

INDIANA LAKE MICHIGAN COASTAL PROGRAM RECORD OF DECISION

INTRODUCTION

The requirements of 40 C.F.R. section 1505.2 [Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act (NEPA)] require an agency to prepare a concise public record of decision at the time of its decision on the action proposed in an environmental impact statement. The record of decision shall: (1) state what the decision was; (2) identify all alternatives considered, specifying the alternative considered to be environmentally preferable; and (3) state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted. The record of decision may be integrated into any other record prepared by the agency.

The National Oceanic and Atmospheric Administration (NOAA) published the Indiana Lake Michigan Coastal Management Program Document (LMCP) and Draft Environmental Impact Statement (P/DEIS) for public review on September 21, 2001. NOAA published the Indiana Lake Michigan Coastal Management Program Document and Final Environmental Impact Statement (P/FEIS) including public comments on the P/DEIS and responses to those comments on June 21, 2002. NOAA has also fulfilled the responsibilities under the Endangered Species Act through consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Based on the analysis in the P/FEIS, NOAA concluded that approval of the Indiana LMCP will not result in any significant adverse environmental impacts.

RATIONALE FOR DECISION

1. NOAA finds that the Indiana LMCP meets all of the requirements of section 306 of the Federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1455.

2. In making the decision on the Indiana LMCP, NOAA considered three alternatives: approve the program, deny approval of the program, and delay approval of the program.

The alternative of approving and implementing the Indiana LMCP was determined to be the environmentally preferred alternative. This alternative will have a beneficial effect on the environment because it will enhance governance of Indiana's coastal land and water uses according to the coastal standards and policies contained in Indiana's statutes, authorities and rules. Specific benefits include improved regulation and enforcement; balanced coastal community development; improved economic development for water dependent uses; better natural resource and hazards management; and improved intergovernmental coordination and greater public awareness. Additional benefits are the review by Indiana of federal and federally permitted and funded projects for consistency with its coastal program and consideration of the national interest in state decision-making.

The decision to deny approval of the LMCP would have the same effect as the "no action" alternative under NEPA. Denial of approval if the program did not meet all requirements would result in a loss of federal funds to administer the program, loss of consistency review of

federal actions, and loss of adequate consideration of the federal interest in the siting of facilities which are other than local in nature. Additional effects could be the continuation of the status quo regarding protection and land use in the coastal area and the loss of technical assistance from NOAA. NOAA has determined that Indiana has the organizational structure to implement the program and has the statutory authorities to ensure coordination of state plans, functions, programs and resources. The decision to deny approval of the LMCP therefore is not the preferred alternative.

NOAA could delay approval of the LMCP if any element of the program necessary for approval did not meet approval requirements and required some modifications. The effects listed above for denying approval also apply to delaying approval. The decision to delay approval of the LMCP would result in a delay in the ability of the Indiana Department of Natural Resources to implement the relevant statutes and coordinate the overall program in order to manage the natural and cultural resources in the coastal region. Delaying approval could also result in Indiana not entering the federal coastal zone management program due to limits in State funding.

3. NOAA believes that all practicable means have been adopted to avoid or minimize environmental harm from the decision to approve the Indiana LMCP. The program is designed to balance the need for development with the need for the protection and enhancement of coastal environmental resources by avoiding, minimizing and mitigating the consequences of coastal development on resources. The program ensures that proposed state or federal activities are subjected to comprehensive review as individual actions and as an action contributing to the cumulative impacts taking place on coastal resources.