

**U.S. Department of the Interior
National Park Service, Northeast Region**

FINDING OF NO SIGNIFICANT IMPACT

**HERRING COVE BEACH NORTH PUBLIC ACCESS SITE PLAN
ENVIRONMENTAL ASSESSMENT**

**Cape Cod National Seashore
Massachusetts**

INTRODUCTION

The National Park Service (NPS) has developed a long-term plan for management of the deteriorating north parking lot in a way that considers the potential for future erosion, sea level rise, coastal flooding during storm events, and long-term sustainability; that restores natural systems to the greatest extent possible; and that also retains the recreational experience to the greatest extent possible.

The specific objectives for the proposed action are as follows:

- maintain to the extent practical community and visitor values associated with the Herring Cove Beach experience, including a high degree of accessibility and opportunities to view the water from their vehicles
- preserve the existing visitor experience and community values while being responsive to coastal processes, shoreline change, and commonwealth and federal policies
- manage national seashore facilities based on coastal science and engineering best practices, anticipated sea level rise that is predicted to accelerate, and sustainability efforts

The NPS prepared an environmental assessment (EA) that evaluated three alternatives: a no-action alternative and two action alternatives, including the NPS preferred alternative. The EA further analyzes the potential impacts these alternatives would have on the natural, cultural, and human environment. The EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA); regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500-1508); and NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making (DO-12, 2011) and accompanying DO-12 Handbook (2001). As required by NPS *Management Policies 2006*, a finding of non-impairment is included as attachment A.

NPS SELECTED ALTERNATIVE

Based on the analysis presented in the EA, the NPS has selected alternative C, One-time Retreat (presented as the NPS Preferred alternative in the EA), for implementation. Alternative C is described on pages 20-27 of the EA. Graphics illustrating the overall proposed plan are available on pages 25 and 26 of the EA.

The following actions will take place under the selected alternative:

- the NPS will replace the existing Herring Cove North parking lot and asphalt revetment with a new asphalt parking lot 125 feet inland from the current parking lot 15 feet above mean sea level, continuing to offer approximately 200 west-facing spaces
- parking lot footprint will be approximately 2.4 acres
- the sand that has accumulated east of the existing parking lot will be redistributed to support the new parking lot and to provide a low-crested protective berm just to the west of the new parking lot
- the NPS will provide mobi-mats and/or boardwalks to connect the parking lot to the beach
- the view of the bay from the parking lot will remain unimpeded
- the bicycle lanes will be incorporated in a 10-foot wide bike route along the eastern edge of the new parking lot
- the vault toilet at the north end of the parking lot will be maintained and will be relocated to a higher elevation when flooding in this area became a risk
- a modest shade and wind shelter (approximately 100 square feet) and informational boards will be installed nearby. The design of the shade and wind shelter will match the new bathhouse features.
- the 125-foot setback of the parking lot will require that Province Lands Road be realigned for a distance of approximately 450 feet, which is expected to disturb approximately 0.3 additional acres when this section of roadway is shifted east

Implementation of the items summarized below and described in the EA will address the purpose of and need for action in the following ways:

- removal of the asphalt revetment and parking and the relocation of the primary dune to an area west of the parking lot where it will thereafter be mostly undisturbed will ultimately allow more natural coastal processes to resume
- the one-time retreat will maintain visitor access of the valued waterfront while providing a parking area which is protected from severe weather damage
- retreat of the parking lot from the shore by 125 feet and relocation of the dune will also provide protection of the park's investment in this new infrastructure and provide for improved visitor safety over all other alternatives

OTHER ALTERNATIVES CONSIDERED

Two other alternatives were considered in the EA, alternative A (the no-action alternative) and alternative B (Periodic Retreat). These alternatives are described below.

Alternative A: No-action

Under the no-action alternative, the NPS would retain the existing north parking lot in its current configuration and footprint (approximately 2.1 acres) and would also retain much of the mile-long asphalt revetment (approximately 2.3 acres). These two structures (the parking lot and revetment) are contiguous and together comprise approximately 5,250 cubic yards of asphalt.

These structures would continue to be repaired with asphalt patches and other measures. Emergency work to remove and replace asphalt that has broken loose from the existing structures would be expected after storm damage. Facility closures would be expected for repairs, and sections of the parking lot may need to be closed when they are no longer safe to support vehicle passage. When sections are no longer structurally safe, they would be abandoned, and natural processes would be allowed to resume in these areas.

The public would continue to access the beach from the parking lot from as many of the 208 west-facing parking spaces that continue to be viable. The parking lot would remain immediately adjacent to the beach, which provides easy access to a wide range of visitors and provides an unimpeded view of Cape Cod Bay.

Amenities would continue to include a vault toilet at the north end of the parking lot and a bicycle route through the parking lot to connect Moors Road and the Herring Cove South parking lot to the Province Lands Bicycle Trail.

Although some parking would be retained at the current location, the amount available for parking next to the beach and for water views would be reduced as coastal erosion caused the loss of integrity in some areas. Attempting to maintain this parking lot is not considered a sustainable option.

Alternative B: Periodic Retreat

Under alternative B, the NPS would remove the existing asphalt associated with the Herring Cove North parking lot and the mile-long revetment. The NPS would replace the asphalt parking lot with moveable sections of pavement that could be repositioned inland as the beach erodes. The sections would require a 25-foot shift landward every 10 years or as needed based on erosion of Herring Cove Beach. Concrete or natural materials such as crushed and compacted shells would be placed inland as the waterfront sections are removed to maintain a consistently sized parking area. The NPS would maintain approximately 200 west-facing spaces (designated by concrete wheel stops) in a parking lot footprint of approximately 2.4 acres.

The replacement parking lot would be constructed at a 15-foot elevation. To reach the desired elevation, the sand that has accumulated east of the existing parking lot would be redistributed to support the new parking lot and to provide a low-crested protective berm just to the west of the new parking lot. Each periodic retreat would have sand cut and fill redistribution depending on how the sand naturally dispersed since the last repositioning of the parking lot.

In addition to parking lot improvements, the NPS would provide additional amenities to support recreational use of Herring Cove Beach North. The parking lot would remain very close to the beach. Views of the bay would remain unimpeded. Visitors may need to walk over a low sandy berm for approximately 10 feet to reach the beach. Accessible boardwalks and/or "mobi-mats" would be installed at accessible parking spots and possibly regular intervals to facilitate universal access.

The vault toilet at the north end of the parking lot would be maintained and would be relocated to a higher elevation when flooding in this area became a risk. A modest shade and wind shelter

(approximately 100 square feet) and informational boards would be installed nearby. The design of the shade and wind shelter would match the new bathhouse features.

Bicycle lanes would be added along Province Lands Road to accommodate bicyclists travelling between Moors Road and Herring Cove Beach South and the Province Lands Bicycle Trail. The bicycle lanes would be 5 feet wide and located on both sides of the existing Province Lands Road for the approximately 2,000 feet where it runs parallel to the Herring Cove North parking lot.

Parking would be retained at the current capacity and in the current location to provide immediate access to the beach and water views; however, the parking lot would be constructed in such a way that it could retreat from the shoreline periodically so that integrity of the parking lot could be sustained over time.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

In accordance with the DO-12 Handbook, the NPS identifies the environmentally preferable alternative in its NEPA documents for public review and comment [Sect. 4.5 E(9)]. The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30). Based on the analysis of environmental consequences of each alternative presented in chapter 4 and summarized in table 2 in the EA, alternative C (the NPS selected alternative) is the environmentally preferable alternative. Alternative C provides a new recreational beach experience that features a long-term retreat of manmade materials from the coast with a one-time disturbance to the dune environment versus repeated retreat and construction disturbances. Coastal processes will be most restored under this alternative with the establishment of a vegetated, low-crested dune immediately adjacent to the shore, allowing more space for sediment transport processes to reach a more natural dynamic equilibrium.

MITIGATION MEASURES

To minimize environmental impacts related to the action alternatives, the NPS will implement mitigation measures whenever feasible. Most of the mitigation measures will be related to the temporary adverse impacts resulting from removal of materials and new construction. Although the exact mitigation measures to be implemented will depend upon the final design and approval of plans by relevant agencies, the following is a list of actions that could take place:

- Measures will be employed to prevent or control spills of fuels, lubricants, or other contaminants.
- All exposed soil or fill material will be permanently stabilized at the earliest practicable date.

- Stockpile materials will be placed in the parking lot to avoid impacting any natural features unnecessarily.
- The national seashore will include a post-construction assessment in their work plan for a year after any construction disturbance and will eradicate invasive species mechanically (by hand) at that time.
- No construction will occur between April 15 and August 30 to avoid the spadefoot toad breeding season and minimize activity during the box turtle active season.
- Visual sweeps of the construction limits will occur daily during construction through November, and any turtles found will be relocated from the construction limits. These activities will be conducted under the supervision of the national seashore's Wildlife Biologist.
- Construction equipment will be restricted to paved surfaces where practicable to avoid impacts on natural resources, including spadefoot toad and box turtle habitat.
- Care will be taken to avoid any rutting caused by vehicles or equipment.
- If during construction previously undiscovered archeological resources were uncovered, all work in the immediate vicinity of the discovery will be halted until the resources could be identified and documented and an appropriate mitigation strategy developed in consultation with the Massachusetts SHPO.
- The Mashpee Wampanoag Tribe intends to monitor any ground disturbing activities for the discovery of any archeological resources. The details of this arrangement will be worked out between the NPS and the tribe prior to any construction/demolition activities.
- Temporary advanced warning signs will be installed to warn of closures during construction.
- The national seashore will install "No Parking" (or similar) signs along to discourage visitors from parking or dropping off along Province Lands Road to avoid paying the recreational fee.
- The parking lot construction work will be staged to occur in the winter months. The new parking area could be constructed prior to closure of the existing lot, if feasible. Staging will ensure closures will be as minimal as possible, while allowing safe and efficient work limits.

WHY THE NPS SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

- 1) Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an environmental impact statement (EIS).**

As described in the EA, both beneficial and adverse impacts will occur in the project area as a result of implementing the NPS selected alternative; however, no major or significant impacts were identified that would require analysis in an EIS. Impacts of the NPS selected alternative on coastal processes, vegetation, floodplains, public use and experience, socioeconomic resources

and adjacent lands, and operations and infrastructure were identified and are described in detail in chapter 4 of the EA.

The NPS selected alternative will result in beneficial impacts on coastal processes (natural sediment flow would be restored), socioeconomic resources and adjacent lands (jobs would be provided during construction/demolition activities), and floodplains (manmade structures impeding the flow of floodwaters would be removed from the 100-year flood zone); and both beneficial and adverse impacts on vegetation (there would be both clearing of vegetation, but a larger area would become available for revegetation), public use and experience (some visitors may not appreciate access to the shoreline being moved 125 feet inland, but moving the parking lot will provide more sustainable access to the beach), and operations and infrastructure (park staff will need to oversee construction/demolition activities, but less resources will be needed in the long term to ensure safety of the parking lot). Overall, there may be some adverse impacts associated with demolition/construction and the increased distance between the parking lot and the shoreline; however, this arrangement will be more sustainable in the long term and will continue to provide public access to the beach and will allow for the restoration of natural coastal processes. As described in chapter 4 of the EA, none of these impacts will be significant. On balance, the selected alternative will have beneficial impacts.

2) The degree to which public health and safety are affected.

As described in the EA, the NPS selected alternative will result in long-term, beneficial impacts on public health and safety (covered under the impact topic of visitor use and experience) by removing the parking lot from the coastal hazard zone and by providing improved accommodations for bicyclists travelling through the project area.

3) Unique characteristics of the area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains.

Floodplains exist within the project area; however, the NPS selected alternative will remove the parking lot from within the floodplain. During demolition, best practices would ensure that impacts within the floodplain are minimized, and construction of the new parking lot would take place outside the 100-year floodplain. Therefore the NPS selected alternative's impacts to floodplains will not have a significant effect on the human environment. A detailed discussion of floodplains is included on pages 61-66 of the EA. There are no historic or cultural resources, wild and scenic rivers or ecologically critical areas, or wetlands identified within the project area.

4) The degree to which impacts are likely to be highly controversial.

As measured by public comment, this project is not likely to be highly controversial. The park received a total of six comments on the document during (and following) the 65-day agency and public review and comment period. Additionally, the park hosted a public meeting on November 19, 2013 at the Provincetown Center for Coastal Studies Lab. A total of 11 attendees signed in, and additional park staff and planning team members were in attendance. Members of the planning team presented the project background and summarized the key elements of the EA and fielded questions from those members of the public in attendance. The primary concerns

expressed centered on access to the beach and included an endorsement of the effectiveness of mobi-mats.

A response from the Mashpee Wampanoag Tribe will require minor modification to the EA (via the errata in attachment B), and the Massachusetts Department of Environmental Protection's Southeast Regional Office provided comments on the NPS selected alternative that will be considered during design phases of the project.

5) The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.

No highly uncertain, unique, or unknown risks were identified during preparation of the EA or during the public review period.

6) Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The NPS selected alternative neither establishes NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Future actions will be evaluated through additional, project-specific planning processes that incorporate requirements of NEPA, section 106 of the NHPA, and NPS policies.

7) Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects.

Impacts of the NPS selected alternative on coastal processes, vegetation, floodplains, public use and experience, socioeconomic resources and adjacent lands, and operations and infrastructure were identified. As described in chapter 4 of the EA, cumulative impacts were defined by combining the impacts of the NPS selected alternative with the impacts of other past, present, and reasonably foreseeable future actions.

Four projects were identified as contributing to cumulative impacts on the resources addressed by the EA: Province Lands Bicycle Trail renovations, rehabilitation of Moors Road with bicycle accommodations in the Province Lands, Cape Cod National Seashore Integrated Bicycle Feasibility Study, and rebuilding of the Herring Cove Beach facilities. The beneficial and adverse impacts of these other past, present, and reasonably foreseeable future actions on resources, in conjunction with the impacts of the NPS selected alternative, will result in both beneficial and adverse cumulative impacts. These cumulative impacts are not significant.

8) The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.

No known cultural resources exist in the area, and none are expected to exist within the project area due to the highly dynamic nature of the lands in the vicinity. Although unlikely, if during construction previously undiscovered archeological resources were uncovered, all work in the

immediate vicinity of the discovery will be halted until the resources could be identified and documented and an appropriate mitigation strategy developed in consultation with the Massachusetts SHPO and the relevant tribes. In a letter dated January 3, 2014, the SHPO concurred with the park's Assessment of Effect finding of "no historic properties affected" for the project, as proposed. If plans change, the SHPO will be notified. However, in a letter provided on January 6, 2014, the Mashpee Wampanoag Tribe advised the park that ground disturbance from this project has the potential to impact archeological resources important to them; therefore, the NPS will coordinate with them to ensure that a tribal Cultural Resource Monitor is notified to be present during such activities, as requested.

9) The degree to which an action may adversely affect an endangered or threatened species or its habitat.

National seashore staff reviewed the information, Planning and Conservation (IPaC) decision support system (maintained by the U.S. Fish and Wildlife Service [USFWS]) for the federally listed species and habitat that may be found within the project area. Species listed included the piping plover (*Charadrius melodus*) and roseate tern (*Sterna dougallii dougallii*). According to a review of the project area by national seashore staff, no federally threatened or endangered species or critical habitats are known to exist within the area of proposed improvements. The NPS initiated informal consultations with USFWS. Correspondence from USFWS on March 14, 2014 agreed with the NPS's determination of not likely to adversely affect federally-listed endangered or threatened species.

In a letter dated November 19, 2013, the National Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife listed seven species that may be found within the vicinity of the project area, including the eastern box turtle (*Terrapene carolina*), eastern spadefoot toad (*Scaphiopus holbrookii*), piping plover, common tern (*Sterna hirundo*), roseate tern, arctic tern (*Sterna paradisaea*), and least tern (*Sternula antillarum*). The NHESP agrees that the mitigation measures listed in the EA (and included in this "Finding of No Significant Impact" will avoid impacts to state-listed species.

To avoid potential impacts on special status species, no construction will occur between April 15 and August 30 to avoid the spadefoot toad breeding season and minimize activity during the box turtle active season.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The NPS selected alternative violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT

The planning process for the proposed action was initiated during the internal, agency, and public scoping efforts, which began in the fall of 2011. This process introduced the purpose and need of the project and potential options for how to manage public access at the site.

Cape Cod National Seashore's GMP directs the national seashore to conduct planning in a cooperative way with the local towns. The proposed action has the potential to affect the experience that visitors and residents of Provincetown have as they seek recreation at Herring Cove Beach or the Province Lands Bicycle Trail; therefore, the NPS took steps to include both the local public and official representatives of Provincetown during scoping.

The Herring Cove Beach Subcommittee of the Cape Cod National Seashore Advisory Commission held four regular meetings between December 2012 and April 2013. The Subcommittee worked with the national seashore and other partners to develop alternatives which would develop a set of alternative design scenarios for the Herring Cove Beach revetment and parking area for submission to the Advisory Commission. After a preferred alternative was identified by the Subcommittee, it was recommended to the Advisory Commission at their meeting on May 13, 2013. The preferred alternative was also presented at the Provincetown Board of Selectmen meeting on April 29, 2013.

On October 30, 2012, at the Center for Coastal Studies in Provincetown, MA, the seashore, and the Advisory Commission co-sponsored a public scoping meeting to launch the public scoping period for the Herring Cove Revetment and Parking Environmental Assessment. The public was invited to submit comments on the scope of the planning process, issues, concerns and potential alternatives through November 30, 2012. During the scoping period, 15 pieces of correspondence were entered into the NPS Planning, Environment, and Public Comment (PEPC) system either from direct entry by the commenter, summary entry by CBI based on comments at the public scoping meeting, or by uploading hard copy letters received by the NPS. The primary concerns articulated during this scoping period were convenient beach access; beach accessibility for the elderly, young, and disabled; and the retention of the views of the beach, sunsets, and ocean from the lot. Other common concerns included the protection of the beach from natural shoreline erosion; NPS policies, regulations, and laws inhibiting the communities' desired beach management activities; the protection of the valued range of activities at Herring Cove Beach; and compromised experiences of the natural world. Most commenters were concerned about historical uses, cultural resources, and/or accessibility. Similar sentiments were expressed by a couple additional emails sent to the park during August 2013.

The EA was made available for a 65-day public review and comment period beginning September 27, 2013 and running through November 30, 2013. The comment period was extended beyond the originally planned 45-day review because the PEPC website was unavailable from October 1-17, 2013 due to a shutdown of the federal government. A press release announcing the document's availability was posted on the NPS website and provided to local papers. The EA was posted on the park's PEPC website (<http://parkplanning.nps.gov/caco>), and hard copies were made available at the national seashore's Marconi headquarters. The EA was made available to federal, state, and local regulatory agencies; local businesses; and interested individuals for their review.

A total of two comments were received during the review period, and five additional agency/tribal comments were received following the review period. Additionally, the park hosted a public meeting on November 19, 2013 at the Provincetown Center for Coastal Studies Lab. A total of 11 attendees signed in, and additional park staff and planning team members were in

attendance. Members of the planning team presented the project background and summarized the key elements of the EA and fielded questions from those members of the public in attendance. The primary concerns expressed centered on access to the beach. A more detailed summary of the public/agency review of the EA, the NPS responses to comments, and the errata are included in attachment B.

AGENCY CONSULTATION

Section 7 of the Endangered Species Act

The NPS initiated informal consultations with USFWS in regards to threatened and endangered species under Section 7 of the Endangered Species Act. USFWS concurred with the NPS's determination of not likely to adversely affect federally-listed endangered or threatened species in a letter dated March 14, 2014.

Section 106 of the National Historic Preservation Act

As mentioned above, the SHPO concurred in a letter dated January 3, 2014 with the park's Assessment of Effect finding of "no historic properties affected" for the project, as proposed. The Mashpee Wampanoag Tribe advised the NPS in a letter dated January 6, 2014 that ground disturbance from this project has the potential to impact archeological resources important to them and requested that the NPS coordinate with them to ensure that a tribal Cultural Resource Monitor is present during such activities.

Coastal Zone Management Act

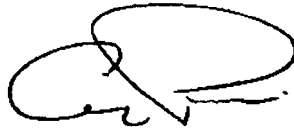
The NPS completed its federal agency Coastal Zone Management Consistency Review and consultation with the Massachusetts Office of Coastal Zone Management (CZM). The NPS received correspondence dated February 21, 2014, from CZM. CZM concurs with the NPS's certification and finds that the plan as proposed is consistent with CZM enforceable program policies.

FINDING OF NO SIGNIFICANT IMPACT

The NPS has selected alternative C, One-time Retreat. The NPS selected alternative is described on pages 20-27 of the EA. The NPS selected alternative will not constitute an action that normally requires preparation of an EIS. The NPS selected alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

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

Recommended:



George E. Price, Jr., Superintendent
Cape Cod National Seashore

3/25/14

Date

Approved:



Michael A. Caldwell, Regional Director
Northeast Region, National Park Service

4/9/14

Date

ATTACHMENT A: NON-IMPAIRMENT DETERMINATION

HERRING COVE BEACH NORTH PUBLIC ACCESS SITE PLAN ENVIRONMENTAL ASSESSMENT

THE PROHIBITION ON IMPAIRMENT OF PARK RESOURCES AND VALUES

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

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

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

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

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

Coastal Processes

The selected alternative will have temporary adverse impacts during demolition/construction followed by beneficial impacts as coastal processes are restored. During construction, the sediment budget may be reduced as approximately 7.16 acres are exposed during demolition/construction. However, following the initial establishment of the new parking lot, it is expected that both cross-shore and longshore sediment transport processes will be restored to a large extent. Because it may take some time for the new dune to fully function as a natural dune in terms of sediment storage, coastal erosion rates may rise initially before returning to a more natural equilibrium driven by processes outside the project area (again, this change may not be detectable).

The selected alternative will not result in impairment of coastal processes because the parking lot will no longer be located between the beach and the primary dune and will therefore be set back from the most active zones of sediment transport. This revised layout allows for at least partial restoration of natural coastal processes.

Vegetation

The selected alternative will have adverse impacts on vegetation due to the displacement, removal, and/or disturbance of several acres of vegetation within the project area. Alternative C will also have beneficial impacts on vegetation due to demolition activities that will provide exposed soil where natural vegetation could become reestablished west of the new parking lot. The initial grading and construction will result in the removal of the existing coastal scrub vegetation in an area of approximately 5.4 acres. These impacts will take place primarily within dune pioneer and shrub/scrub communities with the possibility of impacting some sandplain heathland species. The parking lot and bicycle route will displace approximately 2.9 acres of potential vegetation; but the 4.3 acres currently occupied by the parking lot and revetment will be available for revegetation. The national seashore will include a post-construction assessment in their work plan for a year after any construction disturbance and will eradicate invasive species mechanically (by hand) at that time to mitigate against the establishment of undesirable vegetation.

The selected alternative will not result in impairment of vegetation because the impacts will be localized to just a few isolated plants in most areas, and even in areas where up to a few acres of vegetation will be removed, this vegetation will represent a relatively small portion of the population and will not noticeably affect the natural community as a whole.

Floodplains

The selected alternative will result in beneficial impacts on floodplains due to the removal of human-made structures from the floodplain. Removal of these structures will allow the natural values of the 100-year floodplain to be restored. Hazardous conditions associated with flooding will be a concern only in the case of a 500-year flood event.

The selected alternative will not result in impairment of floodplains because the natural values of the floodplain will be restored (though the original values may not be duplicated) and because there will be little to no risk to human safety associated with flooding events within the project area.

ATTACHMENT B: PUBLIC COMMENT RESPONSE & ERRATA

HERRING COVE BEACH NORTH PUBLIC ACCESS SITE PLAN ENVIRONMENTAL ASSESSMENT

PUBLIC COMMENT SUMMARY

The Herring Cove Beach North Public Access Site Plan Environmental Assessment (EA) was available for public review from September 27, 2013 to November 30, 2013. The park also hosted a public meeting on November 19, 2013 at the Provincetown Center for Coastal Studies Lab. A total of 11 attendees signed in, and additional park staff and planning team members were in attendance. Members of the planning team presented the project background and summarized the key elements of the EA and fielded questions from those members of the public in attendance. The items of concern and general comments include the following:

- How flat will the walk to the beach be?
- Will access to the beach be limited to specific points?
- Why is re-establishment of vegetation a good thing? Won't that hinder access to the beach?
- Mobi-mats are very effective at improving accessibility over sand. The blue color is jarring in a natural setting, but they are easily identified, which is convenient.
- Will the public be able to pull up to the beach and put things in the sand? How close will the water be?
- Will beach fires still be allowed?
- The beach should be referred to as "New Beach," not "Herring Cove."
- The water used to be visible from the Race Point parking lot, but dune material and vegetation have accumulated over the years to obstruct this view.
- What funding source(s) will be used for the implementation of the project?
- What is the timeline for this project to be completed?
- How will the park approach emergencies caused by increasingly frequent erosion?
- Will handicap parking remain available?
- Will construction interrupt a beach season?
- Construction is generally cheaper when it takes place at one time.

A total of two pieces of correspondence were received during the public comment period, and five additional agency correspondences have been received since then. All correspondences were entered into the National Park Service (NPS) Planning, Environment and Public Comment (PEPC) website. One piece of correspondence was received from a member of the public; all other correspondences were provided by state agencies. The comments contained within these correspondences can be distilled into a few substantive concerns to which the NPS can provide clarifying responses.

Concern 1:

A couple of state agencies suggested that the NPS consider modifications to the preferred alternative that would further reduce future coastal dune impacts. Such modifications could include the following:

- in lieu of reducing the height and volume of the primary dune, increase the elevation of the proposed parking lot by importing fill to increase the elevation of the proposed new parking lot and/or construct elevated platforms for ocean viewing
- increase the proposed berm height so that it functions as a primary dune
- re-vegetate all disturbed areas promptly with indigenous plant species suitable for a coastal environment to stabilize and promote dune development
- use elevated beach access walkways to minimize impacts to the coastal dunes
- maintain portions of the existing dune field seaward of the new parking lot and design and maintain a number of low access points and view corridors

Response 1:

The NPS appreciates suggestions that could provide additional coastal restoration/protection while maintaining long-standing uses by the public. The NPS believes that the impacts of incorporating variations on the selected alternative such as those suggested above are addressed generally in the EA as it is written. The NPS may incorporate some of the suggestions during design development of initial construction or as adaptive management measures over time as conditions change.

ERRATA

The following updates should be incorporated into the EA as described in response to the letter from the Mashpee Wampanoag Tribe, dated January 6, 2014.

Page 12—

After the first two sentences of the “Archeological Resources” section, the following text should be added:

The Mashpee Wampanoag Tribe has advised the NPS that ground disturbance from this project has the potential to impact archeological resources important to them; therefore, the NPS will coordinate with them to ensure that a tribal Cultural Resource Monitor is present during such activities.

Page 27—

The following bullet should be added to the list of mitigation measures for this project:

- The Mashpee Wampanoag Tribe will / intends to monitor any ground disturbing activities for the discovery of any archeological resources. The details of this arrangement will be worked out between the NPS and the tribe prior to any construction/demolition activities.

