

**Gulf Coast Ecosystem Restoration Council
Record of Decision**

**Adoption of National Oceanic and Atmospheric Administration (NOAA)
Restoration Center Programmatic Environmental Impact Statement in Connection with
Funding Approval of Robinson Preserve Wetlands Restoration Project**

Introduction

The Gulf Coast Ecosystem Restoration Council (Council) hereby adopts the 2015 NOAA Restoration Center Programmatic Environmental Impact Statement (PEIS) to address the National Environmental Policy Act (NEPA) in connection with approval of implementation funds for the Robinson Preserve Wetlands Restoration project (Robinson Preserve), Florida. The Council is approving \$1,319,636 in implementation funding for Robinson Preserve. The Council is also reallocating \$470,910 from planning to implementation. The total amount of funding available for implementation of Robinson Preserve is \$1,790,546. These funds will be used to restore 118.2 acres of coastal habitat, along with related activities in Tampa Bay. NOAA is the sponsor of the Robinson Preserve project.

Background

The Council is approving funding for the Robinson Preserve project through an amendment to the Council's Initial Funded Priority List (FPL). On December 9, 2015, the Council approved the FPL, which includes certain projects and programs approved for funding under the Council-Selected Restoration Component along with other activities the Council identified as priorities for further Council consideration and potential future funding. Activities approved for funding in the FPL are in "Category 1" and priorities for potential future funding are in "Category 2." In the FPL, the Council approved approximately \$156.6 million in Category 1 activities and prioritized 12 Category 2 activities for potential future funding, subject to environmental compliance and further Council and public review. The Council included planning activities for Robinson Preserve in Category 1 and implementation activities for Robinson Preserve in Category 2.

Prior to approving an activity for funding in FPL Category 1, the Council must comply with NEPA and all other applicable Federal environmental laws. When the FPL was approved in 2015 the Council had not addressed NEPA and other laws applicable to approval of Category 2 implementation activities and funding for Robinson Preserve. However, the Council did recognize the potential ecological value of Robinson Preserve based on the review conducted during the FPL process. The Council therefore approved \$470,910 in planning funds for

Robinson Preserve, a portion of which would be used to complete environmental compliance activities. As noted above, the Council placed the implementation portion of Robinson Preserve into FPL Category 2, pending the outcome of this environmental compliance work and further Council review. The estimated cost of implementation of Robinson Preserve was \$1,319,636.

Robinson Preserve Project

The Robinson Preserve implementation funding approved by the Council will be used to create habitat and natural flow regimes through hydrologic connections, as well as to complete exotic and invasive vegetation removal, native planting, monitoring, community outreach, restoration practitioner education, and an inventory of potential Tampa Bay watershed hydrologic restoration projects.

The FPL describes Robinson Preserve as a project to restore 140 acres of upland and wetland habitat (85 acres of upland habitat and 55 acres of created wetland and sub-tidal habitats). The actual acreage to be restored under this FPL amendment would be 118.2 acres (57.6 acres of coastal upland habitat and 60.6 acres of wetland, open water sub-tidal, and open freshwater habitats). This acreage adjustment is the result of refinements in project design (in response to public input) and subtraction of acreage being restored through a complementary Environmental Protection Agency (EPA) restoration effort. The project design was reduced by 7 acres to balance public access interests, input from nearby residents and habitat suitability. The remainder of the acreage adjustment for Robinson Preserve was 14.8 acres, which is the amount of adjoining acreage to be restored by the EPA.

While the acreage footprint of NOAA's Robinson Preserve project has decreased, the complexity and per unit cost of the project have increased. To maintain the long-term viability of the restoration design and protect existing habitats, the scope of the restoration expanded to include more complex hydrologic connections. The expanded scope also provides added benefits outside of the restoration footprint by integrating and hydrologically interconnecting the entire 632-acre preserve. NOAA has indicated that these changes make up more than one third of the restoration implementation budget, increasing the wetland and sub-tidal creation cost per acre for the project. The total of \$1,790,546 will be needed to implement this project.

Additional information on Robinson Preserve, including metrics of success, response to science reviews and more is available in an activity-specific appendix to the FPL, which can be found at <https://www.restorethegulf.gov>.

NOAA PEIS and Environmental Compliance

To comply with NEPA for Robinson Preserve, the Council is adopting the 2015 PEIS developed by NOAA's Restoration Center. This PEIS provides a programmatic-level environmental analysis to support NOAA's restoration activities throughout the coastal United States, including the Gulf of Mexico. The NOAA PEIS includes a programmatic-level analysis of restoration alternatives by activity type and the associated environmental consequences. In addition to providing a programmatic analysis, the PEIS can be used to cover site-specific actions, including funding awards, provided that the activity being proposed is within the range of alternatives and scope of potential environmental consequences and does not have significant adverse impacts. NOAA has determined and documented, in a NEPA Inclusion Analysis dated June 20, 2017, that the Category 2 Robinson Preserve implementation activities for which Council funding is being sought meet these criteria and that no further NEPA review is needed.

During project-specific engineering and design, Clean Water Act (CWA) permitting and public interest review and interagency regulatory review processes, there was additional analysis of site specific conditions and the effects of project-specific design alternatives. Subsequently, multiple modifications were made in response to technical evaluation, resource agency feedback and public comments in order to maximize project benefits and minimize any adverse effects. On May 22, 2017, the U.S. Army Corps of Engineers issued a CWA Section 404 permit (SAJ-2014-02406) for the Robinson Preserve project. NOAA has confirmed that this permit addresses its Magnuson-Stevens Act recommendations pertaining to Essential Fish Habitat. The permit also contains conditions pertaining to compliance with the Endangered Species Act and the National Historic Preservation Act. In addition, the Florida State Historic Preservation Officer and the U.S. Fish and Wildlife Service have reviewed the overall Robinson Preserve project. These reviews were conducted as part of their respective reviews of the complementary Robinson Preserve restoration project referenced above that is sponsored by the EPA and being funded separately under the FPL.

The Council has reviewed the applicable environmental compliance documentation. Based on this review, the Council is adopting the PEIS to support the approval of implementation funds for Robinson Preserve, provided that the project is implemented in accordance with the terms and conditions of the CWA Section 404 permit. This permit and the associated documentation can be found at <https://www.restorethegulf.gov/funded-priorities-list>. (See: Robinson Preserve Wetlands Restoration – Implementation.)

Public Comments

On August 30, 2017, the Council published a notice in the *Federal Register* seeking public comment on the proposal to amend the FPL to approve implementation funding for Robinson

Preserve. This notice also sought comment on the Council's proposal to adopt the NOAA PEIS to support the funding approval. The *Federal Register* public comment period was 30 days and ended on September 29, 2017. The Council received two comments on the proposed FPL amendment and PEIS adoption. Both commenters support the proposed FPL amendment.

Council Decision

The Council initially reviewed the Robinson Preserve proposal as part of the Initial FPL development process. The Council has subsequently reviewed the PEIS and associated environmental compliance documentation discussed above. In addition, the Council has considered the public comments discussed above. Based on these reviews, on _____, _____, 2017, the Council voted to (i) adopt the NOAA PEIS, (ii) amend the FPL by moving Robinson Preserve implementation activities from Category 2 to Category 1, (iii) approve \$1,319,636 in implementation funding for Robinson Preserve, and (iv) reallocate \$470,910 from Robinson Preserve planning to implementation.

The Council has authorized the Executive Director of the Council to execute this Record of Decision on its behalf.

Ben Scaggs

Acting Executive Director, Gulf Coast Ecosystem Restoration Council

(Signature) _____