

Part 606 – Exhibits

Subpart C – Reviews and Approvals

606.39 Record of Decision—Example

Record of Decision

Lake Creek Watershed

Oak and Day Counties, Anystate

1. Purpose.—As State Conservationist for the Natural Resources Conservation Service, I am the Responsible Federal Official (RFO) for all Natural Resources Conservation Service projects in Anystate.

The preferred plan for the Lake Creek Watershed involves works of improvement to be installed under authorities administered by the Natural Resources Conservation Service. This project includes the installation of six single-purpose flood prevention structures, one multiple-purpose flood prevention recreation structure, recreation facilities, and accelerated land treatment.

The Lake Creek Watershed plan was prepared under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666, as amended) by the Oak and Day Soil and Water Conservation Districts and the City of Blackwell. The scoping meeting, held during November 2003, established the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA), as lead agency, and the Forest Service, USDA, and the Fish and Wildlife Service, U.S. Department of the Interior, as cooperating agencies.

2. Measures Taken to Comply with National Environmental Policies.—The Lake Creek Watershed project has been planned in accordance with existing Federal legislation concerned with the preservation of environmental values. The following actions were taken to ensure that the Lake Creek Watershed plan is consistent with national goals and policies.

A preliminary environmental evaluation was completed by an interdisciplinary team under the direction of NRCS in 2003 before the scoping meeting. It concluded that significant impacts on the human environment may occur because of the complexity and public interest of the proposed action. As RFO, I directed that a draft environmental impact statement (EIS) be prepared.

The interdisciplinary environmental evaluation of the Lake Creek Watershed project was conducted by the sponsoring local organizations, cooperating agencies, and the Natural Resources Conservation Service. Information was obtained from many groups and agencies. An inventory and evaluation of environmental and socioeconomic conditions were prepared by Mobley–Andrews Consultants under a contract with NRCS. Reviews were held with the Your-tribe Confederated Tribe of Indians, Environmental Protection Agency, Fish and Wildlife Service, Anystate Department of Natural Resources, State Historic Preservation Officer, and the State Archeologist. Inputs from these reviews were included in the EIS.

Public meetings were held on April 5, 2004, and December 16, 2004, to solicit public participation in the environmental evaluation, to assure that all interested parties had sufficient information to understand how their concerns are affected by water resource problems, to afford local interests the opportunity to express their views regarding the plans

that can best solve these problems, and to provide all interests an opportunity to participate in the plan selection. More than 603 parties were notified by mail of the joint public meetings. A transcript of the minutes was developed and is on file.

a. The Lake Creek Watershed project will employ reasonable and practicable means that are consistent with the National Environmental Policy Act while permitting the application of other national policies and interests. These means include, but are not limited to, a project planned and designed to minimize adverse effects on the natural environment while accomplishing an authorized project purpose. Project features designed to preserve existing environmental values for future generations include: (1) placement into public ownership a natural area containing forest, native prairie, and geological features; (2) establishment of a wildlife habitat area adjacent to floodwater retarding structures; (3) establishment of a program to monitor water quality in reservoir No. 1 during the summer season; (4) installation of pool drains in all reservoirs, which provides opportunities for withdrawal of water during low stream flows; (5) fish and wildlife management plans for the reservoirs and natural area cooperatively developed by the SLO and the Anystate Department of Natural Resources; (6) acceleration in the application of land treatment practices to prevent erosion and sediment damage to streams and ecosystems; (7) establishment of grasses and legumes on dams and offsite borrow areas to protect them from erosion and provide food for wildlife; and (8) placement of trees and shrubs in the proposed recreational facilities area.

b. The Lake Creek Watershed project was planned using a systematic interdisciplinary approach involving integrated uses of the natural and social sciences and environmental design arts. All conclusions concerning the environmental impact of the project and overall merit of existing plans were based on a review of data and information that would be reasonably expected to reveal significant environmental consequences of the proposed project. These data included studies prepared specifically for the project and comments and views of all interested Federal, State, Tribal Governments and local agencies and individuals. The results of this review constitute the basis for the conclusions and recommendations. The project will not affect any cultural resources eligible for inclusion in the National Register of Historic Places, nor will the project affect any species of fish, wildlife, or plant or their habitats that have been designated as endangered or threatened.

c. In studying and evaluating the environmental impact of the Lake Creek Watershed project, every effort was made to express all significant environmental values quantitatively and to identify and give appropriate weight and consideration of nonquantifiable environmental values.

d. Wherever legitimate conflicts of scientific theory and conclusions existed and conclusions led to different views, persons qualified in the appropriate environmental disciplines were consulted. Theories and conclusions appearing to be most reasonable, scientifically acceptable, or both, were adopted.

e. Every possible effort has been made to identify those adverse environmental effects that cannot be avoided if the project is constructed.

f. The long-term and short-term resource uses, long-term productivity, and the irreversible and irretrievable commitment of resources are described in the final environmental impact statement.

g. All reasonable and viable alternatives to project features and to the project itself were studied and analyzed with reference to national policies and goals, especially those expressed in the National Environmental Policy Act and the Federal water resource development legislation under which the project was planned. Each possible course of action was

evaluated as to its possible economic, technical, social, and overall environmental consequences to determine the tradeoffs necessary to accommodate all national policies and interests. Some alternatives may tend to protect more of the present and tangible environmental amenities than the proposed project will preserve. However, no alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives.

h. I conclude, therefore, that the proposed project will be the most effective means of meeting national goals and is consistent in serving the public interest by including provisions to protect and enhance the environment. I also conclude that the plan is the environmentally preferable plan.

Testimony and recommendations were received relative to the following subjects:

- a. Public ownership and management of natural areas surrounding Structure 1 should be accomplished to offset the losses of wildlife habitat caused by the structure and adjacent activities.
- b. The adequacy of water quality of Site 1 for recreational use should be determined.
- c. Impacts to Lake Otto should be evaluated.
- d. A thorough consideration of nonstructural alternatives should be undertaken.
- e. Thermal impacts of the reservoirs should be evaluated.

A draft environmental impact statement was prepared in October 2004 and made available for public review. The recommendations and comments obtained from public meetings held during project planning and assessment were considered in the preparation of the statement. Projects of other agencies were included only when they related to the Public Law 83-566 project, and they were not evaluated with regard to their individual merit.

More than 250 copies of the draft environmental impact statement were distributed to tribal governments, agencies, conservation groups, organizations, and individuals for comment. Copies were also placed in several libraries in the watershed. The draft environmental impact statement was filed with the Environmental Protection Agency on December 27, 2004.

Existing data and information pertaining to the project's probable environmental consequences were obtained with assistance from other scientists and engineers. Documentary information as well as the views of interested Federal, State, and local agencies and concerned individuals and organizations having special knowledge of, competence over, or interest in the project's environmental impact were sought. This process continued until it was felt that all the information necessary for a comprehensive, reliable assessment had been gathered.

A complete picture of the project's current and probable future environmental setting was assembled to determine the proposed project's impact and identify unavoidable adverse environmental impacts that might be produced. During these phases of evaluation, it became apparent that there are legitimate conflicts of scientific theory and conclusions leading to differing views of the project's environmental impact. In such cases, after consulting with persons qualified in the appropriate disciplines, those theories and conclusions appearing to be the most reasonable, and having scientific acceptance were adopted.

The consequences of a full range of reasonable and viable alternatives to specific project features were considered, studied, and analyzed. In reviewing these alternatives, all courses of action that could reasonably accomplish the project purposes were considered. Attempts

were made to identify the economic, social, and environmental values affected by each alternative. Both structural and nonstructural alternatives were considered.

The alternatives considered reasonable alternatives to accomplish the project's objectives were (1) a floodway and land treatment, (2) the NED plan—structural measures only (the selected plan minus the environmental quality elements), (3) the EQ plan—two structures, floodplain acquisition for habitat preservation, upland habitat improvement, and land treatment measures, and (4) the selected plan. Ten other alternatives were suggested and evaluated that would accomplish part of the objectives of the planned project. The full range of effects was set forth in the alternatives section of the EIS. Individual floodplain management strategies, actions, and programs that would meet some of the project's goals were considered.

3. Conclusions.—The following conclusions were reached after carefully reviewing the proposed Lake Creek Watershed project in light of all national goals and policies, particularly those expressed in the National Environmental Policy Act, and after evaluating the overall merit of possible alternatives to the project:

4. Recommendations.—Having concluded that the proposed Lake Creek Watershed project uses all practicable means, consistent with other essential considerations of the national policy, to meet the goals established in the National Environmental Policy Act, that the project will thus serve the overall public interest, that the final environmental impact statement has been prepared, reviewed, and accepted in accordance with the provisions of the National Environmental Policy Act as implemented by Departmental regulations for the preparation of environmental impact statements, and that the project meets the needs of the project SLO, I propose to implement the Lake Creek Watershed project.

By:

State Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture

Date: