

Section 8: Consultation and Coordination

INTRODUCTION

Public involvement is essential in exploring whether a Chesapeake Bay focused unit of the National Park System should be created. This chapter describes the study's public involvement, agency coordination, and consultation procedures, in compliance with National Environmental Policy Act of 1969 (NEPA).

NEPA requires that federal agencies plan and carry out their activities “so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment.”

The requirements of the act are fulfilled when extensive public involvement in the planning and development of any proposed federal actions and consideration of potential impacts to the cultural, natural, and socioeconomic environment have taken place. The latter is accomplished through the environmental impact statement (EIS) included in this document.¹⁵

The public involvement requirement of NEPA is fulfilled through formal steps, as well as through the informal consultations which have taken place throughout this study. The formal NEPA requirements were initiated with publication of a “Notice of Intent to prepare an Environmental Impact Statement and hold public meetings for the Chesapeake Bay Special Resource Study” in the Federal Register on September 23, 2002. Public meetings (workshops) were held in September 2002 and Summer 2003 as described below.

A draft environmental impact statement (DEIS) and study report for the Chesapeake Bay SRS was available for public review for 60 days in summer 2003, during which time agencies and the public commented. Copies of letters from Federal, State, and Local government agencies and nongovernmental organizations are provided in Appendix B. Letters from individuals are available for review by appointment during normal business hours at the NPS Chesapeake Bay Program Office.

This final study report and environmental impact statement were prepared following the public review period and include a summary of public comments and any modifications to the report resulting from those comments. After a 30-day no-action period, a Record of Decision (ROD) will

¹⁵ This EIS is essentially a programmatic statement, presenting an overview of potential impacts relating to the proposed program for each alternative. More detailed plans would be developed for individual actions prior to implementation if any of the alternatives are to be implemented. Any document associated with these plans will be tiered to this programmatic statement.

be prepared to document the selected alternative and set forth any stipulations for implementation.

PROJECT SCOPING

Public and stakeholder involvement in this special resource study has been coordinated by the National Park Service's Chesapeake Bay Program Office, with assistance from the NPS Northeast Regional Office and Washington Office, and close coordination with the Chesapeake Bay Program.

Since initiating preliminary planning for this study in Fall 2000, the project team has engaged interested individuals and organizations. The study team conducted worksessions with project partners and stakeholders and hosted public scoping meetings in an effort to better understand the national significance of the Chesapeake Bay and the gaps in existing protection and interpretation. A website was maintained with pertinent background information and a forum for receiving public comment. At the time of this report, four newsletters were produced to communicate with a broad public audience.

Public Involvement and Stakeholder Workshops

Two sets of public meetings and open houses have been conducted to communicate and solicit input from a broad public audience regarding the Chesapeake Bay SRS/EIS. Along with members of the general public, representatives from the National Park Service, states of Maryland and Virginia, the District of Columbia, natural and cultural resource managers, and the planning consultants attended the meetings. Meeting notices were sent to individuals and organizations listed in a database of stakeholders compiled from previously existing mailing lists from the Chesapeake Bay Gateways Network, the Chesapeake Bay Program, and other NPS resources. Information was also posted on the website. All meeting participants were added to the database, which in turn was used to inform interested parties of future meetings and other project-related information. Press releases to regional media were issued prior to each meeting. Individuals who were unable to attend meetings were able to provide comments through the website or mail.

The public scoping meetings were held in September 2002 at four locations in the study area. At each meeting, the project team introduced the background and purpose of the project and gave a brief of overview of the results of the gap analysis. Following the general presentation, three groups were formed to discuss preliminary concepts and to generate ideas for new concepts. The public was given the opportunity in a small group setting to identify issues and opportunities related to each preliminary concept and the general idea of a Chesapeake Bay-focused NPS unit. The public was also 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. At each meeting, the project team welcomed visitors and encouraged them to view the large-scale displays that illustrated the conceptual alternatives. The team encouraged the participants to view the

exhibits at their own pace and to engage team members in discussion. Participants were asked to comment on the study in general and each alternative.

Specific Workshops, Meetings and Publications:

- Stakeholder Worksession #1-October 30, 2001, Gap Analysis
- Newsletter #1- August 2002
- Project Brochure- August 2002
- Public Scoping Meeting #1-September 16, 2002, Newport News, Virginia, Main Street Library
- Public Scoping Meeting #2-September 17, 2002, Salisbury, Maryland, Salisbury University Guerrieri University Center
- Public Scoping Meeting #3-September, 24, 2002, North East, Maryland, Cecil Community College Conference Center
- Public Scoping Meeting #4-September 26, 2002, Annapolis, Maryland, Maryland Hall for the Creative Arts
- Maryland Public Television Call-In Broadcast, October 10, 2002
- Stakeholder Worksession #2-October 22, 2002, Alternatives Worksession
- Newsletter #2- November 2002
- Newsletter 3/Executive Summary – June 2003
- Public meeting (open house) #5—July 12, 2003, Annapolis, Maryland, City Dock
- Public meeting (open house) #6—July 17, 2003, Cambridge, Maryland, Sailwinds Visitor Center
- Public meeting (open house) #7—July 23, 2003, Newport News, Virginia, Mariners' Museum
- Public meeting (open house) #8—July 24, 2003, Yorktown, Virginia, Yorktown Visitor Center
- Public meeting (open house) #9—July 27, 2003, Baltimore, Maryland, Fort McHenry National Monument and Historic Shrine
- Public, Stakeholder and Agency review of draft report/EIS—June 25, 2003 through September 17, 2003
- Newsletter #4- January 2004
- Distribution of final report/EIS—Upon Release

PUBLIC REVIEW OF THE DRAFT SRS/EIS

Availability of the Draft SRS/EIS was announced in the *Federal Register* on June 25, 2003. The official 60-day public review and comment period closed on September 17, 2003. Comments were made by Federal, State, and Local agencies, nongovernmental organizations, and private individuals. Public comment on the draft study was expressed in four ways:

- by written statement made during one of the five open houses held in July 2003;
- through written letters, electronic mail, or website comment forms submitted by individual citizens;
- through written letters, electronic mail, or website comment forms submitted by nongovernmental organizations or special interest groups;
- through written letters submitted by Federal, State, and local government agencies.

Comment Summary

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. The comments primarily reflected individuals' support for the study and the idea of a "Chesapeake Bay National Park" and/or a preference for one or more of the alternatives. The comments had several overarching messages and consistent themes. An analysis of the public response to the draft plan resulted in several general observations. People:

- view the Chesapeake Bay as an overwhelmingly significant place where both natural and cultural resources and themes are paramount;
- are concerned about how the Bay is doing and want to see it restored;
- support the National Park Service having a long-term role in the Chesapeake—over 92% of comments supported doing more than the status quo (Alternative A);
- have a strong preference for combining elements of the initial concepts, rather than picking any single concept by itself; no single concept can adequately represent the size and diversity of the Bay;
- support making the National Park Service commitment to the Chesapeake Bay Gateways Network permanent (as in alternative B); almost all respondents at open houses said they would visit one or more Gateways Network sites (see www.baygateways.net) and supported the addition of two interpretive centers; and
- establishing a "park unit/NPS role" that encompasses at least one of alternatives C, D or E, but preferably elements of all three.

The comments strongly rejected the status quo, with many people saying more efforts were needed to improve public access to the Bay and to educate the public so that they have a greater appreciation of the entire Bay watershed.

A summary of the public comments was broadly distributed through the fourth issue of the study newsletter in January 2004 and is provided in Section 4 of this report.

Comment Analysis

After the closure of the official comment period, the NPS planning team analyzed the content of the public comments and all other written responses to the Draft SRS/EIS. The comments were categorized into three response categories:

1. out-of-scope
2. in-scope and substantive
3. in-scope but non-substantive

Out-of-Scope

Concerns were classified as falling within the scope of decision making or falling outside the scope. The Council on Environmental Quality (CEQ) regulations define the “scope of decision making” as the range of connected, cumulative, or similar actions, the alternatives and mitigation measures, and the direct, indirect, and cumulative impacts to be considered in the EIS.

Generally, concerns considered out-of-scope are those that:

- Do not address the purpose, need, or goals of the Special Resource Study.
- Address issues or concerns that are already decided by law and policy.
- Suggest an action not appropriate for the current level of planning.
- Recommend only minor editorial corrections.

In-Scope and Substantive

Concerns within the scope of decision-making were further classified as in-scope and substantive or in-scope but nonsubstantive. NPS policy and NEPA guidelines define substantive comments as those that:

- Question the reasonable basis, the accuracy or the information in the EIS.
- Question, with reasonable basis, the adequacy of the environmental analysis.
- Present reasonable alternatives other than those presented in the EIS.
- Cause changes or revisions to the proposal.

In-Scope but Nonsubstantive

In-scope but nonsubstantive comments include those that simply state a position in favor of or against the proposed alternative, merely agree or disagree with NPS policy, or otherwise express an unsupported personal preference or opinion.

Response to Comments

The in-scope and substantive concerns were re-examined and appropriate responses prepared. Responses to in-scope and substantive comments often resulted in changes to the text of the Final SRS/EIS, often for clarification purposes. NPS is required to respond only to in-scope, substantive comments. However, in some cases, responses were prepared for selected out-of-scope and in-scope but nonsubstantive concerns if the planning team thought providing a response enhanced public understanding of the decision-making process.

- I. **Concern:** The Draft SRS/EIS is programmatic in nature and provides an excellent overview of the concepts and expected environmental impacts. Site specific activities will require future NEPA documentation and review. (EPA Region III-NEPA and Section 309 Review Comments)

Response: The National Park Service concurs with the EPA (EPA Region III-NEPA and Section 309 Review Comments) recommendations for future environmental analysis for site specific

activities and implementation. Once a proposal is chosen for implementation, the National Park Service will incorporate EPA's recommendations into future planning and environmental analysis. As for the editorial comments at the end of EPA's Technical Comments, the National Park Service has reviewed and incorporated the recommended changes into the Final SRS/EIS, as appropriate and feasible. The National Park Service appreciates the request for updated statistical information on the Chesapeake Bay. However, this updated information does not change any of the outcomes or impacts in this SRS/EIS, and where this information could be readily obtained, the information was updated and incorporated into the document.

2. **Concern:** The Draft SRS/EIS is a conceptual document and specific federal consistency determination may be premature in the current phase of the study. The final SRS/EIS should include a general commitment that the NPS's activities pursuant to the SRS/EIS and any resulting Congressional authorization will be consistent with the Virginia Coastal Resources Management Program (VCP). NPS should also submit a consistency determination prior to undertaking any activities. (Commonwealth of Virginia Department of Environmental Quality)

Response: Text has been added under the Water Resources Section describing the Federal Consistency determination. At this time, a Federal consistency determination pursuant to the state's Coastal Zone Management regulations is premature; however, we concur that the National Park Service should acknowledge its requirements and commit to compliance with the state's Coastal Zone Management Act during the next phase of environmental analysis associated with any implementation of a preferred alternative.

3. **Concern:** An enhanced Gateways Network or any other NPS role in the Chesapeake Bay must have adequate and permanent funding, planning support, and staffing. (Commonwealth of Virginia Department of Conservation and Recreation and Commonwealth of Virginia Department of Historic Resources)

The NPS concurs that adequate and permanent funding, planning support, and staffing are necessary and should be part of implementing any selected alternative.

4. **Concern:** The National Park Service should create the Harriet Tubman National Park. (The Harriet Tubman Museum and Educational Center, Inc., The Ad Hoc Committee for the Harriet Tubman National Park, and the National Association for the Advancement of Colored People)

Response: As described in Section 3: Analysis of Opportunities of the draft SRS/EIS, many ideas were generated throughout the study. In September 2002, prior to the development of alternatives, six initial concepts were presented at public workshops. These sessions generated a variety of public comments, including some suggested

new ideas, including a Harriet Tubman National Park (page 18). A formal alternative based on this concept was not developed as part of this study because of a separate pending National Park Service study.

The National Park Service is currently conducting a Special Resource Study explicitly for the purpose of evaluating options for protecting and interpreting important sites related to the life of Harriet Tubman. The Harriet Tubman SRS, referenced in the Chesapeake Bay SRS/EIS on page 18, is expected to make findings and recommendations regarding any National Park Service role in presenting the Harriet Tubman story. A Harriet Tubman park proposal is far more appropriately considered in the context of the Harriet Tubman SRS than through this study. Resources associated with Harriet Tubman extend far beyond the study area of the Chesapeake SRS/EIS. It is simply not feasible to adequately address those resources within the context of this more geographically limited study.

The National Park Service agrees there are certain themes and resources that may have relationships to both the Chesapeake Bay study and the Harriet Tubman SRS; the same is true for two other similar pending studies with some Chesapeake connections, both cited on pages 18-19 of this report. Pending the final recommendations of the Harriet Tubman SRS, there may be opportunities for linking aspects of interpretation and resource protection associated with the Chesapeake Bay and Harriet Tubman.

5. **Concern:** The draft SRS/EIS omits an important part of the region's cultural history. The five alternatives do not address the need for historic preservation or a new historical park that focuses on influential events in the history of the region. (The Harriet Tubman Museum and Educational Center, Inc., The Ad Hoc Committee for the Harriet Tubman National Park, and the National Association for the Advancement of Colored People and Many Rivers Community History Network)

Response: Text has been added, as suggested, to the National Significance and Affected Environment sections. The National Park Service anticipates that all of the four action alternatives would incorporate some degree of both conservation and interpretation of various aspects of the region's rich cultural heritage. In particular, alternatives B and D both have cultural heritage as a central focus, with alternative B addressing a broader range of themes and alternative D targeting themes associated with the Chesapeake's rural and maritime history. Specific plans (such as interpretive plans) for addressing key resources and themes would be prepared as part of the implementation of a selected alternative.

6. **Concern:** A Chesapeake Bay National Water Trail would tie together the Bay's Gateway Communities and its rich variety of historic sites, wildlife refuges, parks, greenways, and wetlands and support each of the SRS alternatives. (Friends of the Chesapeake Bay National Water

Trail, the Izaak Walton League of America, and the National Geographic Society)

Response: The National Park Service concurs that water trails are an important means of linking Chesapeake Bay resources. Under the designation and technical and financial assistance authorities of the Chesapeake Bay Gateways Network, 21 water trails – totaling well over 1100 miles in combined length – already exist or are under development in the Chesapeake Bay watershed. The draft SRS stated on pages 35-36 that “park unit concepts could complement this effort [water trail development and management], but creation of a unit for this purpose alone would be redundant with ongoing efforts unless it adds new elements not possible through existing authorities.” Further development and linking of Chesapeake Bay water trails could occur through a preferred alternative incorporating alternative B, which, among other components, provides outstanding potential for an integrated and nationally recognized Chesapeake Bay water trail system.

7. **Concern:** A new park unit should encompass a truly representative sample of resources that make the Chesapeake Bay a unique place. The final recommendations should include a plan that combines elements of the alternatives and focuses on conserving meaningful examples of waterways, riparian zones, estuarine waters, and wildlife while also supporting the traditional working landscapes of the Bay watershed. (The Wilderness Society)

Response: NPS concurs that it is the combination of significant resources that makes the Chesapeake Bay a unique and special place. While the alternatives are presented in a discreet manner, NPS acknowledges that the alternatives are not mutually exclusive. The preferred alternative described on pages 65-67 outlines an approach that could ultimately embrace multiple elements.

8. **Concern:** Alternatives B-E all include requirements for public/private land acquisition without details about the federal regulatory constraints that would result in such acquisition. None of the alternatives include cost estimates or time frames for implementation. (Maryland State Builders Association and Maryland Saltwater Sportfishermen’s Association, Inc.)

Response: NPS prepared a class C cost estimate for each alternative on page 60. These estimates are consistent with the level of detail possible for conceptual alternatives where no sites have been identified. The estimates represent order of magnitude costs for planning and design, interpretive centers, and recurring annual costs for operations and management. Direct land conservation costs for alternatives C, D and E cannot be estimated in the abstract without reference to a particular site-specific proposal. Estimates would be prepared when and if a more detailed concept is formulated. NPS is not aware of any regulatory constraints associated with land acquisition.

9. **Concern:** NPS should consider a Chesapeake Bay National Heritage Area either in partnership with the Chesapeake Bay Gateways Network or as a separate alternative. (Maryland Heritage Areas including Annapolis, London Town and South County Heritage Area, Baltimore City Heritage Area, and Caroline, Kent, Queen Anne's and Talbot County Heritage Area)

Response: The Chesapeake Bay watershed already encompasses 17 designated state heritage areas: 11 heritage areas in Maryland, 5 heritage regions in Pennsylvania and 1 urban cultural park in New York. Many, if not all of these heritage areas address regional themes with direct or indirect relationships to the Chesapeake Bay. Several of the Maryland heritage areas adjoin the main-stem of the Bay itself. The existing Chesapeake Bay Gateways Network, while substantially different, does support initiatives complementary to many heritage areas, but addresses them across a broader geographic area. The National Park Service believes that creation of a Chesapeake Bay National Heritage Area would be redundant with these existing programs. Moreover, the scale and magnitude of the Chesapeake Bay watershed – 64,000 square miles in 6 states and the District of Columbia – would make the planning and management requirements of national heritage areas impracticable.

10. **Concern:** One of the action alternatives should be a “full-fledged national park”, as opposed to the other types of park units described in the alternatives. (Many Rivers Community History Network).

Response: The National Park System consists of more than 388 units. They go by many names - national parks, monuments, historic sites, historical parks, seashores, recreation areas, and many others. In total there are more than 20 different "titles" within the Park System. These numerous designations sometimes confuse visitors and, in fact, the titles have not been used consistently over the years. In 1970, Congress passed legislation saying all units of the system have equal legal standing in a national system.

The titles chosen for each of the action alternatives are derived from matching the types of resources and intended conditions associated with each concept with the most typical description found among existing units of the National Park System. Alternative C is thus a national park focused on the Chesapeake Bay Estuary.

BRIEFINGS AND CONSULTATIONS

In addition to the sessions noted above, the study team has provided briefings and consultations, upon request, to federal, state and local jurisdictions, stakeholder agencies and organizations, resource managers, and other officials. The following is a list of organizations and agencies with which briefings and consultations have been held up until the publication date of this study. Additional briefings and consultations will continue to be held upon request through the end of the study.

01/24/02 Regional Director's Briefing
 02/28/02 NOAA Chesapeake Bay Office
 03/05/02 US EPA, Chesapeake Bay Program Office
 03/07/02 NPS Directorate Briefing
 03/07/02 Alliance for the Chesapeake Bay
 03/26/02 NPS Director's Briefing
 04/24/02 NPS Natural Resources Staff Briefing
 05/10/02 Office of Congressman Wayne Gilchrest
 05/10/02 Office of Congresswoman Jo Ann Davis
 05/14/02 Chesapeake Bay Commission
 05/23/02 Chesapeake Bay Foundation
 05/24/02 Office of Congressman Steny Hoyer
 07/01/02 Virginia Secretary of Natural Resources, Virginia Department of
 Conservation and Recreation, Virginia Tourism Corporation,
 Virginia Department of Historic Resources

 07/03/02 Office of Senator George Allen; Office of Senator John Warner
 07/03/02 Office of Congressman Ed Schrock
 07/03/02 Office of Congressman Robert Scott
 07/05/02 Office of Congressman Robert Ehrlich
 07/10/02 Maryland Historical Trust
 07/30/02 Office of Congressman Ben Cardin
 08/12/02 Maryland Office of Tourism Development
 08/13/02 Maryland Department of Natural Resources
 08/15/02 US Environmental Protection Agency, Chesapeake Bay Program
 Office

 08/16/02 Citizens Advisory Committee, Chesapeake Bay Program
 08/21/02 USDA Forest Service, Chesapeake Bay Office
 08/27/02 US Fish & Wildlife Service, Blackwater National Wildlife Refuge;
 Friends of Blackwater National Wildlife Refuge

 09/04/02 Chesapeake Bay Program Office Staff
 09/05/02 Ad Hoc Committee for Harriet Tubman National Park
 09/10/02 Tidewater Farmers Club
 09/12/02 Local Government Advisory Committee, Chesapeake Bay Program
 09/19/02 Implementation Committee, Chesapeake Bay Program
 09/23/02 US Army Corps of Engineers, Baltimore District
 09/25/02 Principals Staff Committee, Chesapeake Bay Program
 11/03/02 Maryland Watermen's Association
 11/08/02 Virginia Department of Conservation and Recreation
 11/18/02 Maryland Department of Natural Resources
 12/19/02 NPS National Capital Region
 12/19/02 National Parks Conservation Association
 01/02/03 Chesapeake Bay Commission
 01/24/03 Chesapeake Bay Gateways, Annapolis Area
 01/24/03 Chesapeake Bay Gateways, Kent Island/Mid-Eastern Shore Area
 01/27/03 Chesapeake Bay Gateways, Central Eastern Shore
 01/29/03 Chesapeake Bay Gateways, James and York Rivers Area
 02/05/03 Office of Senator Paul Sarbanes
 02/12/03 Chesapeake Bay Gateways Network Working Group

02/20/03 Chesapeake Bay Gateways, Southern Maryland Area
 02/24/03 Chesapeake Bay Gateways, Northern Neck Area
 02/27/03 Chesapeake Bay Gateways, Hampton Roads Area
 02/28/03 Chesapeake Bay Gateways, Pennsylvania, New York & W. Virginia
 03/03/03 Chesapeake Bay Gateways, Baltimore Area
 03/04/03 Chesapeake Bay Gateways, South Central Eastern Shore Group
 03/05/03 Chesapeake Bay Gateways, Washington DC/Potomac Area
 03/07/03 Chesapeake Bay Gateways, Upper Bay Area
 03/26/03 Sierra Club, Montgomery County MD Chapter
 04/22/03 Chesapeake Bay Foundation
 5/13/03 Virginia Tourism Corporation
 5/13/03 Office of the Secretary, U.S. Department of Interior
 5/21/03 Chesapeake Bay Commission
 5/22/03 Office of Congressman Ed Shrock
 5/22/03 Office of Congressman Robert Scott
 5/22/03 Office of Congresswoman JoAnn Davis
 5/28/03 Office of Congressman Wayne Gilchrest
 5/28/03 Office of Congressman Dutch Ruppersberger
 6/02/03 Office of Congressman Steny Hoyer
 6/02/03 Office of Senator John Warner
 6/02/03 Office of Senator George Allen
 6/20/03 Office of Senator Barbara Mikulski
 6/24/03 Talbot County Council (MD)
 7/7/03 Maryland Department of Natural Resources
 7/9/03 Chesapeake Bay Gateways Network Working Group
 7/14/03 Chesapeake Bay Program Office Staff
 7/23/03 Middle Peninsula Planning District Commission (VA)
 7/25/03 Office of Congressman Ed Shrock
 8/7/03 Towson MD Rotary Club
 8/9/03 Citizens' Advisory Committee, Chesapeake Bay Program
 8/11/03 Middle Peninsula Land Trust (VA)
 8/13/03 National Parks Conservation Association
 8/19/03 Annapolis MD Rotary Club
 8/21/03 Maryland Saltwater Sportfishing Association
 10/27/03 Northeast Regional Director, NPS
 11/6/03 Town Hall Meeting, Chesapeake Bay Gateways Network
 12/18/03 The Conservation Fund
 2/6/04 NPS Directorate
 2/6/04 Office of the Assistant Secretary, Fish, Wildlife & Parks, DOI
 2/17/04 Office of Governor Robert Ehrlich, Maryland
 3/3/04 Maryland Office of Tourism Development
 3/18/04 Implementation Committee, Chesapeake Bay Program
 3/29 - 4/2/04 New Gateways, Chesapeake Bay Gateways Network Orientations

COMPLIANCE WITH LAWS AND REGULATIONS

The following laws and associated regulations provided direction for the project alternatives and the analysis of impacts:

National Environmental Policy Act of 1969 (Title 42 U.S. Code Sections 4321 to 4370 [42 USC 4321-470]). The purposes of National Environmental Policy Act include encouraging “harmony between [humans] and their environment and promote efforts which will prevent or eliminate damage to the environment...and stimulate the health and welfare of [humanity].” The purposes of the National Environmental Policy Act are accomplished by evaluating the effects of federal actions. The results of these evaluations are presented to the public, federal agencies, and public officials in document format (e.g., environmental assessments and environmental impact statements) for consideration prior to taking official action or making official decisions. Implementing regulations for the National Environmental Policy Act are contained in Part 1500 to 1515 of Title 40 of the U.S. Code of Federal Regulations (40 CFR 1500-1515).

Endangered Species Act of 1973, as amended (16 USC 1531-1544). The purposes of the Endangered Species Act include providing “a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.” According to the Endangered Species Act, “all Federal departments and agencies shall seek to conserve endangered species and threatened species; and “[e]ach Federal agency shall...insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continues existence of any endangered species or threatened species.” The U.S. Fish and Wildlife Service (non-marine species and the National Marine Fisheries Service (marine species, including anadromous fish and marine mammals) administer the Endangered Species Act. The effects of any agency action that may affect endangered, threatened, or proposed species must be evaluated in consultation with either the U.S. Fish and Wildlife Service or National Marine Fisheries Service, as appropriate. Implementing regulations that describe procedures for interagency cooperation to determine the effects of actions on endangered, threatened, or proposed species are contained in 50 CFR 402.

National Historic Preservation Act of 1966, as amended (16 USC 470 *et sequentia*). Congressional policy set forth in the National Historic Preservation Act includes preserving “the historical and cultural foundations of the Nation” and preserving irreplaceable examples important to our national heritage to maintain “cultural, educational, aesthetic, inspirational, economic, and energy benefits.” The National Historic Preservation Act also established the National Register of Historic Places composed of “districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.” Section 106 of the National Historic Preservation Act requires that federal agencies take into account the effects of their actions on properties eligible for or included in the National Register of Historic Places and coordinate such actions with State Historic Preservation Offices. The National Historic Preservation Act also requires federal agencies, in consultation with the State Historic Preservation Office, to locate, inventory, and nominate all properties that appear to qualify for the National Register of Historic Places, including

National Historic Landmarks. Further, it requires federal agencies to document those properties in the case of an adverse effect and propose alternatives to those actions, in accordance with the National Environmental Policy Act.

Clean Water Act of 1972, as amended (33 USC 1251-1387). The purpose of the Clean Water Act is to “restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” The U.S. Army Corps of Engineers has been charged with evaluating federal actions that result in the potential degradation of the waters of the United States and issuing permits for actions consistent with the Clean Water Act. In some cases, state governments help administer the program through a joint permitting process.

Section 10 of the Rivers and Harbor Act of 1899 (33 USC 403). Section 10 of the Rivers and Harbor Act regulates activities in navigable waters of the United States. The Corps of Engineers is the regulatory agency responsible for Section 10 reviews. Section 10 states “That the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same (USACE, 2002).”

Coastal Zone Management Act of 1972 (16 USC 1451-1464). The Coastal Zone Management Act presents a Congressional declaration to ‘preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation’s coastal zone for this and succeeding generations.’ The Act also encourages “states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone.” All actions proposed by federal, state, and local agencies must be consistent with the Coastal Zone Management Plan, as determined by the implementing state.

Pursuant to the Coastal Zone Management Act, the National Oceanic and Atmospheric Administration approved Maryland’s and Virginia’s Coastal Resources Management Programs. Accordingly, federal activities which are reasonably likely to affect any land or water use or natural resources of the state’s designated coastal resources management area must be consistent with the enforceable policies of the state’s Coastal Resources Management Program.” All federal development projects inside the coastal zone are automatically subject to consistency and require a Consistency Determination.

The alternatives considered in the SRS/EIS have the potential to be in and impact the state's coastal zone. In as much as the Chesapeake Bay SRS/EIS is a programmatic study, the National Park Service will further evaluate the potential impact on the state's coastal zones as site specific information becomes available in later phases of the project and then make a Federal consistency determination that will be submitted to the state's Coastal Zone Management Program for review and concurrence.

Chesapeake Bay Critical Area Law (COMAR 14.15) and Virginia Chesapeake Bay Environmental Preservation Act of 1988. In 1986, the State of Maryland approved the final regulation and guideline for the establishment of the Critical Area Commission, (Subtitle 8-1801-1816) and criteria for the Chesapeake Bay Critical Area Law (COMAR 14.15). The purpose of the law is to regulate activities within 1,000 feet of tidal waters of the Chesapeake Bay with the intent of improving the water quality and habitat in the Bay (MDE, 2002). Virginia has enacted similar legislation in the Chesapeake Bay Environmental Preservation Act of 1988 that requires local governments to designate and protect Chesapeake Bay Preservation Areas. These areas include Resource Protection Areas (RPAs)-extremely sensitive areas such as streams, rivers, lakes, and wetlands and a 100-foot buffer surrounding them -- and Resource Management Areas (RMAs) - areas in which improper development can also degrade water quality.

Chesapeake Bay Restoration Act of 2000. In 2000, Congress passed legislation that further committed the signatories of the Chesapeake Bay Agreement to a comprehensive cooperative program to improve water quality and the productivity of living resources in the Bay and continue federal support.

The Chesapeake Bay Initiative of 1998 (as amended). This is the enabling legislation for the Chesapeake Bay Gateways Network. Recognizing the importance of the Chesapeake Bay, Congress passed this initiative to enhance education, interpretation, public access, and conservation of natural, cultural and recreational resources associated with the Chesapeake Bay. The Act authorizes technical and financial assistance for a series of gateways, trails, and other connections linking sites. The program also provides grants to federal, state, and local partners, non-profit and private entities to conserve and interpret the Chesapeake Bay. The Gateways Network sunsets in 2008.

LIST OF RECIPIENTS OF THE DRAFT AND FINAL REPORT

The draft SRS/EIS was published in two forms: a 32-page Executive Summary and the complete 159-page draft study report. The Executive Summary, which contained complete descriptions of the study alternatives, was broadly distributed to the entire study mailing list, including county and local governments along the Chesapeake Bay. The full study report was mailed to the state and federal agencies and members of Congress listed below. Copies of both the Executive Summary and the full study report were also available on the study website www.chesapeakestudy.org.

U.S. Senator Paul Sarbanes, MD
U.S. Senator Barbara Mikulski, MD

U.S. Senator Arlen Specter, PA
U.S. Senator Rick Santorum, PA
U.S. Senator John Warner, VA
U.S. Senator George Allen, VA
Congresswoman Eleanor Holmes Norton, DC
Congressman Wayne Gilchrest, MD - District 1
Congressman Steny Hoyer, MD - District 5
Congressman Benjamin Cardin, MD - District 3
Congressman Dutch Ruppersburger, MD - District 2
Congressman Elijah Cummings, MD - District 7
Congresswoman Jo Ann Davis, VA - District 1
Congressman Edward Schrock, VA - District 2
Congressman Robert Scott, VA - District 3
Congressman J. Randy Forbes, VA - District 4
Americorps National Civilian Community Corps
Commander, Navy Region Mid-Atlantic
Defense Logistics Agency
Federal Highway Administration
General Services Administration
MD Farm Service Agency
National Aeronautics and Space Administration
National Capital Planning Commission
National Oceanic and Atmospheric Administration
Natural Resources Conservation Service
US Air Force
US Army
US Army Corps of Engineers
US Army Environmental Center
US Coast Guard
US DOT - Maritime Administration
US Environmental Protection Agency
USDA Agricultural Research Service
USDA Forest Service
USDOI Fish and Wildlife Service
USDOI Geological Survey
USDOI National Park Service
US Marine Corps
US Postal Service
MD Dept. of Housing & Community Development, Maryland Historical
Trust
MD Dept. of Natural Resources
MD Dept. of Business & Economic Development, Office of Tourism
Development
MD Office of Planning
PA Department of Conservation and Natural Resources
PA Fish & Boat Commission
VA Department of Conservation and Recreation
VA Department of Historic Resources
VA Tourism Corporation
VA Dept. of Environmental Quality

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