

United States Department of the Interior
National Park Service

RECORD OF DECISION
Chesapeake Bay Special Resource Study &
Final Environmental Impact Statement

Chesapeake Bay Region
In the States of Maryland, Virginia and Pennsylvania

INTRODUCTION

The National Park Service (NPS) has prepared this Record of Decision (ROD) for the *Chesapeake Bay Special Resource Study & Final Environmental Impact Statement (SRS/FEIS)*. This ROD includes a statement of the decision made (selection of a preferred alternative), synopses of alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, and public involvement in the decision-making process.

Responding to a request from Congress included within report language for the Fiscal Year 1999 Interior Appropriations Act, the NPS has prepared the Chesapeake Bay SRS/FEIS to explore the potential for a new unit of the National Park System focused on the Chesapeake Bay. The SRS/FEIS examines: whether having additional Chesapeake Bay resources within the National Park System would meet NPS criteria and would advance partnership efforts to conserve and restore the Chesapeake Bay; defines alternative concepts for how the National Park System might best represent the resources and significance of the Chesapeake Bay; and identifies a preferred alternative. The SRS/FEIS describes and compares a series of five conceptual alternatives, including:

- Alternative A: Today's Programs – No New Initiatives
- Alternative B: An Enhanced Chesapeake Bay Gateways Network – A Permanent Watershed-wide System of Special Bay Places for Experiencing the Chesapeake
- Alternative C: Chesapeake Bay Estuary National Park – Conserving and Exploring the Bay's Waters
- Alternative D: Chesapeake Bay National Reserve – Protecting Bay Maritime & Rural Heritage
- Alternative E: Chesapeake Bay Watershed National Ecological & Cultural Preserve – A Living Example for the Bay and the Nation

DECISION (SELECTION OF PREFERRED ALTERNATIVE)

The SRS/FEIS is required to “identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment” (Public Law 105-391 §303(c)(3)(c)(1998). This standard guides the selection of a “preferred alternative.”

This selection does not constitute an action, as no action can be taken without additional legislation. Nor does it constitute the administration's recommendation to Congress, as that recommendation is made by the Secretary of the Interior.

Several factors combine to make the Chesapeake Bay Special Resource Study different from typical "new area studies" – and ultimately shape the most effective and efficient approach for a NPS role in the Chesapeake:

1. As a natural and cultural resource and source of recreational opportunities, the Chesapeake's scope is immense in significance, size and diversity.
2. The region has a wide range and variety of established institutions involved in various aspects of resource conservation, interpretation and recreation, including the Chesapeake Bay Program's guidance of a multi-faceted regional strategy for restoring water quality.
3. Through an extensive partnership system of multiple sites – the Chesapeake Bay Gateways Network – the NPS has a unique existing role in interpreting the Chesapeake, enhancing public access, and stimulating involvement in Bay restoration.
4. While there appears to be strong interest in the role a unit of the National Park System could play in contributing to Bay conservation and interpretation, there is not yet a site-specific park proposal within the study area.

These factors and the study's findings point to a most effective and efficient approach combining elements of several alternatives in two principal outcomes:

The Chesapeake Bay Gateways Network should be enhanced and made permanent: The existing partnership system of Chesapeake Bay Gateways represents the most comprehensive approach for visitors to experience the diversity of the Chesapeake Bay. The Gateways Network links Chesapeake sites throughout the watershed, enhancing their interpretation, improving public access to Bay resources, and stimulating citizen involvement in conservation. In addition to scores of sites are twenty designated water trails, extending well over 1100 linear miles – with outstanding potential for an integrated and nationally recognized Chesapeake Bay water trail system.

Though the Gateways Network exists today, under current law the NPS – the coordinating agency for the entire Network – would cease its involvement in 2008. This sunset date should be eliminated if the Gateways Network is to continue to function. The NPS plays the core, integrating role in the Gateways Network: drawing together 140 independent sites in 5 states and the District of Columbia; coordinating overall planning for the Network with the states and other partners; providing technical and financial assistance to partner sites; and carrying out a range of Network-wide initiatives. The NPS role in the Gateways Network is unique – not duplicated by any other organization. However, it is fully consistent with legislation and precedent for key federal roles in the federal-state Chesapeake Bay watershed partnership.

Continuation of the Gateways Network and the NPS role is broadly supported by public and organizational comments – summarized as follows in comments by the Virginia Department of Historic Resources:

With millions of visitors coming to enjoy the Bay watershed each year...a permanent commitment by the nation and NPS to the Gateways Network is instrumental to sound tourism, conservation and stewardship efforts. NPS's direct involvement in partnership with the states and regional and local conservation partners is critical. . . . The Bay is a vast resource representing several states, many diverse interests, multiple geographic locations, and a wide range of related sites and site types. The Gateways Network seems to be the most flexible option for providing for full recognition, assistance and interpretation of the vast array of sites that are related to the Bay. Furthermore, it seems the most efficient to implement, and the most fiscally responsible.

The Chesapeake Bay Gateways Network should be a permanent partnership system for experiencing the Chesapeake. For this to occur, alternative B would be implemented in its entirety: the Gateways Network would be designated a permanent program of the National Park System with an ongoing funding commitment; creation of two partnership Chesapeake Bay interpretive/education facilities would be stimulated through two 1:1 matching grants (NPS grant share capped at \$2.5 million each); and the Gateways Network would enhance links to surrounding working landscapes.

Alternative B represents a remarkably efficient and effective approach to advancing public understanding and enjoyment of Chesapeake resources and stimulating resource conservation.

The park/reserve/preserve concepts (or combination of alternatives C, D & E) meet NPS criteria and fill a key gap in protection and public enjoyment of Bay resources: While the Bay is large and diverse, with many ongoing protection and interpretation efforts (including the Gateways Network), some key gaps in those efforts remain. Those gaps relate to certain types of resources and themes – representative of the Bay – that are encompassed within the scopes of alternatives C, D and/or E.

At some time in the future, a unit of the National Park System encompassing either one or several of these alternative concepts could make a significant contribution to protection and public enjoyment of the Chesapeake Bay. While the alternatives are described in this study as individual concepts, many who commented on the draft study correctly observed that several concepts could be linked together. There are models for this at other locations within the National Park System, where several different sub-units are managed by the NPS, or a partner in association with the Park Service, as part of a larger unit. The sub-units typically protect and interpret key under-represented natural and cultural themes of the region. Existing park units neighboring the Bay (Fort McHenry National Monument, Colonial National Historical Park, and George Washington Birthplace, which each represent a narrow spectrum of Bay cultural themes) could be viewed as initial elements of such an approach.

However, there are no detailed, broadly supported site-specific proposals for any of alternatives C, D or E, or a combination thereof, at this time. As noted in the findings above, a finding on the feasibility of a potential future unit is wholly dependent upon site-specific analysis.

No further consideration and evaluation of these concepts as a potential Chesapeake Bay focused unit of the National Park System is necessary unless and until a specific proposal enjoying demonstrated state and local government, Chesapeake Executive Council and public support is advanced. Proposals suitable for future consideration would focus on those concepts (C, D & E) and their core resources, or a combination of those concepts, determined through this study to preliminarily meet NPS criteria. Such proposals would clearly articulate how the key elements of the relevant concepts described in this study are met. The NPS would ultimately consider and offer a finding on any such proposal relative to new unit criteria – with a particular emphasis on feasibility and management alternatives – and this study’s findings and relevant concept descriptions.

ALTERNATIVES CONSIDERED

Overall five conceptual alternatives were considered. During the early stages of the planning process a number of ideas were considered and either incorporated within the five conceptual alternatives or rejected because of public comment and input from experts.

Alternative A: Today’s Programs – No New Initiatives

Rather than adding a new Chesapeake Bay-focused unit of the National Park System, this alternative assumes the NPS would simply continue its existing roles related to Chesapeake Bay conservation, restoration and interpretation. Generally, these roles include:

- Partnership in the Chesapeake Bay Program, the federal/state Bay watershed conservation effort;
- Management of existing National Park System units in the Chesapeake Bay watershed;
- Coordination of the Chesapeake Bay Gateways Network through 2008 (when the legislative authority for the Network sunsets); and
- Providing technical assistance to communities and organizations to facilitate conservation of watersheds, natural and cultural resources.

Alternative B: An Enhanced Chesapeake Bay Gateways Network – A Permanent Watershed-wide System of Special Bay Places for Experiencing the Chesapeake

This alternative would enhance and build upon the existing Chesapeake Bay Gateways Network, the partnership system of 140-plus parks, refuges, maritime museums, historic sites and trails around the Bay watershed. The Chesapeake Bay Gateways Network would retain its current core characteristics, but be enhanced to fill several identified gaps in Bay conservation and restoration. It would:

- Be authorized as a permanent program of the National Park System giving the Network a continuity limited by current legislation; this would provide the broadest and most far-reaching means of addressing the geographic and thematic diversity of the Chesapeake Bay watershed;

- Stimulate the creation of and add two partnership Bay interpretive/education facilities; and
- Create a new means of linking Gateways to their surrounding working Bay landscapes.

Alternative C: Chesapeake Bay Estuary National Park – Conserving and Exploring the Bay’s Waters

The Chesapeake Bay is a vast estuary – 2,500 square miles of water – known not just for its size, but also its high productivity as a natural system. This alternative would create a national park that exemplifies the larger Bay’s estuarine character with only limited land resources for access and interpretation. The park would:

- Encompass a reasonably large, but still proportionally small water area representative of core aspects of the Chesapeake’s estuarine environment, including limited, but related shoreline areas;
- Protect aquatic resources within the park in a high quality natural system, reflecting the Bay’s importance as habitat, breeding ground and refuge for countless species;
- Provide public access that allows visitors to explore, enjoy and learn about the estuary and its resources without degrading the estuary’s natural systems; and
- Interpret the Chesapeake Bay as an outstanding natural system through a land-based visitor orientation/interpretive center and other programming in the park.

Alternative D: Chesapeake Bay National Reserve – Protecting Bay Maritime & Rural Heritage

National reserves protect and sustain the working landscape, recognizing the vital role of continued human uses in the heritage of a special place. This alternative would create a reserve representative of the Chesapeake’s maritime and agricultural heritage. The reserve would:

- Encompass an area of land and water reflective of the region’s rural maritime, agricultural heritage;
- Retain the living, working character and pattern of human use of the lands and waters; Protect traditional resource dependent activities (commercial and recreational fishing, crabbing, oystering, agriculture, forestry) and manage the resources for permanently sustainable use;
- Conserve the reserve landscape, preserving high priority, sensitive natural and cultural resources;
- Interpret the Chesapeake Bay’s heritage through media and programming at a central interpretive center and multiple partner sites within and beyond the reserve; and
- Be fully dependent on a partnership approach to management, involving local, state and federal government and the private sector.

Alternative E: Chesapeake Bay Watershed National Ecological & Cultural Preserve – A Living Example for the Bay and the Nation

The Bay is fed by over 124,000 miles of rivers and streams from a 64,000 square mile watershed. This alternative would establish a national ecological and cultural preserve focused on one exemplary Bay tributary – from headwater stream to open Bay – as a representative of the larger watershed. It would:

- Conserve and restore the tributary ecosystem such that human uses are in optimal balance with natural processes, ensuring a vital, sustainable and clean future;

- Protect key natural resources and river shorelines along a core riparian area along the tributary;
- Demonstrate and apply the best in evolving stewardship practices on public and private lands throughout a resource conservation area encompassing the entire tributary watershed;
- Provide a series of opportunities for experiencing and learning about the transition of natural areas from headwaters to Bay and how human actions influence the health of the Bay; and
- Be fully dependent on a broad partnership approach to management.

BASIS FOR DECISION

An SRS/FEIS must identify the alternative or combination of alternatives that would in the professional judgment of the NPS be most effective and efficient in protecting significant resources and providing for public enjoyment. This standard guides the identification of a preferred alternative.

In formulating a preferred alternative, the NPS made findings relative to the following four key criteria for new units of the National Park System.

National Significance:

The Chesapeake Bay is an outstanding example of a unique set of ecological and cultural elements with long-standing and expansive influence on the history and development of the United States. The Chesapeake is unquestionably nationally significant and a major part of the nation's heritage which the National Park System strives to represent and interpret.

While the Chesapeake can be independently viewed as a significant natural resource, a significant historic and cultural resource, and an area of outstanding recreational opportunities, it can only truly be understood as an interconnected and interdependent mosaic. The Bay's natural resources are the basis of a rich cultural history and multitude of recreational opportunities. The region's cultural history in turn affects the natural environment. The Bay proper is dramatically influenced by its watershed. Many cultural patterns of the upper watershed developed because of connections with the Bay.

Real understanding of the Chesapeake Bay comes by viewing all elements through their context and interrelationships. The Chesapeake is truly a system where each part's individual importance contributes to the overwhelming significance of the whole.

As President Ronald Reagan wrote in 1984, "the Chesapeake Bay is a national treasure that is worth preserving for its own sake." The Congress reiterated this statement in Public Law 106-457 § 202, 114 Stat. 1967 (2000), finding that "the Chesapeake Bay is a national treasure and a resource of world-wide significance" that requires broad cooperation to restore and protect water quality.

Suitability:

Areas being considered for potential inclusion within the National Park System must meet a suitability criterion – they must represent a natural or cultural theme or type of recreational resource that is not already adequately represented in the National Park System, or is not comparably represented and protected for public enjoyment by another land-managing entity.

In spite of many organized efforts to protect and enhance the Bay, the study finds there are certain clear gaps – not filled by any other entity – that could be filled through NPS roles consistent with the agency’s mission. As described in Sections 3 and 4 of the SRS/FEIS, the “action” alternative concepts (alternatives B, C, D & E) presented in the study focus directly on these gaps. These concepts, and the Chesapeake Bay resources they address, were also identified in the study as not already represented within the National Park System. Public and agency comments on the draft study support these findings. Accordingly, alternatives B, C, D & E meet the suitability criterion.

Feasibility:

Areas being considered for potential inclusion within the National Park System must also meet a feasibility criterion. An area's natural systems and/or historic settings must be of sufficient size and configuration to ensure long-term protection of resources and to accommodate public use. It must have potential for efficient administration at a reasonable cost.

Among other feasibility factors, this study places a premium on partnerships and support as a key ingredient for each of the alternative concepts. One concept – alternative B (Enhanced Gateways Network) – already has that support fully in place. Specifically, through the Chesapeake Bay Gateways Network, the NPS has assembled a partnership system of 140 parks, refuges, historic sites, museums and trails around the Bay watershed where people can have Chesapeake experiences. This system pulls together federal, state, local and private resources in a coordinated approach to interpreting the Chesapeake. This allows NPS to play a unique role in the overall Bay restoration strategy – coordinating efforts to connect the public with the vast and diverse Chesapeake story. Public understanding and involvement is a key Bay restoration goal. Alternative B – which builds on and enhances the existing Network – is clearly feasible.

The three other action alternatives (alternatives C, D & E) exist at this time only as concepts. Comments submitted during public review of the draft study indicate support at the conceptual level for some combination of these concepts’ elements. However, a specific finding of feasibility depends upon evaluating a range of factors associated with particular site-specific proposals. No detailed, broadly supported site-specific proposals for these concepts yet exist. Thus, these alternatives are not feasible unless and until a viable proposal comes forward.

Management Alternatives:

Areas being considered for potential inclusion within the National Park System must be evaluated for whether there are effective alternatives to direct NPS management. Such alternatives might include continued management by other entities, assistance from established programs or cooperative management between the NPS and other entities.

The study's suitability findings indicate that each of the action alternatives responds to an identified gap in Chesapeake conservation and interpretation. While this alone does not indicate a NPS role is necessary, it does have a strong bearing on management alternatives.

More importantly however, this study incorporates an exploration of management alternatives into the fundamentals of the alternative concepts it describes. None of the action alternatives contemplate sole management by the NPS. Each of the action alternatives inherently integrates cooperative management among other entities and the NPS. These management roles are described in the key elements section of each alternative. The varying roles are woven into the alternative concepts to maximize the efficiencies and effectiveness of each partner and role. Ultimately, this is intended to make each whole concept greater than the sum of its parts. The NPS role in each alternative is carefully crafted to fill the gaps not addressed by other entities, and consistent with the NPS mission.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

At the conceptual level of this study, a clear distinction cannot be made between the overall benefit of Alternatives B, D and E. However, each of these three alternatives has greater environmental benefits than alternatives C and A. Accordingly, these three alternatives are the environmentally preferred alternatives.

Alternative B provides conservation, interpretive, educational and public access benefits over a broader scope and regional context (watershed-wide) than the other alternatives. In addition, the construction of the interpretive centers and associated improvements under Alternative B would have fewer impacts to the environment because any construction/development would occur in more developed areas than in the other alternatives.

However, alternatives D and E, though not watershed-wide in scope, have broader scope and environmental benefits than alternative C (which is solely focused on the aquatic system) and alternative A, a core part of which expires in 2008. Moreover, these alternatives have a direct conservation benefit through land conservation strategies that is more specific than in alternative B.

Weighing the differing environmental benefits of alternatives B, D & E suggests the overall benefits may be roughly equivalent.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

All practicable measures to avoid or minimize environmental impacts that could result from eventual implementation of the selected action have been identified and incorporated in the selected action and SRS/FEIS. However, due to the programmatic nature of the SRS/FEIS, any future implementation projects will be reviewed as necessary for compliance with the National Historic Preservation Act, National Environmental Policy Act, Comprehensive Environmental

Response, Compensation, and Liability Act of 1980, and other applicable federal and state laws and regulations prior to project clearance and implementation.

IMPAIRMENT

The preferred alternative proposes no actions that would cause impairment to the resources and values of National Park System units within the Chesapeake Bay region.

PUBLIC INVOLVEMENT

A number of opportunities for the public to participate in the SRS/FEIS were provided. The planning team used workshops, open houses, mailings and a study website to solicit comments and suggestions for the study.

Two sets of public meetings and open houses were conducted to communicate and solicit input from a broad public audience regarding the SRS/FEIS. Public scoping meetings were held in September 2002 at four locations in the study area during which the public was asked to submit new concepts or combinations of existing concepts. Following release of the draft SRS/EIS and during the public comment period, five open-house style public meetings were held around the Chesapeake Bay in July 2003. Participants were asked to comment on the study in general and on each alternative. Individuals unable to attend meetings were able to provide comments through the study website or mail.

In addition to the sessions noted above, the study team provided briefings and consultations, upon request, to federal, state and local jurisdictions, stakeholder agencies and organizations, resource managers, and other officials.

On September 23, 2002 the Notice of Intent to prepare the Chesapeake Bay Special Resource Study and Draft Environmental Impact Statement (SRS/DEIS) was announced in the Federal Register. Availability of the SRS/DEIS was announced in the Federal Register on June 25, 2003. The official 60-day public review and comment period closed on September 17, 2003. The SRS/FEIS was prepared and published after receipt and evaluation of comments on the DEIS. The Notice of Availability for the SRS/FEIS was published in the Federal Register on September 10, 2004. The SRS/FEIS was filed with the United States Environmental Protection Agency (USEPA) and transmitted to federal, state and local agencies, public officials, and interested organizations and individuals. Copies of the FEIS are available at www.chesapeakestudy.org or at the NPS Chesapeake Bay Program Office, 410 Severn Avenue Suite 109, Annapolis MD 21403.

COMMENTS RECEIVED

Comments on the SRS/DEIS were made by Federal, State, and Local agencies, nongovernmental organizations, and private individuals. In total, there were more than 3000 comments

submitted—approximately 935 public open house comments cards, 52 from agencies and organizations, and 2107 from individual comments via the website, email, mail, and fax. Comments by agencies and organizations were printed in their entirety in the FEIS; in-scope and substantive comments were specifically responded to in the FEIS.

CONCLUSION

The above factors and considerations justify selection of the preferred alternative described herein and in the Chesapeake Bay SRS/FEIS.

This Record of Decision (ROD) concludes the study process and environmental review under the National Environmental Policy Act. The Chesapeake Bay SRS/FEIS is solely intended to document the NPS's professional judgment on what approach would be most effective and efficient in protecting significant resources and providing for public enjoyment. Transmittal of the SRS/FEIS to Congress, along with a recommendation on what, if any, action to take, is the prerogative of the Secretary of the Interior. The SRS/FEIS and ROD do not constitute the Secretary's recommendation and do not necessarily reflect the administration recommendation or policy.

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