

# Chincoteague and Wallops Island National Wildlife Refuges

Accomack County, Virginia



## Record of Decision for the Final Comprehensive Conservation Plan and Environmental Impact Statement

U.S. Fish and Wildlife Service



October 2015



**U.S. Department of the Interior, Fish and Wildlife Service**  
**Chincoteague and Wallops Island National Wildlife Refuges**  
Accomack County, Virginia

The Department of the Interior, U.S. Fish and Wildlife Service (USFWS), has prepared this “Record of Decision” on the final Comprehensive Conservation Plan (CCP)/Environmental Impact Statement (EIS) for Chincoteague National Wildlife Refuge (NWR, refuge) and Wallops Island NWR. This Record of Decision includes a brief synopsis of alternatives considered, a description of the environmentally preferable alternative, an overview of public and partner involvement in the decisionmaking process, a statement of the decision made, the basis for the decision, and a listing of practicable measures to minimize environmental harm. The Chincoteague and Wallops Island NWR CCP will provide management guidance for conservation of refuge resources and public use activities during the next 15 years.

### **Alternatives Considered**

USFWS evaluated three alternatives in the final CCP/EIS for the management of Chincoteague and Wallops Island NWR. The paragraphs below describe the concept and key features of these alternatives. More detailed information on these alternatives can be found in chapter 2 of the final CCP/EIS.

Alternative A (Current Management): This “no action” alternative, required by regulations under the National Environmental Policy Act of 1969 (NEPA), would simply extend the way we now manage the refuges over the next 15 years. It also provides a baseline for comparing the two “action” alternatives. Our habitat management program on Chincoteague NWR would continue in its present manner, consistent with the 1993 Master Plan and EIS. This involves preserving approximately 2,650 acres of wetland impoundments based on priority species needs, as well as making no changes to the size and location of the 1,300-acre proposed wilderness area within the refuge. The refuge would allow the National Park Service (NPS) to maintain 8.5 acres (961 spaces) of automobile parking at the existing recreational beach. As sea level rise and natural forces reduce the land base capable of supporting current parking, the refuge would pursue alternative parking opportunities. The cultural resource management program would also remain the same, with the refuge allowing a maximum herd size of 150 Chincoteague ponies to graze, and continuing tours and restoration of the Assateague Lighthouse. Existing public uses, including wildlife observation, environmental education, fishing, wildlife photography, and hunting of sika, resident white-tailed deer, and off-island migratory birds would continue with the current facilities, programs, and policies.

At Wallops Island NWR, existing habitat management and visitor opportunities would continue, including management of early successional habitat along power line rights of way, invasive species control, and hunting for white-tailed deer.

Alternative B (Balanced Approach/Preferred Alternative): This alternative combines actions we believe would best meet the purpose and need for a CCP, most effectively achieve refuge purposes, vision and goals, and respond to public needs. Alternative B would mostly continue established habitat and wildlife management strategies, and the refuge would also work with the NPS to develop a new recreational beach, beach access, and nearby parking located 1.5 miles north of the existing beach. The area assigned to NPS would consist of the 1-mile recreational beach beginning near D-Dike, associated parking, and new Visitor Contact Station (VCS), then extend south 1 more mile to the terminus of Swan Cove Bike Trail (2 miles total), thus doubling the length of the assigned area. The new parking area would be at least 8.5 acres, although this acreage estimate is not a limit but a guideline that can be changed as needed with the actual design of a facility that provides the required 961 spaces and related facilities as part of a well-thought-out plan. Existing public uses would continue with some exceptions. Beach Road will continue to be open year-round as far as the vicinity of the South Pony Corral; oversand vehicles (OSV) and hiking would continue via Beach Road across Toms Cove south to Fishing Point from September through March 14. A new half-mile OSV zone would be created south of the new recreational beach as part of the NPS assigned area. The Overwash and Hook will remain under current management until the new recreational beach is opened, at which time the March 15 and September 15 closure would go into effect. Additionally, the Toms Cove VCS would remain open year-round, maintained by the NPS, until it becomes unserviceable. A new VCS jointly managed by USFWS and NPS will be constructed near the new recreational beach. The beach would continue to be accessible by bicycle via Swan Cove Bike Trail, and will be included in the new assigned area.

Alternative C (Reduced Disturbance): This alternative greatly minimizes public use in order to prioritize habitat and wildlife management. Alternative C would direct staffing and funding towards maximizing habitat and wildlife management strategies. Thus, some public use activities would be eliminated, such as horseback riding and OSV access, and the pony herd would be reduced. The refuge would work with NPS to relocate the recreational beach as in alternative B; however, the capacity of the parking would be less than in alternative B and the refuge would pursue alternative parking opportunities and a shuttle service. The refuge and NPS would allow and maintain 480 automobile parking spaces as well as pedestrian and bicycle connections to the new recreational beach. Additionally, the refuge would coordinate with NPS and the town of Chincoteague to identify off-site parking and institute a shuttle service during certain times of the year when parking capacity is exceeded.

Management of Wallops Island NWR will continue essentially the same as present under alternatives B and C, with some modest proposed additions to population monitoring and invasive species control.

In addition to the three alternatives discussed above, we considered one other alternative and three other actions but eliminated them from detailed analysis. These actions were the elimination of hunting, elimination of the beach parking shuttle from all alternatives, and maintenance of the existing beach and parking through a program of beach nourishment activities and engineering solutions like jetties and groins. Preliminary draft alternative C was removed due to strong opposition from the public, as well as key stakeholders, and was determined to not meet the purpose of the CCP. Following the removal of this alternative, draft

preliminary alternative D was renamed alternative C. The full rationale for elimination of alternatives or actions can be found in chapter 2 of the final CCP/EIS.

### **Environmentally Preferable Alternative**

USFWS, in accordance with the Department of the Interior NEPA Regulations (43 CFR part 46) and the Council on Environmental Quality's Forty Most Asked Questions, defines the environmentally preferable alternative (or alternatives) as the alternative that "causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources" (43 CFR 46.30). NEPA does not require the decisionmaker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, Federal agencies often have other concerns and policy considerations to take into account in the decisionmaking process, such as social, economic, technical, or national security interests. NEPA requires decisionmakers be informed of the environmental consequences of their decisions.

After considering the environmental consequences of the three management alternatives, including consequences to the human environment, USFWS has concluded that alternative C is the environmentally preferable alternative. We believe that alternative C is the environmentally preferable alternative because it focuses resources toward habitat and wildlife management, and has a considerably smaller area of impact than alternative B for new construction of beach parking areas. It would assist in phasing out invasive species, such as the sika elk. Additionally, it eliminates several incompatible public use features and activities to ensure the protection of shorebird fledglings, and reduce adverse impacts on other wildlife.

### **Public Involvement and Comments Received**

Public comment has been requested, considered, and incorporated throughout the planning process in numerous ways. Public outreach has included open houses, public meetings, technical workshops, planning update mailings, and *Federal Register* notices. Previous notices were published in the *Federal Register* concerning this CCP/EIS (75 FR 57056, September 17, 2010; 79 FR 27906, May 15, 2014; 79 FR 41300, July 15, 2014; and 80 FR 54799, September 11, 2015). Numerous national, State, and local organizations; agencies; neighboring landowners; and interested citizens were involved in the review process. Comments and concerns received early in the planning process were used to identify issues and draft preliminary alternatives. We initially released the draft CCP/EIS for 60 days of public review and comment from May 15 to July 14, 2014. In response to public requests, we extended that period another 30 days, to August 15, 2014. We held four public open house meetings, and one public hearing. A total of 236 emails and 94 letters were received, including official comments from the town of Chincoteague, the Chincoteague Chamber of Commerce, The Nature Conservancy, NPS, the U.S. Environmental Protection Agency (EPA), various departments from the Commonwealth of Virginia, and other local interest groups. In addition, a petition was submitted supporting alternative "A plus," an alternative with elements of both alternative A and B, with approximately 600 individuals signing. Another petition supporting the preferred alternative (alternative B) was submitted with 112 individuals signing. We evaluated all letters and e-mails sent to us during that comment period, along with comments recorded at our public hearing. A

summary of all comments, and our responses to them, was included as an appendix in the final CCP/EIS. Based on submitted comments, we made several modifications to alternative B in the final CCP/EIS. All substantive issues raised in the comments on the draft CCP/EIS were addressed through revisions incorporated into the final CCP/EIS text or responses contained in appendix R of the final CCP/EIS.

### **Responses to Comments Received On the Final CCP/EIS**

The USFWS issued a final CCP/EIS on September 11, 2015, for a 30-day review period. We received a total of 10 comment letters, including 4 from agencies; however, comments did not raise significant new issues, or result in changes to the analysis, or warrant any further changes to alternative B. All substantive comments were previously addressed in our response to public comments detailed in appendix R of the final CCP/EIS.

### **Decision**

For the purposes of this Record of Decision, alternative B is the USFWS selected alternative. Alternative B was also specified as the preferred alternative in the final CCP/EIS for Chincoteague and Wallops Island NWR. Alternative B is the most effective alternative at addressing the key issues and concerns identified during the planning process and will best achieve the purpose and need for developing the CCP, the purposes and goals of the refuge, as well as the mission and goals of the National Wildlife Refuge System (Refuge System). Implementation of the CCP will occur over the next 15 years, as funding permits.

The decision includes adoption of stipulations and mitigation measures referenced in the “Measures to Minimize Environmental Harm” section below. Important modifications to alternative B that were made between draft and final documents in response to public comment are:

1. We revised objective 6.5 to state that the assigned area will now consist of the 1-mile recreational beach, associated parking, and new VCS, then extend south 1 more mile to the terminus of Swan Cove Bike Trail (2 miles total), thus doubling the length of the assigned area.
2. We reconsidered our intent to close the Beach Road causeway across Toms Cove to all public access once other equivalent public access to the new recreational beach is provided (objectives 6.5 and 6.6).
3. We revised the area for OSV (objective 6.2). In the draft CCP/EIS, we had proposed expanding the OSV zone from the new recreational beach to Fishing Point on Toms Cove Hook. With the exception of the new 1/2-mile, year-round OSV zone (to facilitate priority uses) south of recreational beach, the entire OSV would have been immediately closed March 15 to September 15, or until the last shorebird fledged. We now will develop the new 1/2-mile, OSV zone to facilitate the six priority uses (March 15 through September 15) south of new recreational beach, and add this to the new assigned area. We will also continue current management of the Overwash and Hook area for shorebirds until the new recreational beach is established, at which time the March 15 through September 15 closure will go into effect. OSV access from September 16 to March 14

- will continue via Beach Road.
4. We changed our strategy on the Toms Cove VCS, managed by NPS. Instead of closing the Beach Road causeway and demolishing the VCS (to build a new VCS at the relocated beach area), the existing Toms Cove VCS will be open year-round for environmental education programs only, and maintained by NPS until it becomes unserviceable. We will still build and operate, with NPS, a new VCS at the relocated recreational beach site.
  5. We revised our bike-to-beach access. Instead of eliminating the Swan Cove Bike Trail and pursuing an alternative route north (objective 6.6), we will keep current access open via Swan Cove Bike Trail and include the beach terminus within the new assigned area.
  6. We revised our proposal for access north via the Service Road. We will not eliminate all public access on the Service Road north of the new recreational beach; Service Road will continue to be open year-round to hikers north to the refuge/National Seashore boundary.
  7. We modified language for launch viewing. After an unmanned commercial rocket headed for the International Space Station to deliver supplies exploded just after launching on October 28, 2014, the future of access to the recreational beach for launch viewing is yet to be determined. However, the refuge would still like to work with the tourism industry, National Aeronautics and Space Administration (NASA), and the Virginia Commercial Space Flight Authority and Mid-Atlantic Regional Spaceport to provide safe access for public viewing of rocket launches from the NASA-Wallops Island launch complex. Visitor safety at the current recreational beach site during launches is of concern to the refuge, as well as NASA. Alternative viewing sites are available that pose less of a risk to viewers than the current recreational beach parking lot. Those alternatives will be assessed as potential launch viewing sites, in coordination with refuge law enforcement and NASA officials.
  8. Since release of the draft CCP/EIS, the status of two species of concern changed. Red knot, a shorebird species, was proposed to be listed as threatened under the Endangered Species Act during the planning process, and was finally listed as threatened in December 2014. The Delmarva fox squirrel was proposed for delisting from the endangered species list in September 2014, but that action has not been finalized.
  9. Since release of the draft CCP/EIS, we committed to a partnership to address coastal resiliency on the Eastern Shore of Virginia through the Mid-Atlantic Coastal Resiliency Institute, which is “a multi-disciplinary institution dedicated to integrated climate change research with the goal of helping local and regional leaders make coastal communities and habitats more resilient through scaled science and research informing public policy. Its several partners provide specific expertise in environmental monitoring and forecasting, modeling about coastal vulnerability and risk assessment, and moreover access to climate change space-based data.” The USFWS is committed to exploring the implementation of resiliency strategies informed by the latest science available.
  10. A section of the Affected Environment (chapter 3) on cultural resources was inadvertently left out of the draft CCP/EIS. This section, which has been coordinated with the Virginia Department of Historic Resources, is included in the final CCP/EIS.
  11. We added a “significant concern” to Section 1.9. “*Public safety and community resilience to storm damage and flooding*” is a concern that arose primarily during the public comment period with release of the draft CCP/EIS.

The required “wait period” before approval of the Record of Decision was initiated September 18, 2015, with EPA’s *Federal Register* notification of the filing of the final CCP/EIS. This Record of Decision is not the final agency action for those elements of the selected action that require promulgation of regulations to be effective. Promulgation of such regulations will constitute the final agency action for such elements of the selected action.

### **Factors Considered in Making the Decision**

This decision to adopt alternative B for implementation was made after considering the following factors:

- The impacts identified in chapter 4, Environmental Consequences, of the draft and final CCP/EIS.
- The results of public and agency comments.
- How well the alternative achieves the stated purpose and need for a CCP and the seven goals presented in the final CCP/EIS chapter 1.
- How well the alternative addresses the relevant issues, concerns, and opportunities identified in the planning process.
- Other relevant factors, including fulfilling the purposes for which the refuge was established, contributing to the mission and goals of the Refuge System, and statutory and regulatory guidance.

Compared to the other two alternatives, alternative B includes the suite of actions that best meet the factors above using the most balanced and integrated approach, and with due consideration for both the biological and human environment. Alternative B will best fulfill the CCP’s biological goals, by managing for particular Federal trust species and habitats that are of Regional conservation concern. It clearly defines which Federal trust species and habitat will be a management priority in both uplands and wetlands, and details specific objectives and strategies for their management. The refuge’s establishment purposes emphasize the conservation of migratory birds; thus, protecting the biological integrity, diversity, and environmental health of Chincoteague and Wallops Island NWR and its habitat and wildlife, particularly migratory birds, is paramount.

We identified that coordination and consultation with various State agency offices responsible for enforcing the policies of the Coastal Zone Management Program is an important action to be implemented by the refuge as it implements the CCP. The CCP/EIS was developed with sufficient detail to account for the greatest potential impacts that could result from proposed actions identified under all alternatives. However, additional NEPA analysis will be necessary for certain types of actions, even once we adopt a final CCP. During the planning process for those plans and actions, we will consult with the Virginia Department of Environmental Quality to determine if additional Federal Consistency Determinations are needed.

In summary, we selected alternative B for implementation because it best meets the factors identified above when compared to alternatives A and C. Alternative B provides the greatest number of opportunities for Chincoteague and Wallops Island NWR to contribute to the conservation of fish, wildlife, and habitat in the Region, will increase the capacity of the refuge

to meet its purposes and contribute to the Refuge System mission, and will provide the means to better respond to changing ecological conditions within the surrounding environment.

### **Measures to Minimize Environmental Harm**

Congress charged USFWS with the mission of the Refuge System “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans” (National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57). Furthermore, USFWS is directed to “ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans.” As a result, USFWS routinely evaluates and implements mitigation whenever conditions occur that could adversely affect the environmental health of refuge resources.

To ensure that implementation of the selected alternative also protects natural and cultural resources and the quality of the visitor experience, mitigation measures will be applied to actions implemented as a result of the CCP. USFWS will prepare appropriate environmental review (i.e., those required by NEPA, National Historic Preservation Act, Clean Water Act, and other relevant legislation) when appropriate for future actions. As part of the environmental review, USFWS will avoid, minimize, and mitigate adverse impacts when practicable.

Public concerns, potential impacts, and measures or stipulations to mitigate those impacts are addressed in the final CCP/EIS. All practicable measures to avoid or minimize environmental impacts that could result from implementation of alternative B have been identified and incorporated into chapter 2 (Alternatives Considered), chapter 4 (Environmental Consequences), and appendix P (Compatibility Determinations (CD)) of the final CCP/EIS. The stipulations identified in the CDs in appendix P ensure that public and other uses are compatible with the purposes for which the refuge was established. These CD stipulations and other mitigation measures identified for alternative B in chapters 2 and 4 are adopted by the USFWS in this Record of Decision and will be followed or enforced by refuge staff or their designee.

### **Findings Required by Other Laws and Executive Orders.**

The final CCP/EIS complies with all Federal laws and Executive Orders (EO) related to the planning process and Chincoteague and Wallops Island NWR. These include, but are not limited to, the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57); the National Environmental Policy Act of 1969 (Public Law 91-190, as amended); the Endangered Species Act of 1973 (Public Law 93-205, as amended); the National Historic Preservation Act of 1966 (Public Law 89-665); the Coastal Zone Management Act (Public Law 92-583, as amended); EO 12898, Environmental Justice; EO 11988, Floodplain Management; EO 11990, Protection of Wetlands; EO 12372, Intergovernmental Review; EO 13186, Protection of Migratory Birds; and EO 13175, Consultation and Coordination with Indian Tribal Governments.

**For Further Information**

For further information, contact Refuge Planner Thomas Bonetti, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts, 01035, phone (413) 253-8307. Copies of the final CCP/EIS and subsequent CCP may be viewed at Chincoteague NWR and at the following library: Chincoteague Island Public Library, 407 Main St, Chincoteague Island, Virginia, 23336. The final CCP/EIS and this Record of Decision will be available for viewing and downloading online at:  
*[http://www.fws.gov/refuge/Chincoteague/what\\_we\\_do/conservation.html](http://www.fws.gov/refuge/Chincoteague/what_we_do/conservation.html)*



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Wendi Weber, Regional Director, Region 5

11/6/15

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Date