

## Part 610 – National Environmental Compliance Handbook

### Subpart H – Exhibits

#### 610.128 Sample FNSI

##### **Finding of No Significant Impact for the Environmental Assessment on Maintenance Actions at the Lake Apopka Wetlands Reserve Project**

#### I. AGENCY ROLE AND RESPONSIBILITY – United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following **proposed action**.

The proposed action includes various minor maintenance actions to maintain conditions on previously remediated and restored wetlands sites at Unit 1 Lake Apopka.

#### II. NRCS DECISION TO BE MADE

As the delegated responsible Federal official for compliance with NEPA, I must make the following decision:

##### 1. Issuance of a Compatible Use Authorization.

I must also determine if the agency's preferred alternative (alternative 2) will or will not be a major Federal action significantly affecting the quality of the human environment. The EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VII of this finding.

#### III. PURPOSE AND NEED FOR ACTION

The underlying need for action is to prevent degradation of previously restored and remediated wetlands sites and to ensure protective measures are continued to be implemented for protection of cultural resources. Maintenance actions proposed to accomplish this are described in detail in the EA.

#### IV. ALTERNATIVES CONSIDERED IN THE EA

Two alternatives were analyzed in the EA and are characterized as follows:

Alternative 1: No Action – Maintenance actions are not authorized and not implemented

Alternative 2: Agency Preferred Alternative – Maintenance actions are authorized and implemented

## V. NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the EA, I have chosen to select alternative 2 as the agency's preferred alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the EA and balanced those impacts with considerations of the agency's purpose and need for action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing the agency preferred alternative (alternative 2) to implement. Specifically, I acknowledge that based on the EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the agency's preferred alternative (alternative 2) would result short and long term beneficial impacts to the environmental resources potentially impacted by the preferred alternative.

## VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in this EA, the agency is required by NEPA regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the EA, review of the NEPA criteria for significant effects, and based on the analysis in the EA, I have determined that the action to be selected, alternative 2 (agency preferred alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the final action is not required under section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in section 4 and incorporated by reference), alternative 2 does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate.
- 2) Alternative 2 does not significantly affect public health or safety. The indirect effects associated with the implementation of the maintenance actions are in fact anticipated to provide long term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, plants, and cultural issues will be improved and protected through selection of alternative 2.
- 3) As analyzed in section 3.0 of the EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of alternative 2. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to

historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing alternative 2 would have adverse effects on these resources. On the contrary, alternative 2 is expected to reduce environmental risks associated with past, present, and future restoration actions on the property.

- 4) The effects on the human environment are not considered controversial for alternative 2. There are no impacts associated with the proposed action that would be considered to be controversial.
- 5) Alternative 2 is not considered highly uncertain and does not involve unique or unknown risks.
- 6) Alternative 2 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate, alternative 2 does not result in significant adverse cumulative impacts to the human environment as discussed in section 3.X of the EA. Alternative 2 is, however, anticipated to result in beneficial long-term impacts as a result of implementation of the maintenance actions.
- 8) Alternative 2 will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in section 3.X of the EA. NRCS follows the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.
- 9) Alternative 2 will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in section 3.X of the EA. NRCS has concluded that the maintenance actions that have been proposed either have no effect on threatened and endangered species or will not likely adversely affect threatened and endangered species. The United States Fish and Wildlife Service, which has jurisdiction over these species, has reviewed our conclusions and has concurred with our findings. The concurrence letter provided by USFWS is included in the EA under Section 6, "Attachments."
- 10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in section 3.X of the EA. The major laws identified with the selection of alternative 2 include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, the Executive order on Environmental Justice, and Migratory Bird Treaty Act. Alternative 2 is consistent with the requirements of these laws.

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Based on the information presented in the attached EA, I find in accordance with 40 CFR Section 1508.13 that the selection of the agency preferred alternative (alternative 2) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS.

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State Conservationist