

DRAFT GENERIC ENVIRONMENTAL ASSESSMENT

Public access site development and renovation projects for the
State of Indiana

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GENERIC ENVIRONMENTAL ASSESSMENT

Public access site development and renovation projects for the State of Indiana

1. Purpose and Need

1.1 Purpose: The purpose of this generic Environmental Assessment (EA) is to consider alternative methods of developing new public water access and renovating existing public water access sites for boating on Indiana's public lakes, rivers, and streams.

Nearly all of the Indiana Department of Natural Resources (DNR) public boat access site construction or improvement work is covered by this generic Environmental Assessment or by one or more of the Fish and Wildlife Service categorical exclusions contained in the Departmental Manual (516 DM 8.5). The public boat access projects covered by a categorical exclusion are project types excluded from detailed NEPA review because it has little to no potential for impact.

This EA covers public boating access projects where individual or collective effects have a low likelihood to have a negative environmental effect but are not an activity that is currently categorical excluded by the USFWS. The information gathering, public notification and decision making processes described in this generic EA provides a higher level of NEPA review and analysis for a small subset of Indiana DNR public access projects that are not clearly covered by a categorical exclusion. In most cases, this will lead to a Finding of No Significant Impact (FONSI) but in rare cases there may be a need for an Environmental Impact Statement (EIS). If this is the case, or the generic EA indicates an even more detailed analysis is needed, a site specific EA will first be conducted.

1.2 Need: Title 14 Article 22 of the Indiana Code authorizes the Indiana DFW to provide for the management of fish and wildlife in the state and to conduct projects in accordance with the Sport Fish Restoration Program. Providing free access to Indiana's public waters helps to ensure that there are adequate opportunities for the people of Indiana to participate in fishing, hunting, boating, canoeing, and nature study. Other benefits include enhanced safety for users and improved access for fisheries management purposes and code enforcement.

New and improved boat access facilities are necessary to help meet increasing demand for recreational facilities generated by increasing boat ownership and leisure time. Surveys have consistently shown that the need for additional public boat access is one of the most frequently mentioned and highest priorities of Indiana's anglers and boaters. Increased interest in recreational boating dictates the need to open up underutilized resources to accommodate new boaters and help eliminate problems associated with overuse at existing boat access facilities. Renovation and reconstruction at existing sites

is also necessary to address routine wear-and-tear, flood damage, and changing use conditions. There is also the need to ensure that new public boat access sites are properly located and that the protection of the environment is given due consideration when sites are developed and maintained.

The dedicated boating access funds contributed by the states boaters and anglers through the federal Sport Fish Restoration Act (SFR) provide a means to accomplish these objectives. The federal act requires each state to spend 15% of their SFR funds on boating access projects.

1.3 Decisions that Need to be Made: The U.S. Fish & Wildlife Service's Regional Director at Bloomington, MN will select an alternative and will determine, based on the facts and recommendations contained herein, whether this EA is adequate to support a Finding of No Significant Impact decision, or whether an Environmental Impact Statement will need to be prepared.

1.4 Background: For this assessment, boating access facilities are defined as public use facilities on a creek, river, pond, reservoir or lake which provide the opportunity for the public to enter the body of water for the purpose of recreation. The public access sites currently owned, constructed and maintained by the DNR's Division of Fish and Wildlife (DFW) are typically small, minimal impact areas. Public boating access facilities may be as simple as a graveled entrance road and 5-car parking lot, or as complex as a site with paved roadways and parking for up to 100 vehicles with trailers, additional single-car parking, toilet facilities, docks, boat launching ramp(s), a loading platform to aid people with limited mobility in getting into their boat, sidewalks, and bulletin board. The structural footprint of boat access facilities varies with the extent of development. Generally, access facilities on smaller water bodies will have a smaller footprint, usually less than 1.5 acres. Facilities located on larger water bodies generally impact larger areas, perhaps up to 20 or more acres, including an occasional long entrance roadway.

Indiana has been constructing public water access facilities since 1953. The DFW has used federal SFR apportioned funds to construct boating access facilities for many years; well before passage of the Wallop-Breaux amendment to the SFR Act in 1984, which required States to use a portion of their SFR apportionments for boating access. These projects covered the construction of boat ramp facilities on streams that can support motorized boats, Lake Michigan, certain publicly owned lakes, and more recently, the maintenance of such sites.

Indiana's public access program for fishing and boating is strongly supported by the DNR and the general public. Continued development of public boat access sites will enhance a statewide network of opportunities for aquatic recreation and disperse the pattern of heavy localized use, which develops in the absence of an incomplete network of public access sites. Dispersal of users is generally viewed as desirable when considering the quality of use and boater safety.

Indiana ranks 21st nationally in the number of registered boats. Based on 2017 statistics, 219,870 registered boats, 90-95% of the boats in the state are trailerable or otherwise easily portable and require some sort of a launching ramp or access site for use. Increased demand for boat access facilities is evidenced by increased boat registrations, canoe sales, angling pressure, and increased/heavy use at existing boating access areas.

To date, approximately 430 public access sites and fishing areas have been developed by the DFW to provide the public with access to Indiana's rivers, streams, and lakes. DFW assistance programs involving agreements with other agencies and public entities (e.g. the Indiana Waters Program) have facilitated the construction of many more public boat access sites.

The DFW's boating access program is guided by the DFW strategic and operational plans. The plans, which are generally updated every five to ten years, identify specific needs and targets areas for acquisition and development. DFW plans to construct between two and seven sites and renovate 5-8 sites per year. The objective for rivers and streams is to provide access at approximately 10-mile intervals on rural waterways and more frequent intervals on urban area rivers. Due to survey information, plan guidance, and public requests, consideration is also being given to needed facilities on lakes and large reservoirs. The objective for impoundments is to provide public access where access is limited to desired waters, improve opportunities, or to help take pressure off high use areas and existing crowded facilities. There are many impoundments and stream segments where use is limited due to lack of adequate boat access facilities and safety concerns.

Boating access project activities include the following:

New construction: New facilities on undeveloped areas. Depending on anticipated need and the nature of the site, features may include: Entrance roads, parking lots, concrete boat ramp(s), ADA courtesy dock, toilet facilities, signs and bulletin boards, shore fishing access, floating fishing platforms, erosion control and shoreline protection, lighting, landscaping and fencing as needed.

Renovation/Reconstruction/Replacement: Many developments will involve reconstruction or replacement of former access facilities, or elements thereof, which may include: Resurfacing of parking lots and entrance roads, repair or replacement of a concrete boat ramp, repair or replacement of toilet facilities, and replacement of signs and bulletin boards.

Expansion of existing facilities: Some access facilities may be expanded to accommodate growing use and increased demand, or to enhance safety. Such expansions typically might include expanded parking, toilet facilities, ADA fishing pier or ADA courtesy dock, a new ramp or increased ramp capacity.

Location of Work: The project covers the entire state. Public boat access development generally occurs on state-owned land. When access development occurs on land owned

by other entities, the DFW has either leased or included in a Cooperative Agreement, MOA, or MOU for access development. Locations include large impoundments, large and small rivers, streams, and other lakes and tailwaters. Sites for possible actions are identified in the DFW strategic plans, and/or the Project Statement that is part of the Sport Fish Restoration Boating Access Grant. Specific sites and descriptions of planned work are provided with Grant application package documentation.

The Project Coordinator is Brad Feaster, and the project headquarters is 402 W. Washington St., W273, Indianapolis, IN 46204.

Access Program Funding: The DFW annual operating budget currently totals about \$30 million. About \$1 million is committed annually to the boating and fishing access program. All of these funds are derived from the sale of hunting and fishing licenses and Sport Fish Restoration program funding. No operational funding is derived from general funds.

Laws and Directives:

Sport Fish Restoration Act: The SFR Act, as amended, currently requires that each state shall allocate 15 percent of the funds apportioned and be eligible for the reimbursement of up to 75 percent of the costs of acquisition, development, renovation, or improvement of facilities (and auxiliary facilities necessary to ensure the safe use of such facilities) that create, or add to, public access to the waters of the United States to improve the suitability of such waters for recreational boating purposes.

Section 404, Clean Water Act: Section 404 permits for boat access development projects are required by the Corps of Engineers if the projects meet certain thresholds for dredge or fill materials. Most projects in Indiana that involve construction of a concrete boat ramp require permits.

Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973: All boat access development projects will be designed comply with the ADA, using the Americans with Disabilities Act Architectural Guidelines (ADAAG). All site renovations include provisions to bring older sites into ADA compliance. If Federal funds are used, the Uniform Federal Accessibility Standards (UFAS) will also be used to guide boat access site design and construction.

Section 7 of the Endangered Species Act (ESA): Section 7 requires federal agencies to ensure that any action they authorize, fund or carry out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitat. DFW's public access program follows accepted guidelines to avoid impacts to endangered species. The public access program provides information about access projects to the USFWS Region 3 Division of Federal Assistance to support their Section 7 determinations. To date, all federally assisted public boat access projects have been determined to have "no effect" or "not likely to adversely effect" listed, proposed and candidate species as well as listed and proposed critical habitat.

National Historic Preservation Act: Access sites in Indiana are typically small. Most are approximately 1-5 acres in size and very few are larger than 20 acres. Renovations typically occur within an existing construction footprint. Sites with cultural or historical resource potential are avoided or fully investigated to determine the presence or absence of resources. If cultural resources are present, Section 106 procedures are followed or the project is modified to eliminate negative impacts.

With the provision of federal funds, the following Presidential Executive Orders would apply, and compliance will be achieved (*see also Environmental Consequences Section*):

Executive Order 11988, Floodplain Management
Executive Order 11990, Protection of Wetlands
Executive Order 13112, Invasive Species
Executive Order 12898, Environmental Justice

Issues and Concerns: The continuing increase in the number of boat registrations coupled with high angling pressure and the popularity of recreational boating has caused an increased demand for existing facilities.

As the DFW network of boating access sites on Indiana's waters has grown, suitable sites have become more limited. Prices for suitable sites continue to increase, further reducing opportunities for successfully completing the needed network of sites on each stream.

There has been only limited controversy about the public boating access development program. Where controversy has arisen, it has been handled on a case-by-case basis. Since land purchases are made only from willing sellers and are part of the public record, most concerns are addressed during the land acquisition stage. Concerns can normally be addressed by special regulations for the area, such as new fences, or shared road maintenance. When necessary, a public meeting may be held to listen and address public concerns. These mechanisms have proven successful to resolve any controversy for projects desired. If significant controversy were to continue at a critical site, USFWS will be consulted.

1.5 Project Duration: This environmental assessment will cover the boating access facilities from 2020 through 2026.

2. Alternatives

2.1 Alternative A - No Action (No Federal Funding): This alternative would involve the disapproval of Federal funding assistance for proposed projects. Without Federal funding available, Indiana DFW's boating access program would be scaled back considerably. All maintenance and new facility construction projects, if any were to occur, would be provided with state funding. This option would result in Indiana DFW not contributing toward our regional benchmark of spending 15% of Sport Fish Restoration monies on boating access projects and could result in reversion of funds. Listed species, cultural resources, and floodplain and wetland issues would be reviewed under Indiana laws and

mandatory permitting processes. The state would attempt to minimize the chance of invasive species introductions through public education and facility design considerations. Consideration would be given to environmental justice, public controversy, cumulative impact, no access waterway, and traffic flow and safety concerns if they were identified as issues. The State would still design sites to be accessible to disabled persons, but the ability to retrofit existing projects would be greatly hampered. Public needs for boat access facilities would not be adequately addressed.

2.2 Alternative B - Dependence Upon Private Access: Under Alternative B, existing State owned boating access facilities would continue to be maintained and functional. Development of new sites would rely heavily on the private sector to provide boat access facilities for public use. Private facilities are often unable to provide the public with the nature and type of access that the public needs. Facilities would only be constructed where a profit would be likely, so the more remote parts of the state would not have access. This would be especially difficult for people wanting a more natural, primitive experience. Private facilities usually include an infrastructure of buildings for concessions and/or canoe livery, which require placement on high ground. This further limits the availability of locations for sighting, and future opportunities for anglers and boaters.

Neighbors and other interested parties would likely have no formal process and little opportunity for influence concerning issues associated with private facility development. Listed species, cultural resources, floodplains, and wetlands would likely receive no review or concern, unless the Corps of Engineer's or another permitting process was involved. Invasive species, environmental justice, public controversy, no access waterway, traffic flow and safety, and cumulative impact issues are generally given little if any consideration in the development and operation of private facilities. The ability to meet demand for more boat access facilities would be largely unmet except in a few instances where it would be economically viable.

2.3 Alternative C – Sport Fish Restoration Funded Development (Preferred Alternative, No Change): The proposed action is to continue to provide funding through the Sport Fish Restoration Act to continue the development of new sites and renovation of access facilities on lakes, streams and rivers, based on goals guided by DFW's current strategic and operational plans. Alternative C will ensure that public needs for safe recreational boating and fishing facilities are met and accessibility and American with Disabilities Act compliance progress continues. It will also ensure that existing facilities that are degraded for various reasons, including normal wear and tear, will be restored for safe and functional use. Laws applicable to federally funded activities and projects provide assurance that facilities provided will not negatively impact endangered species, cultural resources, floodplains or wetlands. Compliance will be assured through the NEPA and Section 7 and Section 106 processes. Any public controversy, invasive species, environmental justice, no access waterway, or traffic flow and safety issues that surface would also be reviewed and addressed.

In accordance with federal requirements, a written site-specific review will be provided for each proposed new site or expanded site. This review will address the issues described below and listed in Table 1. The site specific review will describe the status of the issue and whether the site specific situation “triggers” the need for a site specific EA. This site-specific review will be submitted in a tabular form (see example, Appendix 1). Boating access projects that include renovation/ reconstruction/ replacement involving routine, recurring maintenance or management activities and the construction or addition of small structures or improvements will continue with appropriate NEPA categorical exclusion documentation.

Listed Species

Section 7 of the Endangered Species Act requires every Federal agency to ensure that any action it funds is not likely to jeopardize the continued existence of any listed species, or result in the destruction or adverse modification of critical habitat. Prior to approval of each grant action, a phased review process is completed. In Phase I, Indiana DFW Endangered Species Coordinator and Federal Aid Coordinator complete the Region 3 WSFR ESA Compliance document Phase I Federal Aid Section 7 Evaluation Form for the project. This form includes an evaluation of federally listed, proposed, or candidate species, and/or designated and proposed critical habitats that occur within the project area; a project description including sources and potential stressors on federally listed species; and a recommendation of the effects of the proposed project on species and/or critical habitats occurring within the project area. In Phase II, Region 3 FWS WSFR grant administrative staff review the Phase I evaluation, documentation, and either concurs, rejects, or modifies the recommendation of effects. In rare situations, a Phase III review is needed for a “likely to adversely affect” recommendation, which requires further consultation with the Ecological Services branch of FWS. In all instances, FWS is the official authority over ESA determinations.

Cultural Resources

All development and renovation submittals are reviewed by the State Historic Preservation Officer (SHPO) to ensure that the activities will not impact any important cultural or architectural resource protected under Section 106, National Historic Preservation Act. No project proceeds without clearance from the SHPO.

When potentially important cultural resources or sites are present, or likely to be present, the DNR contracts for a cultural resources survey to better define the nature and extent of those resources. In almost every case, it has been possible to avoid important cultural resources sites. In those rare instances where avoidance is impossible, the DFW/DNR negotiates site management with the SHPO and the National Advisory Council on Historic Preservation. If important cultural resources exist that cannot be addressed to the SHPO’s satisfaction the site will be dropped from consideration or the FWS contacted for consultation.

Indian Tribes who have requested that they be notified of Federal Assistance activities will be contacted, to identify concerns that the Tribe might have about potential impacts

from the project to traditional cultural properties, sacred sites, or cultural items (human remains, funerary objects, sacred objects, and objects of cultural patrimony).

Floodplain Management

Executive Order 11988 requires, to the extent possible, the avoidance of adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. By their purpose, boating access facilities are located in floodplains, and there is no practicable alternative to their location. Facilities will be modified to the extent possible to minimize any negative impacts to the flood plain. If major floodplain problems exist that can not be addressed, the Service will be consulted for advice. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

Protection of Wetlands

Executive Order 11990 requires, to the extent possible, the avoidance of adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative. Wetland impacts are avoided where possible when planning boating access sites. Any impacts that may occur are resolved through the Section 404 permit process with the Corps of Engineers, usually through mitigation. If the net loss of wetlands is more than 5 acres or if any net loss of wetlands occurs due to any access development project that can't be adequately mitigated, the Service will be consulted. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

Invasive Species

Executive Order 13112 is to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. The DFW has developed numerous invasive species awareness initiatives including; brochures, print articles, radio PSA's, signs, and features in our *Outdoor Indiana* magazine. Signs, placed at boat access sites, advise users to check their boats, trailers and other equipment prior to transport. If a proposed boating access project may pose an unreasonable risk of introducing invasive species to sensitive areas, the Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Environmental Justice

Executive Order 12898 is to prevent activities or developments that have an adverse effect on minorities and low income populations and communities. Construction and renovation of boat access facilities in Indiana is not likely to create environmental justice problems. No fees are charged for use of DFW access sites. There may be a small fee, typically three to seven dollars, for entrance to areas such as State Park and Reservoir facilities where a few boating access sites constructed or renovated with Sport Fish Restoration Act funds are located.

In those areas where a large percentage of the community is made up of low income and minority citizens, it has been our experience that these types of developments will generally be of benefit. Public access to the resources is very limited and access areas will make the resources available to all. Under these types of conditions we generally try to provide bank fishing opportunities and specialized fishing and associated amenities compatible with planned boat access facilities to accommodate those who can not afford or choose not to own a boat. If situations arise that indicate a possible adverse affect on minorities or low income individuals, the Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Public Involvement

The DFW is committed to working with interested and affected public in our efforts to provide safer and improved public water access. The following summarizes typical efforts made to make information available, and to receive input from interested parties:

Prior to land being developed as a boat access site, public notice is provided through our website through the permitting process. News releases provide contact addresses for further information or comment. A minimum of thirty days will be provided for public input and comment. As plans for the access site are developed, DFW staff in the local area also makes special efforts to notify the interested and affected public. This is to receive input that can help to improve site planning, and/or learn early on, if concerns exist about our plans. DFW also plans to investigate the use of the agency web site more to facilitate notice of boating access developments, and to allow for public involvement.

Most boat access development/renovation projects require Section 404 Clean Water Act Permits from the U.S. Army Corps of Engineers and construction permits from the Indiana DNR Division of Water. This permitting process includes additional Public Notice and opportunity for comment.

If interested/affected parties have issues or concerns associated with proposed developments, efforts are made to address them through accommodations such as special regulations, design modifications, buffers or screening. If significant concern or opposition persists after these avenues have been explored, the Fish and Wildlife Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

No Access Waterway

A no access waterway is a waterbody that has had no public access facilities and access is under the total control of private landowners. These sites are not likely to present an issue, since few, if any, potential access sites are investigated at streams, lakes or impoundments in Indiana that are totally controlled by private landowners. If the rare situation arises where it is possible this could be an issue, the Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Traffic Flow and Safety

Access developments are located on improved high use roadways when possible. Guidance and necessary permits are obtained from the Indiana Department of Transportation to insure hazard conditions are not created. Consideration is also given to addressing any issues associated with major increase in traffic, both land and water based. Issues concerning increased vehicle use on secondary roads and overcrowding and congestion on the water way are evaluated on a case by case basis.

A public access development team including district fisheries biologist and DFW construction personnel reviews proposed access site development or renovation projects. The review includes consideration of the potential impact of increased use and boating traffic on both the lake and the associated fish and wildlife populations. Boating safety is generally enhanced by the addition of access facilities that make it easier and more efficient for enforcement personnel to access lakes. In rare instances, the development of an access site might provide a mechanism for the addition of significant boating traffic, for example development of a site for 100 trailered boats. In these cases the preliminary project review will detect the potential for safety problems, and the subsequent public involvement process will serve as a backup detection mechanism.

If the situation arises where traffic and safety issues cannot be satisfactorily addressed or it appears that unacceptable safety concerns exist, the Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration

3. Affected Environment

Information on the affected environment for this statewide proposal includes a discussion of impoundments, natural lakes, rivers and streams, and Lake Michigan, and descriptions of a typical public water access and impacts for typical access developments for the various project types.

3.1 Impoundments, Natural Lakes, Rivers and Streams, and Lake Michigan:

Impoundments: Impoundments are manmade lakes. There are approximately 580 public impoundments in Indiana totaling 71,000 acres and ranging in size from less than ¼ acre ponds to 10,750 acres at Lake Monroe. For management purposes, impoundments can be divided into three groups: Corps of Engineers reservoirs, excavated lakes, and other impoundments. Corps of Engineers reservoirs are impoundments constructed primarily for flood control. Excavated lakes include strip pits, borrow pits, and quarries. Other impoundments include lakes with dams that were constructed for recreational, water supply, or multiple use purposes.

Natural Lakes: Many natural lakes are draped across northern Indiana. DFW lists 374 natural lakes covering 40,879 acres as waters containing state-owned fish. While 79% are less than 100 acres, sixteen are larger than 500 acres.

Rivers and streams: Indiana has 21,000 miles of permanently flowing rivers and streams, which are either floatable by canoe, or motorable. Examples of large rivers include the Ohio River, Wabash River, and White River. Examples of small rivers and streams include the Kankakee River, Big Raccoon Creek, and the Blue River.

Lake Michigan: Indiana controls approximately 1% of Lake Michigan (224 square miles), 45 miles of shoreline, two major tributary streams, and portion of the St. Joseph River.

3.2 Immediate Environment of a Typical Public Water Access: For the purposes of this assessment, access facilities are similar for all water bodies and are defined as public use facilities on a creek, river, pond, reservoir, or lake which provide the opportunity for the public to enter said water body for the purpose of recreation. Typical facilities may be as simple as a graveled entrance road and 5-car parking lot, or as complex as a site with paved roadways and parking areas, toilet facilities, docks, boat ramp(s), loading platform for disabled boaters, sidewalks, and bulletin board. Only a few of DFW's boat access sites are large enough to provide parking for up to 100 vehicles with trailers and additional single-car parking areas. Even the largest of DFW's boat access sites constitute a very small portion of the water body's shoreline and associated uplands.

The footprint of access facilities varies with the extent of development. Generally, access facilities on smaller water bodies will have a smaller footprint, usually less than 1.5 acres. Larger facilities located on larger water bodies do impact larger areas, up to 20 acres or more, including an occasional long entrance roadway. Regardless of size, access sites serve powered and non-powered boats and in most cases provide bank fishing access for those who don't own boats.

3.3 Site Selection Review: Careful consideration is given to all potential access sites statewide to address any special issues associated with natural habitat, important features, or historical resources associated with the impoundments, natural lakes, rivers and streams, and Lake Michigan. Preliminary investigations are made to identify any listed species, cultural resource, sensitive habitats, or other special considerations during the initial land acquisition process. "Red flags" are further investigated and negotiations are dropped if unmanageable conditions exist. The possibility for justified social issues such as landowner concerns and complaints, environmental justice, traffic flow and safety, and public controversy are also considered. Solutions to address any issues are discovered and explored with neighboring landowners and concerned citizens. Sites are eliminated from consideration if reasonable measures can not be taken to minimize identified problem issues.

4. Environmental Consequences

The environmental consequences for the three alternatives are summarized in Table 2.

4.1 Alternative A - No Action (No Federal Funding): This alternative would provide no Federal funding to DFW's Public Boating Access Program. The program would be

significantly reduced due to limited non-federal funding availability. Where work could be accomplished, efforts would be made to provide quality public access and take into account the numerous environmental and social considerations that need to be incorporated into these developments. The DNR/DFW internal operational guidelines would ensure that access development is up to current environmental standards. However, with fewer funds to work with, and less work getting done, problems would soon develop with a diminished program. Possible adverse environmental consequences are addressed for Alternative A through the following processes and procedures, minimizing impact as much as possible:

4.1.1 Listed Species

Listed species considerations are reviewed within the state to meet obligations required by law and avoid adverse impacts. The limited new developments would continue to be designed and constructed to minimize detrimental effects on species or habitats of concern.

4.1.2 Cultural Resources

All development and renovation submittals are reviewed and approved by the State Historic Preservation Officer (SHPO) to ensure that the submitted activities will not impact any important cultural or architectural resource. When necessary, the Department modifies design plans to avoid important cultural resources sites. In those rare instances where avoidance is impossible, the Department negotiates site mitigation with the SHPO and the National Advisory Council on Historic Preservation. This process would continue.

4.1.3 Floodplain Management

By their purpose, all access facilities are located in floodplains, and there is no practicable alternative to their location. Regulations and permit requirements would continue to dictate the avoidance of adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Access construction involving any modification to the floodplain is designed to avoid or minimize impacts to property and facilities. Plans will continue to be changed and facilities modified when necessary to minimize any negative impacts to the flood plain.

4.1.4 Protection of Wetlands

Regulations and permitting requirements also assure the avoidance of adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative. Wetland impacts are avoided where possible when planning boating access sites. Any impacts that may occur would continue to be resolved through the Section 404 permit process with the Corps of Engineers, or dropped from consideration.

4.1.5 Invasive Species

Introduction of invasive species and provisions for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. The State would continue to attempt to minimize the chance of introductions that would have detrimental impacts through public education and facility design considerations.

4.1.6 Environmental justice

Construction of boat access facilities in Indiana is not likely to have an adverse effect on minorities and low income populations and communities. The State would still attempt to address any identified issues.

4.1.7 Public Involvement

The DFW is committed to working with interested and affected publics in our efforts to provide safer and improved public water access. The following summarizes typical efforts made to make information available, and to receive input:

Prior to land being developed as a boat access site, public notice is provided our website through the permitting process. News releases provide contact addresses for further information or comment. A minimum of thirty days will be allowed for public input and comment. As plans are developed, DFW staff in the local area also makes special efforts to notify the local interested and affected public. This is to receive input that can help to improve site planning, and/or learn early on, if concerns exist about our plans.

Most boat access development/renovation projects require Section 404 Clean Water Act Permits from the U.S. Army Corps of Engineers and construction permits from the DNR Division of Water. This permitting process includes additional Public Notice and opportunity for comment.

If interested/affected parties have issues or concerns associated with proposed developments, efforts are made to address them to the extent possible through accommodations such as special regulations, design modifications, buffers or screening. If significant concern or opposition persists after these avenues have been explored, the Fish and Wildlife Service will be consulted on the need to develop site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.1.8 No Access Waterway

A no access waterway is a waterbody that has had no public access facilities and access is under the total control of private landowners. These sites are not likely to present an issue since few, if any, potential access sites are investigated at streams or impoundments with a waters-of-the-state designation that are totally controlled by private landowners. The State would still give consideration and look for compromise if an issue evolves in this situation.

4.1.9 Traffic Flow and Safety

Access developments are located on improved high use roadways when possible. Guidance and necessary permits are obtained from the Indiana Department of Transportation to insure hazard conditions are not created. Consideration is also given to addressing any issues associated with a major increase in traffic, both land and water based. Issues concerning drastically increased vehicle use on secondary roads and overcrowding and congestion on the water way are evaluated on a case by case basis. The State would continue to give consideration and look for alternative options if an issue.

4.1.10 Cumulative Impacts

Historically, between two and seven new access site developments have been constructed per year through the Sport Fish Restoration Boating Access grants. Without Federal funding, any newly constructed projects would need to be funded with state dollars and would be drastically reduced or eliminated.

The result would be the potential for greater environmental impacts on fewer sites. There could be less environmental impact on sites that would otherwise have been developed. However, resource use would be more concentrated, and problems associated with overcrowding would soon develop. A diminished program would likely result in the public's alternative use of undeveloped sites on road rights-of-way, and/or by trespass on private property. Site erosion, abuse, and misuse and social problems would occur in such places. Boat access in the state would not meet boater and angler needs.

4.2 Alternative B - Dependence Upon Private Access: Through this alternative the majority of new access facilities provided would be left up to private concerns. Consideration for environmental and social concerns would be spotty, at best, and possibly occur in the absence of planning and regulatory protection. Possible adverse environmental consequences for Alternative B and how they would be addressed are:

4.2.1 Listed Species

Listed species considerations would very likely get no review, unless COE permitting is involved. Listed species and critical habitats could in many cases be at the mercy of chance.

4.2.2 Cultural Resources

Likely no concern would be afforded cultural resources or historical preservation unless brought about through the COE permit process. Lack of knowledge contributes to little consideration being given to this issue.

4.2.3 Floodplain Management

Floodplain management receives no consideration under normal circumstances unless COE permitting is involved. Lack of knowledge concerning appropriate design and facility construction leads to detrimental environmental actions and conditions.

4.2.4 Protection of Wetlands

Wetlands are not always evident and easy to identify. Unless obvious, they will be given no consideration if COE permitting is not involved.

4.2.5 Invasive Species

Introduction of invasive species issues is given little, if any consideration.

4.2.6 Environmental Justice

This issue generally would not be given consideration. Fees, and in some cases attitudes, associated with private enterprises sometimes excludes minorities and low income citizens from access opportunities.

4.2.7 Public Involvement

Some opportunity for comment may exist if COE or local permitting is involved, but the public typically has little input.

4.2.8 No Access Waterway

There is no consideration given and the only recourse for objection would be litigation.

4.2.9 Traffic Flow and Safety

No consideration is normally given, except in cases where a driveway permit is necessary to exit a major highway.

4.2.10 Cumulative Impacts

With private access development, facility design and construction often is inappropriate for the site and private access developments often create intrusive visual impacts, bank erosion, and pollution sources not usually associated with or created by properly designed and constructed public access sites. Regulatory compliance may be inadequate or difficult to enforce. Compliance with environmental and social concerns would be spotty, at best. Provision of ADA compliance would likely be driven only by complaint or litigation. All aspects associated with boat access opportunities in Indiana would suffer. Boaters and anglers needs would not be met.

4.3 Alternative C – Sport Fish Restoration Funded Development (No Change):

Alternative C is the proposed action. This alternative would provide sufficient funds through utilization of dedicated Federal Aid boating access funds to provide quality public access while ensuring that there will be no major impacts on the environment. Adverse environmental consequences will be avoided and minimized for Alternative C as described in Section 2.3.1. Therefore, there will be minimal impacts to areas of concern as discussed below:

4.3.1 Listed Species

All sites will receive a Section 7 ESA review, as noted in the “Laws and Directives” Background and the 2.3 Alternative C sections above.

The DFW has developed guidelines, to ensure avoidance of detrimental effects on listed, proposed, or candidate species and their critical habitats. These guidelines include

Indiana Bat Management guidelines, Massasauga and Copperbelly water snake management guidelines, and mussel sampling guidelines. These guidelines are incorporated into the consultation process, and become part of the Federal Aid project plan for the site.

Development of new access sites or maintenance of existing sites generally does not involve removal of trees. However, if a tree must be removed, it will be done in accordance with the Indiana Bat Management guidelines. If Massasauga or Copperbelly water snakes are likely to be encountered, Massasauga and Copperbelly water snake management guidelines will be followed or the site would be dropped from consideration. If a mussel species of federal interest were to be found to occur within the footprint of a proposed site, the site would likely be removed from consideration for development.

All projects are reviewed by the Indiana Natural Heritage Data Center and the State Malacologist to determine if any plant or animal species of federal interest are known to occur at or near the proposed sites. If any species of federal interest occurs on the site, the project is subject to additional Section 7 review. A “likely to adversely affect” designation would most commonly result in the project being dropped from consideration. If consideration for continuing the project is warranted, the FWS would be consulted. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

The above process is completed in accordance with the Region 3 WSFR ESA Compliance document. Once DFW completes their evaluation of the project, Region 3 FWS WSFR grant administrative staff provide their review and either concurs, rejects, or modifies the recommendation of effects. In rare situations, a Phase III review is needed for a “likely to adversely affect” recommendation, which requires further consultation with the Ecological Services branch of FWS. In all instances, FWS is the official authority over ESA determinations.

4.3.2 Cultural Resources

All development and renovation submittals are reviewed by the State Historic Preservation Officer (SHPO) to ensure that the activities will not impact any important cultural or architectural resource protected under Section 106, National Historic Preservation Act. No project proceeds without clearance from the SHPO. In almost every case, it has been possible to avoid important cultural resources sites. If important cultural resources exist that can not be addressed to SHPO satisfaction, the Service will be consulted concerning the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.3 Floodplain Management

Boating access facilities are necessarily located in floodplains. Therefore, sites will be selected to minimize impact to the floodplain. In addition, facilities will be designed to minimize any negative impacts to the flood plain to the extent possible. If major

floodplain problems exist that can not be addressed, the Service will be consulted for advice and guidance for the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.4 Protection of Wetlands

Wetland impacts are avoided where possible when planning boating access sites. Access sites will be selected to avoid impacts to wetlands. When wetlands cannot be avoided altogether, sites will be designed to avoid or minimize impacts to wetlands. Any impacts that may occur are resolved through the Section 404 permit process with the Corps of Engineers, usually through mitigation.

If the net loss of wetlands is more than 5 acres at any one site, or if any net loss of wetlands occurs due to any access development project that can't be adequately mitigated, the Service will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.5 Invasive Species

If there is an unreasonable risk of introducing invasive species to sensitive areas, the Service will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.6 Environmental justice

If situations arise that indicate a possible adverse affect on minorities or low income individuals, the Service will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.7 Public Involvement

The DFW is committed to working with interested and affected publics in our efforts to provide safer and improved public water access. The following summarizes typical efforts made to make information available, and to receive input:

Prior to land being developed as a boat access site, public notice is provided our website through the permitting process. Thirty days will be allowed for public input and comment. As plans are developed, DNR/DFW staff in the local area also makes special efforts to notify the local interested and affected public. This is to receive input that can help to improve site planning, and/or learn early on, if concerns exist about our plans.

Also, most boat access development/renovation projects require Section 404 Clean Water Act Permits from the U.S. Army Corps of Engineers and construction permits from DNR Division of Water. These permitting processes include additional Public Notice and opportunity for comment.

If interested/affected parties have issues or concerns associated with proposed developments, efforts are made to address them to the extent possible through accommodations such as special regulations, design modifications, buffers or screening. If significant concern or opposition persists after these avenues have been explored, the Fish and Wildlife Service will be consulted on the need to develop site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.8 No Access Waterway

A no access waterway is a waterbody that has had no public access facilities and access is under the total control of private landowners. These sites are not likely to present an issue, since few, if any, potential access sites are investigated at streams, lakes or impoundments in Indiana that are totally controlled by private landowners. If the rare situation arises where it is possible this could be an issue, the Service will be consulted. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

4.3.9 Traffic Flow and Safety

If the situation arises where public complaint can not be satisfactorily addressed or there appears that unacceptable safety concerns exist, the Service will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site-specific document will be prepared or the project will be dropped from consideration.

4.3.10 Cumulative Impacts

Between two and seven new access site developments are planned per year. As indicated in Section 3, the area of actual development for a typical site ranges from less than one acre, to two and one half acres. If an average of one and one half acres is applied, using an average of five sites per year, the annual cumulative impact for development of access facilities would affect approximately 7.5 acres of land. Over a six-year period, it is then estimated that less than 45 acres would be impacted. In-water effects are negligible with the use of existing methods and procedures. This alternative would also allow us to better address heavy use issues and environmental special concerns, such as exotic species dispersion.

Indiana DFW's Public Access program has developed approximately 405 public access sites totaling approximately 610 acres over the last 30 years. The cumulative impact to the environment as a result of this development has been to distribute resource use more evenly.

The development of public access sites is spread throughout the state. Directing use to developed sites reduces impact on each individual site. Since each development is designed and built to minimize impacts on the environment, there is little if any environmental degradation. Soil erosion is reduced by providing developed access sites. Any problems that arise are treated effectively in a timely manner. Extensive planning and periodic review insures that public accesses are targeted at appropriate lakes and streams in the proper locations. State and local regulations and permitting requirements

also help minimize conflicts of the natural environment. Cumulative impacts to wetlands are not anticipated to be significant. Any net loss of wetlands over 5 acres at any one site will result in consultation with the Service. Furthermore, the DFW locates public access sites to minimize impacts to wetlands. As a result, cumulative impacts to wetlands are not significant.

5. List of Preparers

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6. Consultation and Coordination

Extensive public involvement has taken place with Indiana's boating access program. This involvement has included numerous public meetings, news releases, opinion polls or, telephone mail surveys, other agency contacts, and discussions with regional planning commissions and local government officials. The desire for additional access development is one of the most frequently mentioned "needs" of Indiana's anglers and boaters.

Contacts with the public in recent years regarding access development have been frequent, continuous and ongoing. Personal contacts, email correspondence, news releases, petition drives requesting additional access, and group meetings, have resulted in a strong and supportive constituency for Indiana's access program

7. Public Comment and Response on Draft EA and Response

This section will be completed after the public comment period.