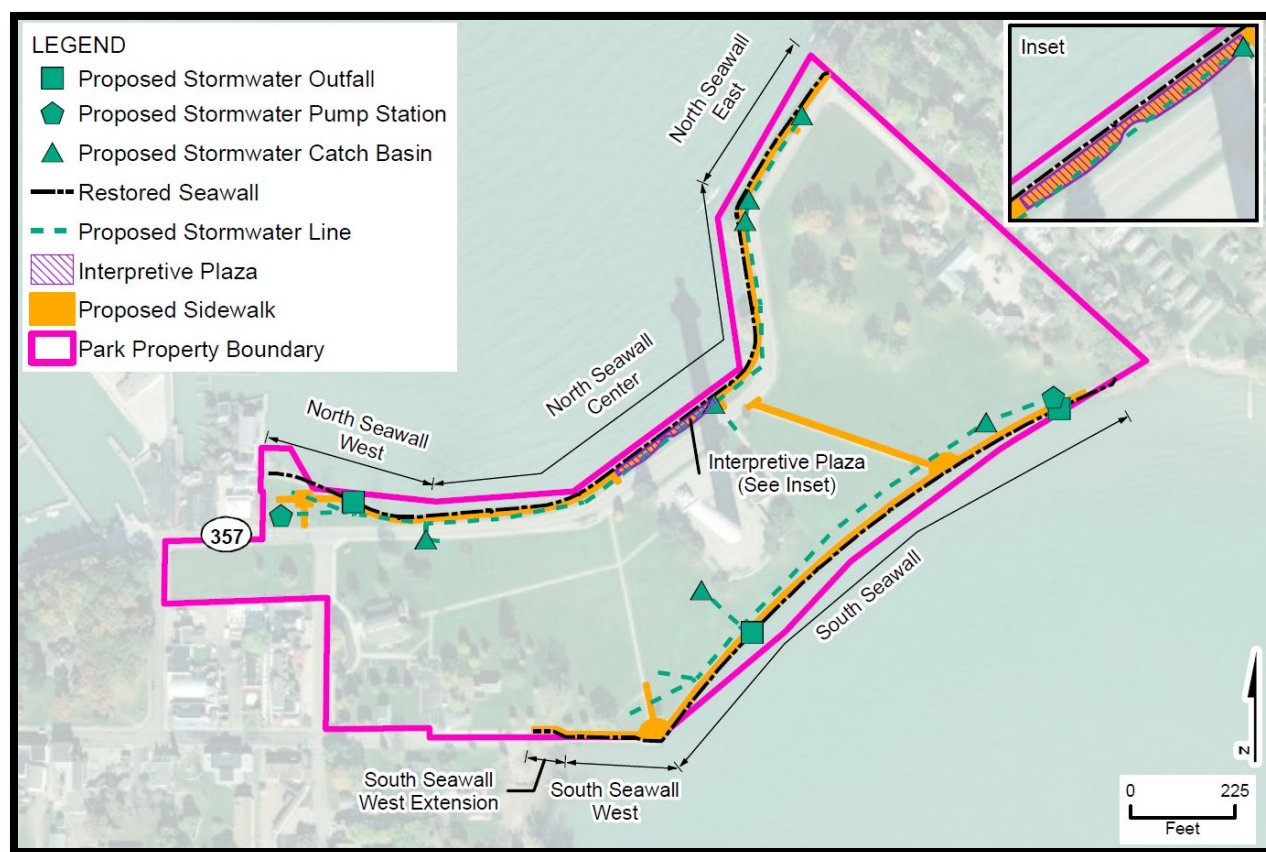


Figure 2-1. Components of the Proposed Action

None of the comments received during the Public Review comment period and described in the following section documented errors in analysis, minor technical edits, or technical revisions in the EA. Therefore, no additional errata have been included in this report.

Public Comment and Response to Comments

On November 30, 2020, NPS issued a press release officially opening the public comment period for the project Final EA. NPS distributed the press release to local newspapers, and notification letters were sent to municipalities, elected officials, nongovernmental organizations, adjacent property owners, and other local stakeholders. Additionally, EA availability notification letters were distributed to federal and state agencies, individuals, and organizations by email. The press release was posted to the Park Planning, Environment and Public Comment (PEPC) website, and the Park social media pages, including Facebook and Twitter.

Four newspapers also published the public notices, including the Put-In-Bay Daily on November 30, 2020 (circulated online), the National Parks Traveler on December 1, 2020, the Sandusky Register on December 2, 2020 (circulated in Sandusky, Ohio and online), and the Port Clinton News Herald on December 3, 2020 (circulated in Port Clinton, Ohio and online).

During the public review comment period, one public meeting was held virtually over Microsoft Teams from 10 to 11 a.m. Eastern Standard Time (EST) on December 17, 2020. The purpose of the public review meeting was to describe the proposed action to the public and answer questions about the EA. A total of 23 stakeholders attended the EA public open house meeting. Public comments were accepted through December 31, 2020.

Members of the public submitted comments on the project electronically through the NPS PEPC website and by emailing comments to the Park Superintendent. A total of six comments were received during the public review comment period. The text below includes summaries of comments received during the public comment period and provides NPS responses to those public comments.

Support for the Proposed Action

Two commenters expressed support for the Proposed Action and noted the NPS' commitment to promoting access, the importance of the Park to the area's history, the community and tourism. Commenters were understanding of the need to deal with record high lake levels, more extreme storms, and flooding which impacts visitors and the Park's infrastructure. Commenters agreed the Proposed Action would help sustain the site for decades to come.

NPS Response: The selected action meets the purpose and need of the project, creates safe conditions for visitors by restoring the seawalls, limiting wave overtopping, and managing stormwater at the Park. The selected action would protect the cultural resources and enhance the visitor experience while preserving the setting of the Park.

Modifications to the Proposed Action

Two commenters suggested changes to the Proposed Action. Design-related suggestions included installation of an offshore submerged structure to protect the Village of Put-in-Bay public beach and changing the South Seawall orientation or curvature to reduce erosion at the Village of Put-in-Bay public beach.

NPS Response: As noted in Chapter 2 of the EA, NPS developed, screened and evaluated a range of design alternatives. Alternatives were identified and screened based on consistency with the project's purpose and need, feasibility of construction, preservation of the historic integrity of the site and consistency with cultural resource treatment recommendations.

NPS also considered avoidance and minimization of impacts to the adjacent shorelines and waters to the greatest extent possible, and resiliency in design to minimize overtopping during future storm events. Alternative designs and alternative design components were eliminated due to having greater resource impacts, not addressing the purpose and need of the project, or because they were outside of NPS's jurisdiction.

As indicated during the public meeting, there are two feasible options that were identified to potentially resolve beach erosion issues. These are an offshore breakwater or beach renourishment. The offshore breakwater was considered as an alternative component, but NPS's jurisdiction is limited to the Park's legal boundaries. Similarly, beach renourishment would need to occur outside of NPS's jurisdiction and could not be included in the selected alternative.

Shoreline Processes: Beach and Erosion at the South Shore

Commenters expressed concern that erosion would occur or worsen at the Village of Put-in-Bay beach as a result of shoreline processes. Commenters stated they believed the alignment and profile changes to the South Seawall that occurred in the 1970s were a probable cause of the beach erosion and advocated for using innovative solutions to protect the Park while also preserving adjacent properties.

NPS Response: As noted in the EA (Section 2.01.1), wave modeling of the proposed seawall alternative predicts that the selected action will not cause increased erosion at the beach. Wave modeling was used to assess the wave interactions with the existing and selected seawall as part of the *Impacts of Future Seawall Elevation Increase Report*. The erosion experienced along the shoreline in the vicinity of the project is due to the exposure of the site to offshore waves rather than to waves rebounding from the seawall. The EA (Section 3.02.02) also notes that wind and waves crossing the lake concentrate in the bay and at the Public Beach, which is unprotected from waves or debris coming ashore.

In addition (Section 4.03 of the EA), the wave energies rebounding from the Perry's Victory Memorial Seawalls were modeled to assess potential increases in wave height resulting from the seawall modifications. Wave energies would increase by 8 percent due to the raised seawall increasing wave reflection. This increase is considered minor. For example, in the worst-case scenario modeled, a 100-year return-period storm, this equates to a 0.48-foot wave increase. The highest wave for the 100-year return period at the South Seawall is 6.02 feet, with wave reflection at 11.38 feet under the No Action Alternative and 11.86 feet under the selected action. This minor wave reflection increase in the selected action scenario is due, in part, to the decrease in wave overtopping from the selected action.

Shoreline Processes: Debris at the Public Beach

Comments expressed concern that debris deposition at the Village of Put-in-Bay beach would continue to occur or increase as a result of shoreline processes. Commenters stated that the alignment and profile changes to the South Seawall that occurred in the 1970s were a probable cause of the debris deposition at the Village of Put-in-Bay beach. Commenters stated that the inability of the Park to undertake actions outside of the Park property boundary was not a satisfactory reason for not addressing the issues at the beach as part of the selected action.

NPS Response: As noted in Section 2.01.1 of the EA, wave modeling of the proposed seawall alternatives predicts that the selected action will not cause increased debris deposition at the beach. The debris deposition experienced along the shoreline is an existing condition related to it being one of the few natural shorelines on the island where shoreline stabilization structures have not been built. NPS' inability to take actions outside of Park property are a result of both the ownership issues and the need for design options to meet the purpose and need of the project.

Recommendation for NPS to state "in writing" its detailed findings and its long-term willingness to participate in a community-based solution.

Commenters recommended that NPS state in writing its detailed findings and long-term willingness to participate in a community-based solution.

NPS Response: The National Park Service has made detailed findings of studies conducted to support the project, and the EA available to the public and will continue to make them available. The National Park Services' mission is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout the country and the world.