RECORD OF DECISION

for

FEDERAL APPROVAL OF THE

ILLINOIS COASTAL MANAGEMENT PROGRAM

Introduction

This Record of Decision (ROD) documents the National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management (OCRM) decision to approve the Illinois Coastal Management Program (ICMP), described as Alternative 1 in the Final Environmental Impact Statement (FEIS). This ROD provides a concise statement of the environmental impact analysis process completed, alternatives considered, basis for selection of the preferred alternative, and identifies practicable means adopted to avoid or minimize harm resulting from implementation of the selected alternative.

Background

OCRM received an application from the Governor for the State of Illinois for approval to join the national coastal zone management program established under the Coastal Zone Management Act of 1972, as amended at 16 U.S.C. §§ 1451-1465 (CZMA), and regulations at 15 C.F.R. Part 923. The goals of the ICMP are: (1) preserve, protect, restore, and where possible, enhance natural, cultural, archeological, and historic resources in Illinois' coastal region; (2) improve government coordination and decision-making; (3) increase public awareness and participation in coastal decisions; (4) increase public access to Illinois coastal regions; (5) leverage funds to maximize the impact of local projects; (6) prevent, reduce, and/or remediate nonpoint source pollution affecting coastal waters; and (7) revitalize urban waterfronts and ports. Illinois Department of Natural Resources (IDNR) is the designated state agency responsible for program development and implementation. The IDNR is also responsible for receiving and administering grants for implementing the program.

After determining the ICMP meets the requirement of the CZMA, NOAA prepared a detailed statement assessing the potential biological and socioeconomic impacts to the human environment and alternatives associated with Federal approval of the ICMP. The FEIS and this ROD address the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4370h); the Council on Environmental Quality NEPA regulations at 40 C.F.R. Parts 1500-1508, and NOAA Administrative Order 216-6, implementing NEPA. NOAA also examined the potential impact of federal approval on affected species listed under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and determined there will be no effects.

Federal Government, State Government, Local Agencies, and Public Involvement

The management planning and environmental impact analysis is the culmination of several years of program development in Illinois. The process began in November 2004 and has resulted in Illinois' submission of an application dated May 13, 2011 for admittance to the national program. During the course of development of the ICMP, Illinois held several meetings, workshops, and open houses and solicited input from Federal, State, and local agencies, regional organizations, and public and private entities to develop a coastal management program that meets CZMA requirements. NOAA's OCRM published a notice of intent to prepare an environmental impact statement in the Federal Register on April 17, 2007. The comment period expired on June 29, 2007, during which time no comments were received.

The Draft Environmental Impact Statement (DEIS) for the Illinois Coastal Management Program was prepared and released to the public for a 45-day comment period on September 15, 2011. A public hearing was held in Chicago, Illinois on October 14, 2011. The public comment period for the DEIS expired on October 31, 2011. Six comments were received from Federal agencies, regional organizations, and the public. NOAA subsequently prepared the FEIS. Notice of availability of the FEIS was announced in the Federal Register on December 23, 2011, which set the expiration of the mandatory waiting period for January 23, 2012. All public comments received on the DEIS and NOAA's responses to those comments can be found in Part V, *Responses to Comments to the DEIS*, of the Final Environmental Impact Statement for the Illinois Coastal Management Program.

Alternatives Considered

The FEIS evaluates and considers the following three alternatives:

Alternative 1 (*the Preferred Alternative)* – Federal Approval of the ICMP based on an affirmative finding that the state's coastal program meets all requirements of the CZMA and its regulations.

Alternative 2 (*No Action Alternative*) – Deny Federal Approval of the ICMP based on a finding that the state's coastal program does not meet the requirements of the CZMA and its regulations.

Alternative 3 – Delay Federal Approval of the ICMP because the state's coastal program fails to meet any given requirement of the CZMA or its regulations. NOAA would require Illinois to revise and resubmit the ICMP for review and approval under § 306 of the CZMA.

The Environmentally Preferable Alternative

Federal approval of the ICMP represents the environmentally preferable alternative. Federal approval ensures that Illinois effectively exercise its responsibility through the ICMP to achieve wise use of the land and water resources of the coastal zone balancing ecological, cultural,

historic and aesthetic values against compatible economic development. The ICMP will improve intergovernmental decision-making and coordination with greater emphasis on resource protection and critical coastal issues, such as invasive species, habitat and natural area restoration, sustainable development, nonpoint source pollution, and climate change.

Decision

NOAA's OCRM affirmatively finds that the ICMP adequately meets the requirements of the CZMA and its implementing regulations. Based on this finding, it is the decision of NOAA to approve the Illinois Coastal Management Program, as described in Alternative 1 and detailed in Part III, Section 5.1 of the FEIS. The rationale for selection of Alternative 1 is fully supported by the analysis documented in the FEIS, and is discussed in detail below.

Rationale for Selection of the Preferred Alternative

Congress enacted the CZMA to "to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations" (16 U.S.C. 1454). Because both the Nation as a whole and the individual states and territories have substantial interests in the resources and uses of the coastal zone, Congress decided that management of the coastal zone would be best accomplished through a voluntary state-federal partnership. As participants in this partnership, States are to achieve these potentially conflicting goals by improving governmental coordination, incorporating consideration of long-term implications of development decisions, and instituting a more rational decision-making process that conforms to CZMA policies. The CZMA also requires States to balance ecological, cultural, historic and aesthetic values against compatible economic development in a manner that promotes wise use of coastal and water resources. The ICMP intends to carry out the legislative mandates of the CZMA.

The FEIS demonstrates that the overall environmental, institutional and socio-economic effects associated with federal approval of the ICMP are expected to be primarily beneficial. Alternative 1, Federal Approval of the ICMP, best balances those considerations while achieving the national policy and objectives of the CZMA. Implementation of Alternative 1, allows for improved regulation and enforcement, balanced coastal community development, improved economic development for water dependent uses, better natural resource and hazardous areas management, improved intergovernmental coordination, and greater public awareness of coastal management issues. Illinois would become eligible to receive federal funding to administer its program under the CZMA of up to approximately $2 million annually and additional funding is available through enhancement grant to carry out its various coastal management efforts in accordance with ICMP policies. Those efforts include: planning for balanced growth and sustainability; watershed management to address coastal nonpoint pollution; adopting comprehensive plans to protect coastal resources; addressing hazard mitigation; natural resource protection or restoration; encouraging economic viability; enhancing public access to coastal regions; research and data collection, and education. Illinois would also be granted authority to review federal activities (including federally permitted and funded projects) for consistency with the state's enforceable coastal policies; and Illinois would be required to consider the national

interest in the siting, planning, and management of regionally or nationally significant coastal facilities (e.g., energy facilities).

Although Illinois would be able to continue to implement and enforce its existing authorities and programs in the coastal zone if Alternative 2 or 3 were adopted because the ICMP is based on state law, regulations and policies, Illinois would not receive any of the benefits of federal approval. Specifically, Illinois would not receive federal technical and financial assistance, Illinois would have no authority to review federal activities for consistency with the state's enforceable coastal policies, and Illinois would be under no obligation to consider the national interest in the siting, planning, and management of regionally or nationally significant coastal facilities. Additionally, if Alternative 3 were adopted and federal approval was further delayed, it seems unlikely that Illinois would enter the national coastal zone management program in the future due to resource limitations and other factors.

Mitigation Measures and Monitoring

All practicable means to avoid or minimize environmental harm from the alternative selected have been adopted. Specifically, funds dispersed to the ICMP will be monitored by OCRM through Semi-Annual Performance Reports and Fiscal Reports sent to the NOAA Grants Office. The ICMP will also undergo periodic program review pursuant to the requirements contained in section 312 of the CZMA.

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