

Title: Environmental Assessment for the Restoration of Resources Injured by the Release of PCBs into the Lower Fox River and Green Bay environment.

FINDING OF NO SIGNIFICANT IMPACT

For the reasons briefly presented below and based on an evaluation of the information contained in the supporting references enumerated below, I have determined that

restoring, replacing and/or acquiring the equivalent of injured resources within and beyond the natural resource damage assessment area as described under Alternative C in the Joint Restoration Plan and Environmental Assessment (EA) for the Lower Fox River and Green Bay Area

is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. An Environmental Impact Statement will, accordingly, not be prepared.

Reasons:

1. There are no known or anticipated endangered, threatened or candidate species or designated critical habitat that will be adversely affected (Sections 4.3.3 and 6.2 of Joint Restoration Plan and EA and Appendix C, Endangered Species Act Compliance). Implementation of the proposed action would involve further protection and potentially aid in the recovery of certain species.
2. Implementation of the proposed action may result in minimal short-term impacts to habitat due to physical manipulation needed to restore and enhance ecological systems. There is the possibility of permanent impacts to fish and wildlife habitat due to destruction for trails, boat ramps, fishing piers and parking areas associated with public use. However, these projects would also protect and improve the quality of natural resources by directing and controlling human impacts on those resources in the area. All necessary permits will be obtained and regulations, policies and laws followed. (Sections 2.2.2 and 4.3.1 of Joint Restoration Plan and EA).
3. The proposed action would potentially preserve any archeological and historic resources if acquired and would restore or preserve specific areas or resources that have appreciable cultural value to the Indian tribes of the area (Section 4.3.4 of Joint Restoration Plan and EA). Section 106 of the National Historic Preservation Act as defined in 36 CFR Part 800 will be followed for purposes of the environmental assessment (Sections 2.2.2 and 6.1 of Joint Restoration Plan and EA).
4. Preservation of habitats through acquisition of land or easements will only be from willing sellers or participants. Neighbors adjacent to land purchased for preservation

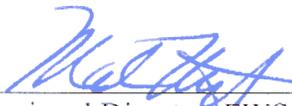
under this restoration plan will retain all of their current rights to their land. Since habitat preservation through fee title or easements with willing sellers who would be paid fair market value, acquisition procedures would have little or no impact on the market price, or on landowners who choose not to sell. Payment in lieu of taxes would maintain the local tax base. There would be indirect positive economic impacts on the local economy through the many recreational activities that protected habitat would enhance (Sections 2.2.2 and 4.3.6 of Joint Restoration Plan and EA).

Alternative C, natural resource-based restoration within and beyond the assessment area, provides for the opportunity of considering the ecosystem as a whole and maximizes the benefits from natural resource damage assessment restoration. Stressors upstream can be addressed, thus restoration implemented downstream would potentially have greater success. Habitat preservation would include properties that currently deliver or with restoration or enhancement could deliver ecological services that cannot be replaced within the assessment area or would take a long time to recover. Restoration and enhancement projects in the restoration area would enhance recovery time and reduce the compensable damages to the public. Even though Alternative C extends the geographic area for restoration implementation beyond the assessment area where natural resource injuries have occurred, the EA states a preference for restoration in proximity to the Lower Fox River and Green Bay, where most of the injuries have been measured. (Section 4.5.1 and Chapter 7 of Joint Restoration Plan and EA)

6. Extensive public review comments regarding the Draft Joint Restoration Plan and EA (September, 2002) indicate broad general acceptance and approval of the proposed action (Chapter 7 of Joint Restoration Plan and EA).

Supporting References:

1. Joint Restoration Plan and Environmental Assessment for the Lower Fox River and Green Bay Area
2. Section 7 Consultation (Appendix C of Joint Restoration Plan and EA)
3. Public Comments (Chapter 7 of Joint Restoration Plan and Environmental Assessment)



 ACTING Regional Director, FWS, Region 3

Date: 6-3-03