

# RECLAMATION

*Managing Water in the West*

## Platte River Recovery Implementation Program, Proposed First Increment Extension Draft Finding of No Significant Impact

GP-2018-01-EA



U.S. Department of the Interior  
Bureau of Reclamation  
Great Plains Region



February 2018

## **MISSION STATEMENT**

### **Protecting America's Great Outdoors and Powering Our Future**

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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Cover photos – Background (David Batts, EMPSi); Inset photos (U.S. Fish and Wildlife Service)

**U.S. Department of the Interior**

**Bureau of Reclamation**

**Great Plains Region  
Billings, Montana**

**Draft Finding of No Significant Impact**

**Platte River Recovery Implementation Program,  
Proposed First Increment Extension**

No. GP-2018-01-EA

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Name  
Title

*Note: Reclamation will not take administrative action on the Proposed Action prior to the close of the comment period. If, after considering public comments, Reclamation concludes the Proposed Action will not have significant environmental impacts, Reclamation will revise this draft Finding of No Significant Impact (FONSI) by adding a summary of the comments received and Reclamation's responses. The revised FONSI will be forwarded to the Great Plains Regional Director for review and signature. The FONSI is not the Secretary of the Interior's final decision but rather informs the Secretary that the impacts of the Proposed Action are not significant and do not warrant an environmental impact statement. Reclamation will not recirculate the signed FONSI for public review, but will make it available to the public via the internet at [https://www.usbr.gov/gp/nepa/platte\\_river/index.html](https://www.usbr.gov/gp/nepa/platte_river/index.html) and upon request.*

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# 1.0 Introduction

This draft Finding of No Significant Impact (FONSI) has been prepared to document the environmental review and evaluation of the Proposed Action of extending the Platte River Recovery Implementation Program's (Program) First Increment by 13 years, through 2032. This draft FONSI has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended.

The U.S. Department of the Interior, Bureau of Reclamation (Reclamation) will not take administrative action on the Proposed Action prior to the close of the comment period. If, after considering public comments, Reclamation concludes the Proposed Action will not have significant environmental impacts, Reclamation will revise this draft FONSI by adding a summary of the comments received and Reclamation's responses. The revised FONSI will be forwarded to the Great Plains Regional Director for review and signature. The FONSI is not the Secretary of the Interior's final decision but rather informs the Secretary that the impacts of the Proposed Action are not significant and do not warrant an environmental impact statement (EIS). Reclamation will not recirculate the signed FONSI for public review, but will make it available to the public via the internet at [https://www.usbr.gov/gp/nepa/platte\\_river/index.html](https://www.usbr.gov/gp/nepa/platte_river/index.html) and upon request.

# 2.0 Preferred Alternative

Reclamation evaluated the impacts of two alternatives: the No Action Alternative and the Proposed Action, in the Platte River Recovery Implementation Program, Proposed First Increment Extension, Environmental Assessment (EA). The Proposed Action is the Preferred Alternative. Under the Proposed Action, the U.S. Department of the Interior (Department) will continue to work with the States of Wyoming, Colorado, and Nebraska; water users; and environmental and conservation organizations. The Proposed Action will extend the First Increment of the basin-wide, cooperative Platte River Recovery Implementation Program to meet its obligations under the Endangered Species Act of 1973 (ESA).

The Proposed Action is a 13-year extension of the First Increment of the Governance Committee Alternative, as described in the Platte River Recovery Implementation Program Final EIS (April 2006; Reclamation and U.S. Fish and Wildlife Service [Service] 2006) and the Record of Decision (ROD) (September 2006; Department 2006). The proposed First Increment extension, subject to congressional authorization, is further described in the Addendum to the Final Platte

River Recovery Implementation Program—First Increment Extension, as adopted by the Governance Committee<sup>1</sup> on June 7, 2017 (Program 2017).

Federal action is needed to complete the remaining milestones not achieved within the prescribed 13-year timeline of the Program's First Increment. Completing the First Increment is necessary to secure the benefits of the basin-wide approach for federally listed threatened and endangered species. This would provide continued compliance with the ESA for certain existing and future water-related projects and uses in the Platte River basin, upstream of the river's confluence with the Loup River.

The purposes of this action are to continue the following:

- Implementing projects that provide additional water, to reduce shortages to Service target flows
- Managing land uses necessary to provide habitat for target species
- Integrating monitoring, research, and adaptive management to assess the progress of the Program and to inform future management decisions

Subject to congressional authorization, the Proposed Action would extend the Program's First Increment by 13 years. The Program will continue to provide ESA compliance for existing and certain new water-related activities throughout the Platte River basin, upstream of the Loup River confluence. The Proposed Action incorporates the extension activities into the Addendum to the Final Platte River Recovery Implementation Program—First Increment Extension, as adopted by the Governance Committee on June 7, 2017 (Program 2017). It will not change the Program's First Increment objectives, milestones, or implementation framework (Program 2006).

Extending the First Increment by 13 years will continue the following aspects of the Program:

- The water action plan, as may be amended by the Governance Committee, to achieve the water-related milestone of reducing shortages to Service target flows
- The land plan to protect, restore where appropriate, and maintain habitat for the benefit of the target species
- The integrated monitoring and research plan (IMRP) and adaptive management plan (AMP), as may be amended in the extension

Extension activities are organized according to the existing Program land, water, and AMP structure. These activities will be implemented from 2020 to 2032 and will reflect Governance Committee decisions through the end of the First Increment. Accomplishing the extension would depend on what is practicably achievable, given available funding and resources.

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<sup>1</sup>The Governance Committee consists of representatives of the three basin states (Wyoming, Colorado, and Nebraska), Reclamation, the Service, water users from each of the three basin states, and environmental groups.



### 3.0 Finding of No Significant Impact

After considering the environmental commitments (see **Section 4.0**) to be implemented by the Program and the environmental impacts described in the EA, Reclamation determined that these actions would not have a significant effect on the quality of the human environment, considering the context and intensity of the environmental impacts (40 Code of Federal Regulations [CFR] 1508.27); therefore, an EIS will not be prepared.

This Finding of No Significant Impact is based on the following points and the impacts of the Proposed Action, which are summarized in **Table 1** (see page 6).

*(a) Have significant impacts on public health or safety?*

The 2006 Platte River Recovery Implementation Program Final EIS (Reclamation and Service 2006) assessed impacts from proposed actions on public health and safety, including the risks of mosquito-borne diseases, water contamination from waterfowl, and surface flooding. Compared with the No Action Alternative, it was determined in the 2006 Final EIS that the action alternatives would not significantly affect human health. Due to continuation of this management under the proposed First Increment extension, similar impacts on the public health and safety are anticipated; therefore, Reclamation concluded that the Proposed Action would not pose a threat to public health or safety.

*(b) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?*

The Proposed Action would not affect the unique characteristics of park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. Under the Proposed Action, the nature and type of impacts on wetlands would be the same as those described in the 2006 Final EIS (Reclamation and Service 2006). Wetlands in the area of analysis generally would increase as Program management is carried out. In some cases, wetlands may be converted to non-wetland habitat or from one wetland type to another for target species habitat improvement. Program management would comply with the environmental commitments listed in **Section 4.0**, as applicable, thereby minimizing impacts on wetlands; thus, the unique characteristics of wetlands would not be affected.

The Program's influence on river braiding and average annual flow is expected to continue under the Proposed Action. Knowledge gained during the First Increment can be used to continue improving the average annual flow during the First Increment extension under the Proposed Action; as such, the Proposed Action is not expected to adversely affect river geomorphology.

As part of the 2006 Platte River Recovery Implementation Program Final EIS, Reclamation assessed the potential for Program actions to affect cultural resources (Reclamation and Service 2006; Cultural Resources Appendix); however, environmental commitments (see **Section 4.0**) will identify and avoid, minimize, or mitigate adverse effects; therefore, there would not be impacts on cultural resources. See (g) below for a discussion of impacts on historic resources.

- (c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA, Section 102[2][E])?*

The impacts of the action are generally consistent with those found for comparable projects in the same locale or setting. Reclamation considered and addressed reasonable alternatives in the EA. The Proposed Action would not result in controversial impacts nor leave conflicts unresolved.

- (d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?*

Reclamation conducted the analysis using scientifically acceptable methods to measure the effects of the Proposed Action. It found that there were no substantial risks due to uncertain, unique, or unknown consequences on the human environment.

- (e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?*

The Proposed Action adheres to agency regulations and policy for water supply and habitat restoration projects administered by Reclamation. The Proposed Action falls within the framework of this regulatory process and, therefore, would not establish any new precedents or principles for decisions involving significant effects on the environment.

- (f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?*

There would be significant environmental effects if there are reasonably anticipated, cumulatively significant impacts on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small components. In Chapter 3 of the EA, Reclamation analyzed cumulative impacts from past, present, and reasonably foreseeable future actions. It concluded that the action would not result in any adverse significant impacts on the environment. The analyses were accurate and were based on a reasonable consideration of cumulative impacts.

- (g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the Bureau?*

As part of the 2006 Platte River Recovery Implementation Program Final EIS, Reclamation assessed the potential for Program actions to affect the integrity of site-specific historic properties, primarily through construction, ground disturbance, and river and reservoir water level fluctuations (Reclamation and Service 2006; Cultural Resources Appendix); however, the Proposed Action includes environmental commitments (see **Section 4.0**) designed to identify and avoid, minimize, or mitigate adverse impacts on historic properties at the appropriate site-specific level; therefore, there would not be significant impacts on historic properties.

- (h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated critical Habitat for these species?*



In the EA, Reclamation considered federally listed threatened and endangered species, state-listed species, and species of concern. The Proposed Action may affect, and is likely to adversely affect, whooping crane, least tern, piping plover, and pallid sturgeon. However, the whooping crane would be affected beneficially from the increased availability of suitable stopover habitat. The least tern and piping plover may be affected in a positive manner from increased availability of suitable nesting and foraging habitat. The pallid sturgeon may be affected beneficially from hydrologic effects and sediment transport on food production and habitat.

In general, other federally listed species could be affected because of changes in river flow, agricultural activities, and water use. Impact determinations for 13 other federally listed species and 2 designated critical habitats are summarized in Table 3-15 and Appendix A of the EA. These determinations are either “may affect, not likely to adversely affect” or “no effect” for nearly all species and all critical habitats. The one exception is western prairie fringed orchid. The Proposed Action may affect, and is likely to adversely affect it if flow management activities were to decrease early and late spring peaks, as described in the 2006 Final EIS (Reclamation and Service 2006); however, under environmental commitments (see **Section 4.0**) as part of the Proposed Action, the Program would take appropriate actions if it were to identify adverse impacts on other listed species or designated critical habitats. Any adverse impacts would be avoided, or offset based on consultation with the Service.

Potential impacts on several species cannot be fully predicted because of these species’ distribution in the study area and the uncertainty regarding the specific location of land acquisition and management and water leasing activities under the Proposed Action; however, under environmental commitments (see **Section 4.0**) as part of the Proposed Action, site-specific NEPA compliance and ESA Section 7 consultation with the Service will be undertaken to ensure that implementation of the Proposed Action would not result in a jeopardy determination for any of these species or result in damage or adverse modification of critical habitat.

Under the Proposed Action, potential impacts on state-listed species and species of concern in the area of analysis in Wyoming, Colorado, and Nebraska would generally be the same as those described in the 2006 Final EIS. The Proposed Action is not anticipated to result in significant adverse impacts on any state-listed species or other species of concern at the state level.

*(i) Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?*

The activities of the Proposed Action would not violate federal, state, local, or tribal laws enacted for the protection of the environment. The Proposed Action meets the requirements of the Clean Air Act of 1970, the Clean Water Act of 1972 (CWA), the ESA, NEPA, and the National Historic Preservation Act of 1966 (NHPA).

*(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order [EO] 12898)?*

In accordance with EO 12898, this project would not have a disproportionately adverse health or environmental effect on low-income or minority populations.

*(k) Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)?*

As part of the 2006 Platte River Recovery Implementation Program Final EIS, Reclamation assessed the existence and potential location of Indian trust assets, according to applicable laws and regulations. The agency consulted with tribes that have aboriginal claims to the Platte River basin and requested information on any Indian trust assets in the Program area. Reclamation reviewed all applicable treaties, statutes, and executive orders, including findings of the Indian Claims Commission, and consulted with the Bureau of Indian Affairs. No Indian trust assets were identified in the Program area (Reclamation and Service 2006; Indian Trust Asset Appendix). Government-to-government consultation on the Program extension with any affected tribes or with the Bureau of Indian Affairs did not identify any new Indian trust assets; thus, there are no impacts on Indian trust assets.

No ceremonial or sacred sites, or access to such sites, would be affected by the Proposed Action.

*(l) Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act of 1975 and EO 13112)?*

Restoration work under the Proposed Action that would involve temporary vegetation removal or ground disturbance (e.g., from vehicle access or recontouring) may increase the potential for noxious weed infestations; however, restoration activities would be closely monitored for weed establishment. Moreover, mechanical or chemical means would be used to control infestations, reducing the potential for this impact. As a result, the Proposed Action would not contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species.

**Table 1. Summary of Direct and Indirect Environmental Impacts of the Proposed Action**

<b>Resource</b>	<b>Summary of Impacts</b>
Water resources	The Proposed Action is expected to continue to meet Service target flows. Knowledge gained during the First Increment could be used to improve flows during the extension under the Proposed Action. Retiming additional water is expected to improve the consistency for meeting target flows.
River geomorphology	The Proposed Action's influence on river braiding and average annual flow is expected to continue. Knowledge gained during the First Increment could be used to improve the average annual flow, river braiding, sediment aggradation/degradation, and channel width.
Water quality	The Proposed Action is expected to improve stream temperatures if shortages to target flows are reduced during the summer. No water quality concerns involving contaminants found in sediments are expected under the Proposed Action. In the water quality section of the 2006 Final EIS, the changes in turbidity would have no discernable impacts on aesthetics; this would also be the case under the Proposed Action.
Central Platte River terrestrial vegetation	Under the Proposed Action, vegetation would continue to be affected by maintaining habitat for the benefit of the target species. This would change the number of acres of terrestrial vegetation communities as restoration is undertaken. Restoration may increase the potential for noxious weed infestations; however, activities would be closely monitored for weed establishment, and mechanical or chemical means would be used to control infestations, reducing the potential for this impact.

**Table 1. Summary of Direct and Indirect Environmental Impacts of the Proposed Action**

<b>Resource</b>	<b>Summary of Impacts</b>
Wetlands	The nature and type of impacts from the Proposed Action on wetlands would be the same as described in the 2006 Final EIS (Reclamation and Service 2006), with wetlands in the area of analysis generally increasing under the Proposed Action. In some cases, wetlands may be converted to non-wetland habitat or from one wetland type to another for target species habitat improvement. All Program management would comply with the environmental commitments listed in <b>Section 4.0</b> , as applicable, thereby minimizing impacts on wetlands.
Whooping cranes	The Proposed Action may affect, and is likely to adversely affect, whooping crane. However, this species may be affected positively from increased availability of suitable stopover habitat.
Piping plovers and interior least terns	The Proposed Action may affect, and is likely to adversely affect, least tern and piping plover. However, these species may be affected positively from increased availability of suitable nesting and foraging habitat.
Pallid sturgeon	The Proposed Action may affect, and is likely to adversely affect, pallid sturgeon. This species may be affected positively hydrologic effects and sediment transport on food production and habitat.
Other federally listed species and designated critical habitat	There could be impacts from the Proposed Action on other federally listed species because of changes in river flow, agricultural activities, and water use. Effects determinations for 13 other federally listed species and 2 designated critical habitats are either “may affect, not likely to adversely affect” or “no effect” for nearly all species and all critical habitats. The one exception is western prairie fringed orchid, which would be adversely affected if flow management were to decrease early and late spring peaks, as described in the 2006 Final EIS (Reclamation and Service 2006).
State-listed and species of concern	Potential impacts from the Proposed Action on state-listed species and species of concern in the area of analysis in Wyoming, Colorado, and Nebraska would generally be the same as those described in the 2006 Final EIS. The Proposed Action is not anticipated to result in significant adverse impacts for any state-listed species or other species of concern at the state level.
Sandhill cranes	The Proposed Action would continue to support water and land use practices that would protect, restore, and maintain habitat for sandhill cranes.
Fisheries	The Proposed Action would allow for more progress toward increasing water in the system. This would help restore natural habitat for native fish species in the river by reintroducing sufficient water levels at critical times of the year. Knowledge gained during the First Increment could be used to continue improving the mean monthly discharge during the extension of the First Increment under the Proposed Action.
Wildlife	Impacts from the Proposed Action would be as described in the 2006 Final EIS (Reclamation and Service 2006) and would generally be minor and localized. Individual actions that focus on restoring, maintaining, and acquiring habitat for the benefit of the target species would likely indirectly benefit wildlife, particularly those species associated with wetland habitats.
Recreation	By maintaining habitat for the benefit of the target species, recreation opportunities would also be available under the Proposed Action. Acquired lands could offer more opportunities for recreation than currently exist for the general public. Increased recreation opportunities could lead to monetary benefits for the local economy as well.
Land use/realty	The Proposed Action would change the predominant use of the acquired lands, from agriculture or general open space to protected open space. The Proposed Action would continue operating under the good neighbor policy; as such the Program would continue paying the applicable taxes at equivalent levels. This would ensure that the tax base remains largely unchanged.
Agricultural economics	The Proposed Action would reduce the acreage of irrigated lands and related production levels and revenues, as detailed in the 2006 Final EIS. Substituting dryland farming for irrigated lands is likely to offset some economic losses in the Central Platte habitat area. Irrigation consumption was estimated to be reduced by 1 percent average annual use, minimizing Program impacts on regional agricultural economics.

**Table 1. Summary of Direct and Indirect Environmental Impacts of the Proposed Action**

Resource	Summary of Impacts
Regional economics	The Proposed Action would continue to bring money into the economic region. This would come about through payments for land and water acquired or leased by the Program from willing participants. Contributions to local economies from construction of Program features and facilities may have been lower than projected in the 2006 Final EIS analysis. Assuming an emphasis on water action plan projects, this trend is likely to continue. Projected economic impacts are less than or equal to one-tenth of 1 percent of the economic activity in the region.

## 4.0 Environmental Commitments

The following is a list of environmental commitments to be implemented by the Program, as appropriate, when carrying out Program activities. All Program activities undertaken with federal funds or require that federal permits or involve federal facilities, will be considered federal actions and subject to federal environmental laws, such as NEPA, ESA, and the CWA.

These environmental commitments generally are intended to avoid, minimize, or compensate for adverse environmental impacts that would otherwise occur because of Program implementation activities. In some cases, these commitments help ensure that such activities are conducted in accordance with applicable laws and guidelines. Some actions may require compliance with other federal laws and regulations not listed here.

### 4.1 Federal Laws

#### 4.1.1 National Environmental Policy Act

Under the Proposed Action, feasibility studies will be undertaken for several Program facilities and individual projects selected. Also, procedures will be established to solicit offers for habitat land and Program water supplies that may be purchased or leased for the Program in whole, or in part, with federal funds. These actions may require evaluation and appropriate documentation under NEPA, tiered off this EA.

The following is a list of future Program activities that likely will require further NEPA analysis:

- Water action plan projects undertaken with federal funds, including water conservation and supply projects (site-specific impact analysis), such as leasing, acquiring and retiring farmland, creating broad-scale recharge areas, and small-scale slurry wall water storage pits
- Program land restoration with federal funds that is likely to affect the environment (site-specific impact analysis)

#### 4.1.2 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act of 1934 (FWCA), as amended reads as follows:

[W]henver the waters or channel of a body of water are modified by a department or agency of the U.S., the department or agency first shall consult with the Service and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources. The Act provides that land, water, and interests may be acquired by federal construction agencies for wildlife conservation and development. In addition, real property under jurisdiction or control of a federal agency and no longer required by that agency, can be utilized for wildlife conservation by the state agency exercising administration over wildlife resources upon that property.

The specific reports and recommendations of the Secretary of the Interior and the state agency on the wildlife aspects of such projects must be made part of the responsible federal agency's report. It is intended that the reports and recommendations be based on surveys and investigations to determine possible damage to wildlife resources and measures that should be adopted to prevent their loss or damage. Federal agencies must consider the reports.

It is likely that some of the specific Program implementation activities will trigger consultation under the FWCA. An example of this is water action plan projects undertaken with federal funds, including water conservation and supply projects (site-specific impact analysis), such as leasing, acquiring and retiring farmland, creating broad-scale recharge areas, and small-scale slurry wall water storage pits.

#### **4.1.3 Clean Water Act**

The habitat restoration activities under the Proposed Action are likely to involve significant efforts to restore river channel and wet meadow habitat in the Central Platte Associated Habitat Reach (AHR). Specific plans will be developed once the Program begins acquiring interests in habitat lands. The "Wetlands" section in Chapter 5 of the 2006 Final EIS (page 5-89) projects that the Proposed Action would lead to a significant increase in wetlands that fall under the CWA, Section 404, jurisdiction (Reclamation and Service 2006).

When Program lands are acquired and plans are developed for river channel and wet meadow restoration, Section 404 permits will be needed before restoration activities begin that may require discharging dredge or fill material to Waters of the U.S., such as moving river sand perched on islands back into the active river channel.

Where such actions are undertaken, specific proposals would be developed and subject to analysis under the CWA, Section 404, provisions to support a request for a permit. The development and analysis of these proposals would be coordinated with appropriate offices of the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA).

The following process is anticipated for obtaining site-specific Section 404 permits for the channel and wet meadow restoration in the Central Platte AHR:

- Land and channel restoration may be subject to local, state, and federal permitting processes. Under the Program, on acquisition of lands, the Program will develop

management plans to describe the appropriate restoration, maintenance, and other management activities. Generally, parcel-specific management plans are expected to be approved and implementation is to begin within 1 year of acquisition.

- Management activities will be subject to CWA, Section 404; permitting and development of these plans will require close coordination with the Corps in Omaha, Nebraska. Concurrently, site plans will be submitted to federal, state, and local regulatory agencies for a final determination of permit requirements and necessary approvals. Information to be included in the pre-construction review phase would include the following:
  - Statement of site restoration goals and objectives
  - Pre-construction site characterization
  - Description of restoration treatments and management plans
  - Description of site's anticipated response
  - Specification of performance standards, monitoring protocols, and identification of remedial management prescriptions, should performance standards and project targets be deficient
  - Documentation of site protection measures and maintenance methods
  - Documentation of final assurances (financial obligations, responsible parties, and schedules)

The Proposed Action's water action plan includes construction of off-stream reservoirs, slurry wall pits, and broad-scale recharge areas in the central Platte valley as part of the water action plan. As with all the water action plan elements, feasibility investigations of each element must occur before the element being adopted by the Program. If the Program chooses to proceed with any of these elements, site-specific NEPA analysis will be undertaken. If wetland impacts are likely, a site-specific analysis of wetlands will be undertaken as part of the NEPA analysis of alternatives, to support application for a site-specific Section 404 permit.

#### **4.1.4 Endangered Species Act**

All site-specific Program actions that could affect listed species or their habitat will be assessed under the ESA beforehand. The Program will evaluate the potential impact of Program site-specific activities on other listed species when Program activities are proposed and before they are implemented. The Program will take appropriate actions if adverse impacts on other listed species or designated critical habitats are identified. Any adverse impacts would be avoided, or offset based on consultation with the Service.

#### **4.1.5 Migratory Bird Treaty Act**

The Migratory Bird Treaty Act of 1918 prohibits the take of migratory birds. EO 13186 requires federal agencies to avoid impacts on migratory birds. Under the Program, clearing woods and shrubs from riparian areas to restore river channel habitat and wet meadows would reduce migratory bird habitat and could result in unintentional take of these species. In compliance with EO 13186, such activities will be restricted to those periods of the year when nesting activities do not occur, to minimize the chances of unintentional take. Each site-specific NEPA analysis

tiered to this EA will examine potential methods to reduce impacts on migratory birds and implement those methods found to be reasonable.

#### **4.1.6 National Historic Preservation Act**

Per the NHPA, where site-specific Program actions may affect cultural resources or sites and structures listed on or eligible for listing on the National Register of Historic Places, consultation will be undertaken by the Program with the State Historic Preservation Officer and the Advisory Council on Historic Preservation. Appropriate surveys will be undertaken and incorporated into site-specific planning and evaluation. Programmatic agreements will be implemented with each state and interested tribes, providing a process for consultation and mitigation. This would take place when these Program actions and others are found likely to affect cultural or historic resources.

#### **4.1.7 Farmland Protection Policy Act**

To comply with the Farmland Protection Policy Act of 1981, for each site-specific NEPA compliance analysis for Program actions, the Program will coordinate with the Natural Resources Conservation Service. It would do this to identify prime farmlands that might, through Program actions, be permanently converted to nonagricultural uses and to consider conversion of these lands when deciding where to pursue construction and habitat restoration actions. The Program would strive to minimize unnecessary and irreversible conversion of prime farmlands.

## **4.2 Monitoring**

The Proposed Action incorporates an extensive strategy of resource monitoring and research. The IMRP will continue to monitor key resource features. It would also provide ongoing feedback to Program decisionmakers about trends in environmental and species conditions and the impact of Program actions on those resources. (The IMRP can be found in the Implementation Program Document: Attachment 3: Adaptive Management Plan [Program 2006]).

Two additional items were identified in the 2006 Final EIS analysis that will be incorporated into the IMRP:

- **Selenium**— As described in the “Water Quality” section in Chapter 5 (page 5-67) of the 2006 Final EIS, two elements of the Proposed Action (Groundwater Management in the Central Platte Groundwater Mound Area and Dry Creek/Fort Kearney Cutoffs) could increase inputs of selenium to the central Platte River (Reclamation and Service 2006). If these elements, or similar elements, were pursued by the Program, the associated feasibility studies should carefully assess, and avoid where possible, the risk of increasing selenium inputs to the river. Where Program actions ultimately may affect selenium concentrations in the river, monitoring of this element would be added to the Program IMRP.
- **Copper, lead, and nickel**— The “Water Quality” analysis in Chapter 5 (page 5-67) of the 2006 Final EIS indicates that there are levels of copper, lead, and nickel exceeding EPA advisory levels in the central Platte River sediments (Reclamation



and Service 2006). Monitoring of these constituents in sediment, water, and biota will be added to the Program IMRP to track the impacts of channel management activities in the Proposed Action, specifically vegetation clearing, island leveling, sediment augmentation.

## 5.0 References

Department (U.S. Department of the Interior). 2006. Record of Decision, Platte River Recovery Implementation Program. Washington, DC. September 27, 2006.

Program (Platte River Recovery Implementation Program). 2006. Final Platte River Recovery Implementation Program. Program Executive Director's Office. Kearney, Nebraska. October 24, 2006.

\_\_\_\_\_. 2017. Addendum to the Final Plate River Recovery Implementation Program, First Increment Extension. June 7, 2017.

Reclamation and Service (U.S. Department of the Interior, Bureau of Reclamation and U.S. Department of the Interior, Fish and Wildlife Service). 2006. Platte River Recovery Implementation Program Final Environmental Impact Statement, Assessing Alternatives for Implementation of a Basinwide, Cooperative, Endangered Species Recovery Program. Denver, Colorado. April 2006.