

Record of Decision
Department of the Interior, US Fish and Wildlife Service
for the adoption of the Final NOAA Restoration Center's Programmatic
Environmental Impact Statement for Coastal Habitat Restoration

Summary

In compliance with the National Environmental Policy Act (NEPA, 42 U.S.C. § 4321 et seq.), this Record of Decision documents the U.S. Fish and Wildlife Service's (Service) adoption of the Programmatic Environmental Impact Statement (PEIS) for coastal habitat restoration activities developed by the National Oceanic and Atmospheric Administration Restoration Center (NOAA RC). NOAA RC developed the PEIS in 2015 to evaluate coastal habitat restoration activities funded or implemented through its existing programs. The on-the-ground restoration activities evaluated in the PEIS are similar to, and often allied with, those implemented by the Service through its analogous programs. In addition to activities for riverine and coastal restoration, the 2015 PEIS also analyzes technical assistance activities and conservation transactions. The Service will not use those components of the PEIS, only the components that address restoration.

The 2015 PEIS expanded and updated similar analyses that NOAA RC conducted for an earlier Programmatic Environmental Assessment (PEA) and Supplemental Programmatic Environmental Assessment (SPEA) published in 2002 and 2006, respectively. Since adoption, NOAA has effectively applied the 2015 PEIS to hundreds of projects, achieving greater efficiency and effectiveness. Service adoption of this PEIS will streamline the NEPA process for regularly conducted, on-the-ground, riverine and coastal restoration projects supported by the Service by minimizing redundant processes while assuring compliance with NEPA on projects that do not generate significant deleterious impacts to the human environment and that are of little or no controversy.

The NOAA RC PEIS analyzed a suite of restoration activities that have been shown to effectively conserve and restore coastal and marine habitats and ecosystems. Fish passage improvements, hydrologic/tidal reconnection, freshwater wetland restoration, shellfish restoration, coral recovery, saltmarsh and barrier island restoration, coastal erosion prevention, debris removal, and invasive species removal are among the most common project types implemented by NOAA RC and the Service through their respective assistance programs. The purpose, scope, geographic locations, and activities that NOAA RC evaluated also characterize many of the projects implemented in coastal landscapes through Service programs, including those implemented through financial assistance to partners.

In November 2016, the Environmental Protection Agency published a notice in the *Federal Register* (81 FR 85221) announcing the Service's planned adoption of the NOAA RC PEIS. The NOAA RC PEIS complies with all Council on Environmental Quality (CEQ), Department of the Interior, and Service requirements for preparing an Environmental Impact Statement (EIS).

Restoration Activities Analyzed and Covered by NOAA RC PEIS

Coastal restoration activities commonly implemented by the NOAA RC and the Service are described in eleven sections of the NOAA RC PEIS. NOAA RC and the Service have many years of experience with each of these activities, and the two agencies frequently collaborate on coastal restoration projects of shared interest and jurisdiction. Project implementation often employs several of the actions in combination for achievement of restoration objectives. Full descriptions of the activities are included in Section 2 of the PEIS.

- 1) Beach and dune restoration (see PEIS section 2.2.2.1)
- 2) Debris removal (see PEIS section 2.2.2.2)
- 3) Fish passage (see PEIS section 2.2.2.3)
 - dam and culvert removal, modification, or replacement
 - technical and nature-like fishways
- 4) Fish, wildlife, and vegetation management (see PEIS section 2.2.2.4)
 - invasive species control
 - prescribed burns and forest management
 - species enhancement
- 5) Freshwater stream restoration (see PEIS section 2.2.2.5)
 - channel restoration
 - bank restoration and erosion reduction
- 6) Reefs (see PEIS section 2.2.2.6)
 - coral reef restoration
 - shellfish reef restoration
 - artificial reefs
- 7) Road upgrading and decommissioning; trail restoration (see PEIS section 2.2.2. 7)
- 8) Signage and access management (see PEIS section 2.2.2.8)
- 9) Subtidal planting (see PEIS section 2.2.2.9)
 - submerged aquatic vegetation
 - marine algae
- 10) Water conservation and stream diversion (see PEIS section 2.2.2.10)
- 11) Wetland restoration (see PEIS section 2.2.2.11)
 - levee and culvert removal, modification, and set-back
 - fringe marsh and shoreline stabilization
 - sediment removal
 - sediment/material placement
 - wetland planting

Decision Options Considered

1) PREFERRED ALTERNATIVE, Service adopts NOAA RC PEIS and implements streamlined programmatic NEPA process for coastal habitat restoration projects.

After detailed study of the NOAA RC PEIS, the Service recognized the potential efficiencies of the programmatic approach to NEPA compliance afforded by Service adoption of the NOAA RC PEIS. Review and analysis time and costs will be reduced significantly with no reduction in commitment to national environmental policy and human quality of life. Additionally, because fish and wildlife habitat restoration projects are undertaken by the Service for the broad purpose of *improving* the natural and human environments, most of the Service's site-specific, on-the-ground restoration actions are found, upon detailed, site-specific analysis, to have no potential for significant deleterious impacts to those environments. NOAA RC has had similar experience with its coastal restoration actions and developed the PEIS to analyze successful categories of restoration actions and develop specific implementation practices to minimize even short-term negative impacts and maximize long-term benefits to the natural and human environments through improved function in coastal ecosystems. Since its adoption four years ago, NOAA has applied this PEIS to hundreds of projects with no controversy, saving staff time and other resources as a result.

2) NO-ACTION ALTERNATIVE, Service maintains current NEPA processes.

Currently the Service conducts individual NEPA analyses of site-specific restoration actions. Technical assistance and small restoration projects (culvert removal, for example) often are covered by one or more Service or Department of Interior (DOI) Categorical Exclusions (CE), while larger or more complex projects often require more in-depth analyses resulting in an Environmental Assessment (EA) or an EIS. These detailed compliance efforts can be time-intensive and costly, often delaying environmental benefits and reducing funds for project implementation. Maintaining this action-by-action processing results in no change to the Service's existing NEPA compliance strategy.

Public Comment

During the draft PEIS public comment period NOAA RC received 10 comments that addressed 33 topics. The topics ranged from suggestions for additional covered activities, to comments on resources missing from the analysis, to support for the preferred alternative. Comments were received from non-profit organizations, government agencies (federal and state), for-profit organizations, and individuals. Summarized comments are presented in Chapter 5.0 of the PEIS, with a full list of comments included in Appendix B of the PEIS. The final NOAA RC PEIS was published in the *Federal Register* on June 19, 2015, at 80 FR 35305.

The Service published its Notice of Intent to Adopt the NOAA RC PEIS on November 26, 2016 and invited agency and public comment for this adoption action (81 FR 85221, [EIS No. 20160280]). The 30-day comment period for this action ended December 27, 2016; the Service received no comments on the proposed adoption.

Environmentally Preferable Alternative and Rationale for Selection

The Service analyzed the two decision alternatives described above and determined that Alternative I (adopting the NOAA RC PEIS) is the environmentally preferable alternative. This alternative achieves the Service's mission objective of delivering a broad range of coastal habitat restoration projects to benefit trust species and local communities while streamlining NEPA compliance. The preferred alternative enables the Service to maintain a high level of efficiency and flexibility for its habitat restoration and financial assistance programs. With no negative public comments received during NOAA RC's PEIS development process and no public comments received during the Service's adoption scoping, the Service is confident that adoption of the NOAA RC PEIS and institution of the streamlined NEPA approach will achieve strong cost and time efficiencies while preserving strong national, regional, and local commitments.

Minor Corrections to the NOAA RC PEIS

The review associated with the Service's adoption of the NOAA RC PEIS revealed several inconsistencies in the PEIS. These are discrepancies between text and tabular summaries of effects of several activities on some resources. While important to note, the Service has determined that these inconsistencies represent translation or editorial errors and do not detract or diminish from the robust and nature of the analysis itself. These discrepancies are detailed and addressed in Appendix A of this ROD.

Monitoring and Mitigation Measures

The Service works with partners to monitor and evaluate coastal habitat restoration projects to determine and document success of implementation and effectiveness. Construction monitoring is employed as needed to ensure covered restoration actions are carried out as designed. This monitoring may include review of as-built topography or bathymetry or documentation of other structural components of the project such as initial survival of outplantings or final water levels. When appropriate, effectiveness monitoring is initiated following construction to assess the mid- or long-term ecological success of restoration actions and to assess progress toward the desired outcomes of a covered project. Effectiveness monitoring evaluates ecological benefits and/or performance of new techniques and thus guides site-specific adaptive management, informs future Service priorities and project selection, improves Service programs, and advances restoration practice.

All practicable means to avoid or reduce adverse impacts from implementing the preferred alternative will be adopted through best management practices or mitigation measures described in Section 4 (action-specific) and Appendix D (general, used across multiple restoration activities) of the PEIS for each activity type. These practices are not an exhaustive list of best practices used in Service programs but are practices that were considered in the analysis of impacts during development of the PEIS. Project-specific compliance with all Federal, State, and local laws must be documented prior to undertaking restoration actions described in the PEIS. Federal environmental compliance requirements are site- and project-specific, and can

include the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammals Protection Act, the Migratory Bird Treaty Act, the National Historic Preservation Act, the Clean Water Act, the Rivers and Harbors Act, and the Coastal Zone Management Act, among others.

Implementation Strategy

The Service will institute a consistent screening process for use of the PEIS. Project managers will complete a “USFWS / NOAA RC PEIS Inclusion Form” to concisely determine and document if the proposed project activities and site-specific environmental consequences are within ranges analyzed in the PEIS, and that extraordinary, site-specific circumstances would not elevate negative project or activity impacts to a level of significance. This form will be submitted for review to a Service team familiar with coastal restoration concepts and outcomes and committed to diligent application of the NEPA process. Using the analyses provided in the NOAA RC PEIS and additional information as necessary the review team will assess and confirm that the proposed habitat restoration actions, including those funded through financial assistance actions, are within the range of alternatives and potential environmental consequences analyzed in the PEIS and will not have significant adverse impacts on the natural or human environments. Upon review team recommendation, the NEPA signatory authority for the requesting Service unit will sign and date the inclusion form and notify the requesting program or project manager in writing of NEPA coverage for the proposed action(s). This analysis and authorization will be documented in project files maintained by program staff at the Service’s Regional and Field Offices. Documentation of the Service’s use of the PEIS for analysis and NEPA compliance for projects will be made available to the public.

National Environmental Policy Act Compliance

The Service used the NEPA process to guide our decision to adopt the NOAA PEIS for coastal restoration activities. Per NEPA guidelines, the Service reviewed the direct, indirect, and cumulative impacts of adopting the NOAA PEIS before making this decision. The Service adopted the NOAA PEIS and informed the public of the proposed action, alternatives to that action, the environmental impacts of the alternatives, and measures to minimize adverse environmental effects. Future site-specific restoration activities the Service proposes that are not within the scope of environmental consequences considered in this PEIS will require additional and separate NEPA review and analysis.

Secretarial Order 3355 Compliance

Secretarial Order 3355 does not apply. Issued August 31, 2017, SO 3355 establishes page and time limits for the development of EISs prepared by Department of Interior Bureaus and Offices serving as a lead agency for the purposes of NEPA. As the PEIS was developed by NOAA (Department of Commerce) and was finalized in 2015, it is not subject to the limitations imposed by SO 3355. Additionally, the Service’s adoption of another agency’s EIS is not within the scope of SO 3355.

Authorities

This Record of Decision was developed in accordance with NEPA (42 U.S.C. § 4321 et seq.), the CEQ's regulations for implementing NEPA (40 CFR parts 1500 through 1508), and the Department of the Interior's NEPA regulations (43 CFR part 46).



8-20-19

Principal Deputy Director
Exercising the Authority of the Director
for the U.S. Fish and Wildlife Service

Date

Appendix A

Noted translation and editorial inconsistencies contained within the NOAA PEIS, presented as a revision to Table 11 located on pages 91 - 104 of the PEIS.

This appendix is available by request. Please email r1fa_grants@fws.gov for a copy of Appendix A.