



## Gulf Coast Ecosystem Restoration Council Categorical Exclusion Determination Form

*This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).*

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**Proposed Action Title:**

**Proposed Action Location:** (*State, County/Parish*)

**Proposed Action Description:**

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**Categorical Exclusion(s) Applied:**

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## **Council Use of Member Categorical Exclusion(s)**

*If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.*

### **Member with Categorical Exclusion(s)**

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes                  No

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### **Segmentation**

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes                  No

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### **Extraordinary Circumstances**

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- |     |    |   |
|-----|----|---|
| Yes | No | 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action?                     |
| Yes | No | 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance?                    |
| Yes | No | 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to: |

- a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and
  - b. Properties listed or eligible for listing on the National Register of Historic Places.
- Yes      No    4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?
- Yes      No    5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?
- Yes      No    6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?
- Yes      No    7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?
- Yes      No    8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

### **Supplemental Information**

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

(there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

**Additional Information Attached:**      Yes      No

If “Yes”, indicate the subject:

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**Determination by Responsible Official**

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

**Responsible Official (Name)**

Justin R. Ehrenwerth

**Responsible Official (Signature)****Date**

Dec 10, 2015

**NEPA CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD  
FOR PROPOSED PROJECTS  
U.S. GEOLOGICAL SURVEY**

**Proposed Project:**

**US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States (Implementation)**

**Location of Proposed Project:**

**Street Address(If Applicable) :**

**City :**

**State/Territory :**  **Zip Code :** *See Description of Loc...*

**Latitude :** *See Location*      **Longitude :** *See Location*

**Description of Location (If needed)**

*For a more detailed description of location information, see the attachment file provided in the "Additional Information" section of this document. All future new streamgages will be located on streams draining into the Gulf of Mexico and located in FL, TX, AL, MS, or LA. A gap analysis of the existing USGS streamgage network (currently about 950 sites) in the Gulf States will identify the types and locations of watersheds where more streamflow information is needed. The gap analysis will be completed in the evaluation/assessment portion of the project as part of the planning component proposal. Six new streamgages will be installed and operated beginning in year 4. An additional six new streamgages will be added in both years 5 and 6, for a total of 18 streamgages. Streamgages are typically installed on existing bridge infrastructure when available. If bridge conditions are suitable, a non-contact radar is installed in a small box on a bridge railing that uploads water level information via satellite. Otherwise, a small box is installed near an existing road crossing on a post or small platform. If site conditions limit standard streamgage installations that require minimal disturbance (ie, bridge and/or radar installations), further assessment will be made to ensure installation would result in no significant impacts. If necessary, another location will be selected for the streamgage installation that would result in no significant impacts.*

**Description of Proposed Project:**

*For a more detailed description of project information, see the attachment file provided in the "Additional Information" section of this document. This CE (Categorical Exclusion) is for the evaluation/assessment of existing streamgage data and the installation/operation of 18 streamgages (based on a flow alteration gap analysis conducted following the evaluation/assessment portion of the project). The purpose of the project is to create a more robust streamgage network and help to minimize flow alteration predictions in future analyses.*

**CATEGORIAL EXCLUSION REVIEW**

*The proposed project qualifies for the following categorical exclusion under the USGS National Environmental Policy Act (NEPA) policy at Departmental Manual 516, Chapter 9.5 Categorical Exclusions:*

*(Insert applicable CE):*

**USGS 515 DM 9.5E, E. Operation, construction, installation, and removal—including restoration of sites to the pre-structure condition or equivalent of the surrounding environment—of hydrologic and water-quality monitoring structures and equipment including but not limited to weirs, cableways, streamgaging stations, groundwater wells, and meteorologic structures.**

**Extraordinary Circumstances Review**

*(43 CFR 46.215, Categorical Exclusions: Extraordinary circumstances)*

*"Significance", as used in NEPA requires consideration of both context and intensity.*

*Context means the effected environment in which a proposed action would occur; it can be local, regional, national, or all*

*three, depending on circumstances. Both short- and long-term effects are relevant.*

*Intensity is the severity of the impact. Answering the following questions below will help evaluate intensity.*

Yes / No

**1. Will the project require construction of an access road or other significant land surface disturbance?** If the response is "yes", attach pertinent supporting documentation.

No



Click here to attach a file

**2. Will the project potentially result in the release of toxic, hazardous, or radioactive materials to the environment or in the exposure of people to such materials? (43 CFR Part 46.215(i)). Action: If "Yes", notify your respective Environmental Program Coordinator for further guidance.**

No



**3. Is the project likely to be inconsistent with any applicable Federal, state, tribal, or local law or regulation designed to protect any aspect of the environment? (43 CFR Part 46.215(i)). If the response is "Yes", attach pertinent supporting documentation.**

No



Click here to attach a file

**4. Will the project result in significant impacts on public health or safety? (43 CFR Part 46.215(a)). If the response is "Yes", attach pertinent supporting documentation.**

No



Click here to attach a file

**5. Will the project or associated land disturbance have significant impacts to natural resources and/or unique geographic characteristics such as park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national monuments; national natural landmarks; state or locally recognized cultural and historical resources; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; migratory birds; wildlife; marine life; or other ecologically significant or critical areas? (43 CFR Part 46.215(b)). If the response is "Yes", attach pertinent supporting documentation.**

No



Click here to attach a file

**6. Will the project have a significant Impact on species listed, or proposed to be listed, on the Federal List of Endangered or Threatened Species or have significant impacts on the designated critical habitat for these species? (43 CFR Part 46.215(h)) Notes: Not all areas will have endangered and threatened species. With the Department of the Interior's Guidance, the evaluator (if the evaluator has the expertise to make this determination) may not need to consult with the US Fish and Wildlife Service (FWS). However, if the evaluator does not have the expertise or recent documentation with the endangered and threatened species determination, a consultation with the FWS must take place. All consultations will be performed by your respective Environmental Program Coordinator. Attach the Fish and Wildlife Service determination documentation for all consultations. If consultations were not performed, a detailed explanation must be provided.**

No



[USGS\\_EPA\\_RESTORE\\_ECOFLOW\\_CE\\_documentation\\_T&E\\_PH2\\_9-16-15.docx](#)  
274.59 KB

**7. Will the project limit access to and ceremonial use of tribal sites on lands by tribal religious practitioners or significantly adversely affect the physical integrity of such sacred sites? (43 CFR Part 46.215(k)). Attach supporting documentation, if applicable.**

No



[USGS\\_EPA\\_RESTORE\\_ECOFLOW\\_CE\\_documentation\\_Tribal\\_PH2\\_9-16-15.docx](#)  
274.53 KB

**8. Will the project have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places? (43 CFR Part 46.215(g)) Attach pertinent supporting document.**

No



[USGS\\_EPA\\_RESTORE\\_ECOFLOW\\_CE\\_documentation\\_Archeology\\_PH2\\_9-16-15.docx](#)  
274.68 KB

**9. Will the project have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? (43 CFR Part 46.215(d)) Action:** If "Yes", notify your respective Environmental Program manager for further guidance. **No**

**10. Will the project establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. (43 CFR Part 46.215(e)) If the response is "Yes", attach pertinent supporting documentation.** **No**

**[ Click here to attach a file**

**11. Will the project have a direct relation to other actions with individually insignificant but cumulatively significant environmental effects? (43 CFR Part 46.215(f)) If the response is "Yes", attach pertinent supporting documentation.** **No**

**[ Click here to attach a file**

**12. Will the project have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources? (43 CFR Part 46.215(c)) If the response is "Yes", attach pertinent supporting document.** **No**

**[ Click here to attach a file**

**13. Will the project have a disproportionately high and adverse effect on low income or minority populations? (43 CFR Part 46.215(j)) If the response is "Yes", attach pertinent supporting documentation.** **No**

**[ Click here to attach a file**

**14. Will the project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species? (43 CFR Part 46.215(l)) If the response is "Yes", attach pertinent supporting documentation.** **No**

**[ Click here to attach a file**



EPA RESTORE Proposal - Compliance\_Summary Additional Information.pdf

398 KB

**Additional Information:**

Please attach additional information, if necessary, that will assist the Environmental Program Manager in the decision-making process that was not provided above.

#### **DECISION**

If the answers to all the questions are NO, the project requires no further environmental review and qualifies for categorical exclusion under NEPA (516 DM 9.5) (reference the specific categorical exclusion). The Evaluator and the Science Center Director or Designee shall sign and date the checklist, and send the checklist to the Environmental Program coordinator for review and signature. The signed checklist and all supporting documentation shall become part of the official project record.

If the answer to any question is YES, the project requires further environmental review (possibly an Environmental Assessment or an Environmental Impact Statement) and may not qualify for Categorical Exclusion under NEPA. The Evaluator and the Science Center Director or Designee shall sign and date the checklist, and submit the checklist to the Environmental Program Coordinator for review. The checklist and all supporting documentation shall become part of the official project record.

If the last signature block is signed, then the proposed project qualifies for the categorical exclusion under USGS national Environmental Policy Act (NEPA) procedures at Departmental manual 516, chapter 9.5.

Change in scope of work, project schedule, location, or passage of new environmental regulations may trigger additional NEPA compliance requirements.

*Electronically Signed By Evaluator: Gregory D Steyer on 09/22/2015*

*Approved By Environmental Program Coordinator: Herrington, Larry E. on 09/22/2015*

**Comment: (Require if Disapproved was clicked):**

*Approved By Science Center Director or Designee: Weaver, Jess D. on 09/22/2015*

**Comment: (Require if Disapproved was clicked)**

### ENVIRONMENTAL COMPLIANCE CHECKLIST

The studies presented here would not trigger the following federal statutes or requirements. If the focused watershed study results in restoration activities, the environmental compliance list would be revised.

<u>Environmental Compliance Type</u>	<u>Yes</u>	<u>No</u>	<u>Applied For</u>	<u>N/A</u>
<b>Federal</b>				
National Marine Sanctuaries Act (NMSA)			X	
Coastal Zone Management Act (CZMA)			X	
Fish and Wildlife Coordination Act			X	
Farmland Protection Policy Act (FPPA)			X	
NEPA – Categorical Exclusion			X	
NEPA – Environmental Assessment			X	
NEPA – Environmental Impact Statement			X	
Clean Water Act – 404 – Individual Permit (USACOE)			X	
Clean Water Act – 404 – General Permit(USACOE)			X	
Clean Water Act – 404 – Letters of Permission(USACOE)			X	
Clean Water Act – 401 – WQ certification			X	
Clean Water Act – 402 – NPDES			X	
Rivers and Harbors Act – Section 10 (USACOE)			X	
Endangered Species Act – Section 7 – Informal and Formal Consultation (NMFS, USFWS)			X	
Endangered Species Act – Section 7 - Biological Assessment (BOEM,USACOE)			X	
Endangered Species Act – Section 7 – Biological Opinion (NMFS, USFWS)			X	
Endangered Species Act – Section 7 – Permit for Take (NMFS, USFWS)			X	
Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) – Consultation (NMFS)			X	
Marine Mammal Protection Act – Incidental Take Permit (106) (NMFS, USFWS)			X	
Migratory Bird Treaty Act (USFWS)			X	
Bald and Golden Eagle Protection Act – Consultation and Planning (USFWS)			X	
Marine Protection, Research and Sanctuaries Act – Section 103 permit (NMFS)			X	
BOEM Outer Continental Shelf Lands Act – Section 8 OCS Lands Sand permit			X	
NHPA Section 106 – Consultation and Planning ACHP, SHPO(s), and/or THPO(s)			X	
NHPA Section 106 – Memorandum of Agreement/Programmatic Agreement			X	
Tribal Consultation (Government to Government)			X	
Coastal Barriers Resource Act – CBRS (Consultation)			X	
<b>State</b>			X	
As Applicable per State			X	

\*\*\* It is anticipated that the establishment of the US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States will not require environmental compliance in the second phase. Council approval of funding for this proposed activity would not involve or lead directly to ground-disturbing activities that may have significant effects on the environment individually or cumulatively, nor would it commit the Council to a particular course of action affecting the environment. The Council has considered potential extraordinary circumstances, including potential negative effects to threatened and endangered species, essential fish habitat, Tribal interests and/or historic properties, where applicable, and has determined that no such circumstances apply. Accordingly, the Council has determined that this proposed activity would be covered by the Council's NEPA Categorical Exclusion for planning, research or design activities. (See the Council's NEPA Procedures, Section 4(d)(3). Streamgages are typically installed on existing bridge infrastructure when available. If bridge conditions are suitable, a non-contact radar is installed in a small box on a bridge railing that uploads water level information via satellite. Otherwise, a small box is installed near an existing road crossing on a post or small platform. Local, state, and federal agencies are contacted to obtain appropriate permissions prior to bridge installation. If gage installation is required on land nearby a stream, the appropriate landowner permissions are obtained and all related laws are followed. Compliance for this activity is covered under USGS 515 DM 9.5E: Operation, construction, installation, and removal – including restoration of sites to the pre-structure condition or equivalent of the surrounding environment – of hydrologic and water quality monitoring structures and equipment including but not limited to weirs, cable ways, streamgaging stations, groundwater wells, and meteorological structures. Additionally, construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modify their critical habitat. Endangered and Threatened species compliance, Tribal and marine archaeological compliance are provided below.

As it pertains to 43 CFR 46.21 5(h) – Endangered and Threatened species, the proposed streamgage installations in phase 2 should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If site conditions limit standard streamgage installations that require minimal disturbance (ie, bridge and/or radar installations), further assessment will be made prior to installation to ensure installation would result in no significant impacts. If necessary, another location will be selected for the streamgage installation that would result in no significant impacts.

**For additional information on USGS streamgages:**

Examples of streamgaging installations: [https://www.gwu.edu/~spi/assets/docs/Steve\\_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf](https://www.gwu.edu/~spi/assets/docs/Steve_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf)

How does a Streamgage work? <http://pubs.usgs.gov/fs/2011/3001/pdf/fs2011-3001.pdf>

### **ENVIRONMENTAL COMPLIANCE CHECKLIST**

The studies presented here would not trigger the following federal statutes or requirements. If the focused watershed study results in restoration activities, the environmental compliance list would be revised.

<b>Environmental Compliance Type</b>	<b>Yes</b>	<b>No</b>	<b>Applied For</b>	<b>N/A</b>
<b>Federal</b>				
National Marine Sanctuaries Act (NMSA)				X
Coastal Zone Management Act (CZMA)				X
Fish and Wildlife Coordination Act				X
Farmland Protection Policy Act (FPPA)				X
NEPA – Categorical Exclusion				X
NEPA – Environmental Assessment				X
NEPA – Environmental Impact Statement				X
Clean Water Act – 404 – Individual Permit (USACOE)				X
Clean Water Act – 404 – General Permit(USACOE)				X
Clean Water Act – 404 – Letters of Permission(USACOE)				X
Clean Water Act – 401 – WQ certification				X
Clean Water Act – 402 – NPDES				X
Rivers and Harbors Act – Section 10 (USACOE)				X
Endangered Species Act – Section 7 – Informal and Formal Consultation (NMFS, USFWS)				X
Endangered Species Act – Section 7 - Biological Assessment (BOEM,USACOE)				X
Endangered Species Act – Section 7 – Biological Opinion (NMFS, USFWS)				X
Endangered Species Act – Section 7 – Permit for Take (NMFS, USFWS)				X
Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) – Consultation (NMFS)				X
Marine Mammal Protection Act – Incidental Take Permit (106) (NMFS, USFWS)				X
Migratory Bird Treaty Act (USFWS)				X
Bald and Golden Eagle Protection Act – Consultation and Planning (USFWS)				X
Marine Protection, Research and Sanctuaries Act – Section 103 permit (NMFS)				X
BOEM Outer Continental Shelf Lands Act – Section 8 OCS Lands Sand permit				X
NHPA Section 106 – Consultation and Planning ACHP, SHPO(s), and/or THPO(s)				X
NHPA Section 106 – Memorandum of Agreement/Programmatic Agreement				X
Tribal Consultation (Government to Government)				X
Coastal Barriers Resource Act – CBRS (Consultation)				X
<b>State</b>				X
As Applicable per State				X

\*\*\* It is anticipated that the establishment of the US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States will not require environmental compliance in the second phase. Council approval of funding for this proposed activity would not involve or lead directly to ground-disturbing activities that may have significant effects on the environment individually or cumulatively, nor would it commit the Council to a particular course of action affecting the environment. The Council has considered potential extraordinary circumstances, including potential negative effects to threatened and endangered species, essential fish habitat, Tribal interests and/or historic properties, where applicable, and has determined that no such circumstances apply. Accordingly, the Council has determined that this proposed activity would be covered by the Council's NEPA Categorical Exclusion for planning, research or design activities. (See the Council's NEPA Procedures, Section 4(d)(3). Streamgages are typically installed on existing bridge infrastructure when available. If bridge conditions are suitable, a non-contact radar is installed in a small box on a bridge railing that uploads water level information via satellite. Otherwise, a small box is installed near an existing road crossing on a post or small platform. Local, state, and federal agencies are contacted to obtain appropriate permissions prior to bridge installation. If gage installation is required on land nearby a stream, the appropriate landowner permissions are obtained and all related laws are followed. Compliance for this activity is covered under USGS 515 DM 9.5E: Operation, construction, installation, and removal – including restoration of sites to the pre-structure condition or equivalent of the surrounding environment – of hydrologic and water quality monitoring structures and equipment including but not limited to weirs, cable ways, streamgaging stations, groundwater wells, and meteorological structures. Additionally, construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modify their critical habitat. Endangered and Threatened species compliance, Tribal and marine archaeological compliance are provided below.

As it pertains to 43 CFR Part 46.215(k), limiting access to and ceremonial use of Tribal sites on lands. It is not anticipated that new streamgages will be placed on land. If a land based installation is necessary requiring minimal impacts, further assessment will be made prior to installation to ensure installation would result in no significant impacts to tribal lands. If necessary, another location will be selected for the streamgage installation that would result in no significant impacts.

**For additional information on USGS streamgages:**

Examples of streamgaging installations: [https://www.gwu.edu/~spi/assets/docs/Steve\\_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf](https://www.gwu.edu/~spi/assets/docs/Steve_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf)

How does a Streamgage work? <http://pubs.usgs.gov/fs/2011/3001/pdf/fs2011-3001.pdf>

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NEPA – Categorical Exclusion				X
NEPA – Environmental Assessment				X
NEPA – Environmental Impact Statement				X
Clean Water Act – 404 – Individual Permit (USACOE)				X
Clean Water Act – 404 – General Permit(USACOE)				X
Clean Water Act – 404 – Letters of Permission(USACOE)				X
Clean Water Act – 401 – WQ certification				X
Clean Water Act – 402 – NPDES				X
Rivers and Harbors Act – Section 10 (USACOE)				X
Endangered Species Act – Section 7 – Informal and Formal Consultation (NMFS, USFWS)				X
Endangered Species Act – Section 7 - Biological Assessment (BOEM,USACOE)				X
Endangered Species Act – Section 7 – Biological Opinion (NMFS, USFWS)				X
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Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) – Consultation (NMFS)				X
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Migratory Bird Treaty Act (USFWS)				X
Bald and Golden Eagle Protection Act – Consultation and Planning (USFWS)				X
Marine Protection, Research and Sanctuaries Act – Section 103 permit (NMFS)				X
BOEM Outer Continental Shelf Lands Act – Section 8 OCS Lands Sand permit				X
NHPA Section 106 – Consultation and Planning ACHP, SHPO(s), and/or THPO(s)				X
NHPA Section 106 – Memorandum of Agreement/Programmatic Agreement				X
Tribal Consultation (Government to Government)				X
Coastal Barriers Resource Act – CBRS (Consultation)				X
<b>State</b>				X
As Applicable per State				X

\*\*\* It is anticipated that the establishment of the US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States will not require environmental compliance in the second phase. Council approval of funding for this proposed activity would not involve or lead directly to ground-disturbing activities that may have significant effects on the environment individually or cumulatively, nor would it commit the Council to a particular course of action affecting the environment. The Council has considered potential extraordinary circumstances, including potential negative effects to threatened and endangered species, essential fish habitat, Tribal interests and/or historic properties, where applicable, and has determined that no such circumstances apply. Accordingly, the Council has determined that this proposed activity would be covered by the Council's NEPA Categorical Exclusion for planning, research or design activities. (See the Council's NEPA Procedures, Section 4(d)(3). Streamgages are typically installed on existing bridge infrastructure when available. If bridge conditions are suitable, a non-contact radar is installed in a small box on a bridge railing that uploads water level information via satellite. Otherwise, a small box is installed near an existing road crossing on a post or small platform. Local, state, and federal agencies are contacted to obtain appropriate permissions prior to bridge installation. If gage installation is required on land nearby a stream, the appropriate landowner permissions are obtained and all related laws are followed. Compliance for this activity is covered under USGS 515 DM 9.5E: Operation, construction, installation, and removal – including restoration of sites to the pre-structure condition or equivalent of the surrounding environment – of hydrologic and water quality monitoring structures and equipment including but not limited to weirs, cable ways, streamgaging stations, groundwater wells, and meteorological structures. Additionally, construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modify their critical habitat. Endangered and Threatened species compliance, Tribal and marine archaeological compliance are provided below.

As it pertains to 43 CFR Part 46.215(g), encountering marine archeological sites in the area of streamgage installation. It is anticipated that new streamgages will be placed on existing infrastructure. If new marine based infrastructure is necessary, further assessment will be made prior to installation to ensure installation would result in no significant impacts to marine archeological sites. If necessary, another location will be selected for the streamgage installation that would result in no significant impacts.

**For additional information on USGS streamgages:**

Examples of streamgaging installations: [https://www.gwu.edu/~spi/assets/docs/Steve\\_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf](https://www.gwu.edu/~spi/assets/docs/Steve_Blanchard-%20The%20USGS%20Stream%20Gauge%20Network.pdf)

How does a Streamgage work? <http://pubs.usgs.gov/fs/2011/3001/pdf/fs2011-3001.pdf>

Attachment 1 – Addition Information – Full Proposal

<u>Council Member:</u> US EPA		Point of Contact: John Bowie Phone: (228) 688-388 Email: bowie.john@epa.gov
<b>Project Identification</b>		
Project Title: <b>US EPA &amp; USGS Joint Proposal for Baseline Flow &amp; Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States.</b>		Project
State(s): <b>TX, LA, MS, AL, FL</b>		County/City/Region: <i>General Location: Projects must be located within the Gulf Coast Region as defined in RESTORE Act. This proposal will cover the entire 5 Gulf States with emphasis in the Coastal Area of all Gulf States.</i>
<b>Project Description</b>		
<b><u>RESTORE Goals:</u></b> Identify all RESTORE Act goals this project supports. <b>P</b> Primary, <b>S</b> secondary. P Restore and Conserve Habitat      S Replenish and Protect Living Coastal and Marine Resources S Restore Water Quality      S Enhance Community Resilience S Restore and Revitalize Gulf Economy		
<b><u>RESTORE Objectives:</u></b> Identify all RESTORE Act objectives this project supports. Place a <b>P</b> for Primary Objective, and <b>S</b> for secondary objectives. P Restore, Enhance, and Protect Habitats      S Promote Community Resilience S Restore, Improve, and Protect Water Resources      S Promote Natural Resource Stewardship and S Protect and Restore Living Coastal and Marine Resources      Environmental Education S Restore and Enhance Natural Processes and Shoreline      S Improve Science-Based Decision-Making		
<b><u>RESTORE Priorities:</u></b> Identify all RESTORE Act priorities that this project supports. X Priority 1: Projects that are projected to make the greatest contribution X Priority 2: Large-scale projects and programs that are projected to substantially contribute to restoring X Priority 3: Projects contained in existing Gulf Coast State comprehensive plans for the restoration ... X Priority 4: Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries ...		
<b><u>RESTORE Commitments:</u></b> Identify all RESTORE Comprehensive Plan commitments this project supports. X Commitment to Science-based Decision Making X Commitment to Regional Ecosystem-based Approach to Restoration X Commitment to Engagement, Inclusion, and Transparency X Commitment to Leverage Resources and Partnerships X Commitment to Delivering Results and Measuring Impacts		
<b><u>RESTORE Proposal Type and Phases:</u></b> Please identify which type and phase best suits this proposal. X Project    X Planning    X Technical Assistance    X Implementation Program		
<b>Project Cost and Duration</b>		
<u><b>Project Cost Estimate:</b></u> <b>\$5,800,000.</b>	<b>\$5,800,000</b>	<u><b>Project Timing Estimate:</b></u> Date Anticipated to Start: <u>Immediately</u> Time to Completion: <u>7 years</u> Anticipated Project Lifespan: <u>7 years</u>

## Executive Summary

The US Geological Survey (USGS) and the US Environmental Protection Agency (EPA) propose to collaborate on a comprehensive, large-scale, state-of-the-science foundational project to provide vital information on the timing and delivery of flows to freshwater streams, bays, estuaries, and wetlands of the Gulf Coast. This foundational project will provide critical freshwater flow data and easy to access tools and information for all five Gulf Coast States and local governments for priority setting and decision-making related to restoring and conserving habitat, water quality, living coastal and marine resources while enhancing community resilience and the Gulf Coast economy. The USGS is a science organization that provides “impartial information on the health of our ecosystems and environment, the natural hazards that threaten us, the natural resources we rely on, the impacts of climate and land-use change, and the core science systems that help us provide timely, relevant, and useable information.” The USGS carries out large-scale, multi-disciplinary investigations and provides impartial scientific information to resource managers, planners, and other customers. The EPA has statutory responsibility under the Clean Water Act to “restore and maintain the chemical, physical and biological integrity of the nation’s waters” that “provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water,” (CWA Section 101(a)). The EPA’s authority includes conducting research and studies that contribute to the protection of waters of the US including lakes, rivers, streams, estuaries, wetlands and coastal waters. Together, the USGS and the EPA have the combined expertise and authorities to carry out this foundational proposal to improve the ability of the state and local governments to make science-based decisions on protection and restoration efforts for the Gulf Coast.

Based on the latest scientific information, the water quality index for the coastal waters of the Gulf Coast region is rated only fair, with 10% of the coastal area rated poor and 53% of the area rated fair for water quality condition (USEPA, 2012). Scientists project that conditions are expected to deteriorate in many of the Gulf Coast estuaries, despite on-going efforts to bring about improvements in these areas. However, the scientific community has coalesced around the concept that alteration of the timing and delivery of freshwater flows is a significant factor affecting the health of both the coastal ecology and economy. Freshwater inflow to estuaries is a major factor affecting salinity, nutrients and sediment and the natural processes within these coastal ecosystems. It is considered one of the most critical components influencing coastal habitat, water quality, successful nurseries, spawning, and species composition and diversity. These critical resources, in turn, provide the livelihoods for coastal communities including recreation and tourism, commercial and recreational fisheries and oyster harvesting – all of which fund the economic engine of the Gulf Coast. In addition and just as critical is the resilience and ecosystem services these resources provide to communities from storm surge, flooding and extreme weather events.

The state-of-the-science for implementing restoration of flows for freshwater and estuarine ecosystems health has improved markedly. Many successful examples now exist for improving the timing and delivery of freshwater flows through collaborative processes such as modification of flow regimes through operational changes made through dam re-regulation, dam removal, conservation and efficiency, improved placement and operation of surface and groundwater withdrawals or green infrastructure. Numerous federal, state and local partnerships have already identified such remedies as a high priority for ecosystem restoration<sup>1</sup>. However, these efforts can often be hampered by the lack of readily available data on stream flows, available gages, and the historical changes in timing and delivery of flow over time, as well as the complex nature of the data and the models needed to interpret the data for decision-making. To

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<sup>1</sup> Other federal agencies that have identified restoration of flows or connectivity or who have already taken part in restoration projects include the US FWS, who serves as a national leader in this area as well as the ACOE, NOAA, FERC, the EPA NEPs, and the NPS. The states of Texas and Florida have state mandated programs for the evaluation and protection of flows.

address this foundational science and accessibility gap and to facilitate economically and ecologically critical restoration projects, the USGS and the EPA propose a 7 year, \$5.8 million project to conduct a comprehensive assessment of gages and streamflows and development of accessible and easy-to-use on-line tools for state and local decision-makers to facilitate restoration projects in all five Gulf States and begin a process to install new or restore decommissioned gages. Specifically, the project includes:

### **Regional Streamflow Alteration Assessment**

- Develop a regionally consistent set of streamflow metrics at long-term streamflow gages.
- Develop measures of streamflow alteration at long-term stream gages.
- Estimate trends in streamflow metrics and evaluate potential influences related to climatic and land/water management stressors.
- Predict streamflow alteration at ungaged streams.
- Define the optimal streamgage network for assessing flow alteration. This analysis will be used to identify locations of potential new gages and determine which discontinued gages should be restarted to minimize the uncertainty in the estimation of streamflow alteration metrics.
- Work with state partners to determine the priority for restarting existing or installing new gages.
- Develop an online streamflow alteration mapping tool that can be used at the regional, state, and watershed level to identify areas where streamflow alteration are highest and facilitate the prioritization of restoration actions.

A regionally consistent approach will be used to quantify streamflow alteration throughout the five Gulf State area and evaluate how and why selected streamflow metrics have changed over time at long-term stream gages. A statistical model incorporating human disturbance variables will be used to predict the degree of streamflow alteration along ungaged streams. These regionally consistent metrics can be ranked at the region, state, or watershed scale to identify areas where streamflow alteration is highest and prioritize areas to focus restoration efforts.

Additional details on the establishment of new streamgages component of this work can be found in the full proposal that is located at:

<https://www.restorethegulf.gov/sites/default/files/USEPAUSGSJointProposalBaselineFlowGageAnalysisOnLineToolDevelopmenttoSupportBayEstuaryRestorationGulfStates.pdf>

Attachment 2 – Additional Information – RESTORE Council FPL Category 2 Component  
(Implementation)

**Appendix: US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States (Implementation)**

**Unique Identifier:** EPA\_RESTORE\_004\_000\_Cat2

**Location:** Gulfwide

**Type of Activity:** Implementation

**FPL Category:** 2

**Cost Estimate:** \$810,000

**Responsible Council Member:** EPA and DOI/USGS

**Partnering Council member(s):** All, with USGS streamgage installation in all 5 Gulf States

**Originally submitted by EPA/USGS as a component within US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States**

**Executive Summary:** Adequate freshwater flow to rivers and estuaries is not only critical to the health and function of those ecosystems, but it is also important for the support of a thriving state, local and coastal economy. The U.S. Geological Survey and the U.S. Environmental Protection Agency propose to collaborate on a comprehensive, large-scale project to provide vital information on the timing and delivery of freshwater to streams, bays, estuaries, and wetlands of the Gulf States. This proposal includes the installation and operation of 18 streamgages, based on a flow alteration gap analysis, to create a more robust gage network and help to minimize flow alteration predictions in future analyses.

#### **DETAILED PROJECT DESCRIPTION**

##### **Specific Actions/Activities:**

A gap analysis of the existing USGS streamgage network (currently about 950 sites) in the Gulf States will identify the types and locations of watersheds where more streamflow information is needed. The gap analysis will be completed as part of planning component proposal. Six streamgages will be installed and operated beginning in year 4. An additional six gages will be added in years 5 and 6, for a total of 18 gages in year 7. Selection of gage locations will be prioritized to maximize the value of any existing information such as previous long-term flow records. Funding sources for continued operation of these gages will begin to be developed in year 6.

##### **Deliverables:**

Eighteen streamgages will be installed to complement the existing gage network in the Gulf States. Selection of gage locations will be guided by the results of a gap analysis, indicating the kinds of basins that should be gaged in terms of basin size, land cover, geographic location, and human disturbance.

- **Ecological Benefits/Outcomes and Metrics:** Additional targeted streamflow monitoring will provide an improved understanding of streamflow metrics and alteration. Data collected at new gage locations will be available to extend models of flow alteration and ecological response to a

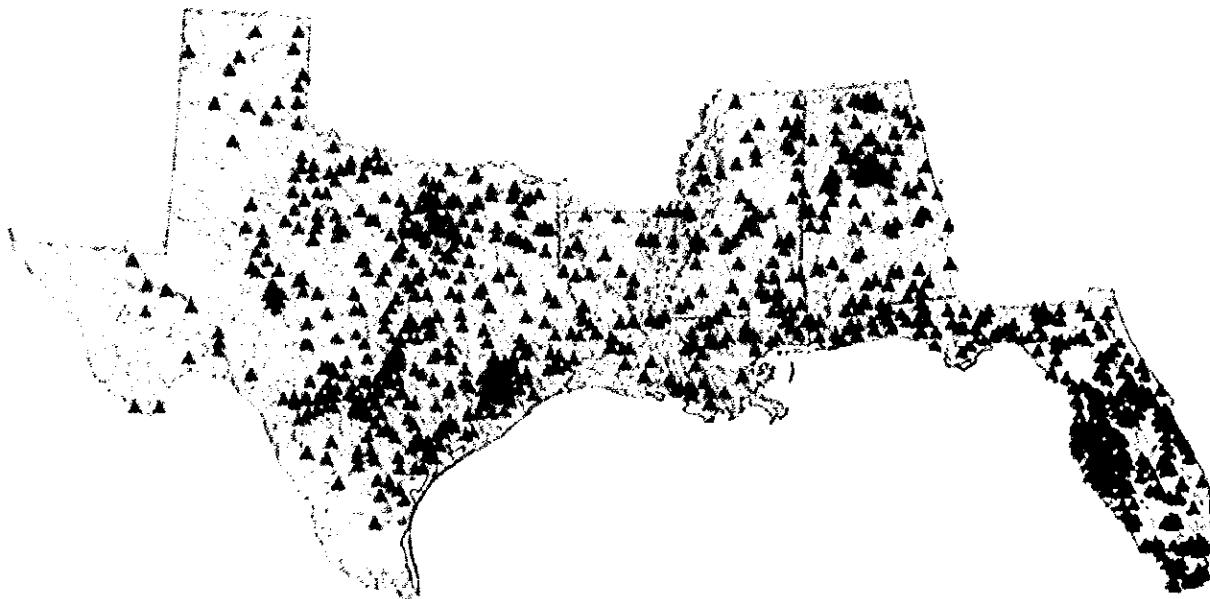
broader range of sites as well as reducing model bias and making better use of existing gage networks.

- **Leveraging:** The streamflow assessment will utilize data from the USGS streamflow network of about 950 stream gages across the Gulf States, leveraging over \$15 million in annual operating funds provided through the USGS Cooperative Water Program and the National Stream Information Program in cooperation with numerous local, state, and other federal agencies. Freshwater flows to coastal areas, improving connectivity and removing dams and barriers to restore habitat for species that migrate between the ocean and freshwater rivers and streams has long been a priority for many state and federal agencies and this project will build upon these long-standing efforts.
- **Duration of Component:** Streamgage installation and operation is included in years 4-7 of the project.
- **Life of Component:** Targeting new streamgages in areas and land cover types currently under represented in existing network will improve future streamflow assessments. The plan is to develop long-term (10+ years) funding for these new and additional stream gages.

#### RESPONSE TO SCIENCE REVIEWS: N/A

**ENVIRONMENTAL COMPLIANCE:** USGS has an existing categorical exclusion (516 DM 9) that could potentially be utilized for new data acquisition. It includes the “Operation, construction and installation of: (a) Water-level or water quality recording devices in wells; (b) pumps in wells; (c) surface-water flow measuring equipment such as weirs and stream-gaging stations, and (d) telemetry systems, including contracts therefor.”

#### MAP:



Locations of existing USGS streamflow network that will be assessed to develop streamflow metrics and assess streamflow alteration.



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1208-B Main Street  
Daphne, Alabama 36526

IN REPLY REFER TO

2015-I-0762

AUG 20 2015

Mr. John Ettinger  
Acting Director, Environmental Compliance  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Ste. 1117  
New Orleans, LA 70130

Dear Mr. Ettinger:

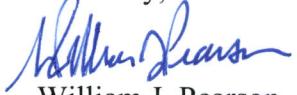
The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “US EPA and USGS Joint Proposal for Baseline Flow and Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States”. We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project will develop assessment tools of stream flow data currently in place as well as determine optimal stream gage placement to further evaluate water availability in watersheds flowing into the Gulf of Mexico. The Environmental Protection Agency and the United States Geological Survey have determined that this action is categorically excluded from needing a National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.) document (i.e., environmental impact statement or an environmental assessment) because the proposed action would not result in a significant impact to the human environment.

The major features of this proposal include modelling, remote sensing, and data collection that should not produce any ground disturbance that would affect the physical integrity of sampling sites or encounter any threatened or endangered listed species. Implementation of approximately 18 new or recently discontinued streamflow gages across the Gulf Coast would constitute the proposals greatest habitat disturbance. Construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modify their critical habitat. Activities that “may affect” a listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. Based on the use of Nationwide Permit #5, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions or comments regarding this letter, please contact Shannon Holbrook in this office at (251) 441-5871.

Sincerely,



William J. Pearson  
Field Supervisor  
Alabama Ecological Services Field Office



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Field Office

1601 Balboa Avenue

Panama City, FL 32405-3721

IN REPLY REFER TO:

Tel: (850) 769-0552  
Fax: (850) 763-2177

August 18, 2015

Mr. John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “US EPA and USGS Joint Proposal for Baseline Flow and Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States”. We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project will develop assessment tools of stream flow data currently in place as well as determine optimal stream gage placement to further evaluate water availability in watersheds flowing into the Gulf of Mexico. The Environmental Protection Agency and the United States Geological Survey have determined that this action is categorically excluded from needing a National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.) document (i.e., environmental impact statement or an environmental assessment) because the proposed action would not result in a significant impact to the human environment.

The major features of this proposal include modelling, remote sensing, and data collection that should not produce any ground disturbance that would affect the physical integrity of sampling sites or encounter any threatened or endangered listed species. Implementation of approximately 18 new or recently discontinued streamflow gages across the Gulf Coast would constitute the proposals greatest habitat disturbance. Construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modifying their critical habitat. Activities that “may affect” a listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. Based on the use of Nationwide Permit #5, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions about these comments, please contact Channing St. Aubin of this office at extension 248 for additional information and coordination.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Blomquist".

Dr. Sean M. Blomquist  
Ecological Services Chief



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
646 Cajundome Blvd.  
Suite 400  
Lafayette, Louisiana 70506

August 20, 2015

Mr. John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “US EPA and USGS Joint Proposal for Baseline Flow and Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States”. We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project will develop assessment tools of stream flow data currently in place as well as determine optimal stream gage placement to further evaluate water availability in watersheds flowing into the Gulf of Mexico. The Environmental Protection Agency and the United States Geological Survey have determined that this action is categorically excluded from needing a National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.) document (i.e., environmental impact statement or an environmental assessment) because the proposed action would not result in a significant impact to the human environment.

The major features of this proposal include modelling, remote sensing, and data collection that should not produce any ground disturbance that would affect the physical integrity of sampling sites or encounter any threatened or endangered listed species. Implementation of approximately 18 new or recently discontinued streamflow gages across the Gulf Coast would constitute the proposals greatest habitat disturbance. Construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modifying their critical habitat. Activities that “may affect” a listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. Based on the use of Nationwide Permit #5, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions or comments regarding this letter, please contact David Walther of this office at (337)291-3122 or [David\\_Walther@fws.gov](mailto:David_Walther@fws.gov).

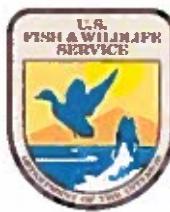
Sincerely,

A handwritten signature in black ink, appearing to read "J. Weller".

Jeffrey D. Weller  
Supervisor  
Louisiana Ecological Services Office



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Mississippi Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, Mississippi 39213

August 20, 2015

IN REPLY REFER TO:  
2015-I-751

Mr. John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

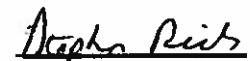
The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "US EPA & USGS Joint Proposal for Baseline Flow & Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States". Our comments are in reference to compliance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and pertain only to the Mississippi portion of the proposed project.

The proposed project includes a regional streamflow alteration assessment and gage gap analysis along with a focused watershed study in Mississippi. The United States Geological Survey has determined that this action is categorically excluded from documentation in an environmental impact statement or an environmental assessment.

The major features of this proposal include modelling, remote sensing, and data collection that should not produce any ground disturbance that would affect the physical integrity of sampling sites or encounter any threatened or endangered listed species. Implementation of approximately 18 new or recently discontinued streamflow gages across the Gulf Coast would constitute the proposals greatest habitat disturbance. Construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modifying their critical habitat. Activities that "may affect" a listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. Based on the use of Nationwide Permit #5, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions, please contact David Felder in this office, telephone (601) 321-1131.

Sincerely,



Stephen M. Ricks  
Field Supervisor  
MS Field Office

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United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Texas Coastal Ecological Services Field Office  
17629 El Camino Real, Ste 211  
Houston, Texas 77058  
281/286-8282/ (FAX) 281/488-5882



In Reply Refer  
To:FWS/R2/TxCES/

August 25, 2015

Mr. John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "US EPA and USGS Joint Proposal for Baseline Flow and Gage Analysis and On-Line Tool Development to Support Bay and Estuary Restoration in Gulf States". We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project will develop assessment tools of stream flow data currently in place as well as determine optimal stream gage placement to further evaluate water availability in watersheds flowing into the Gulf of Mexico. The Environmental Protection Agency and the United States Geological Survey have determined that this action is categorically excluded from needing a National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.) document (i.e., environmental impact statement or an environmental assessment) because the proposed action would not result in a significant impact to the human environment.

The major features of this proposal include modelling, remote sensing, and data collection that should not produce any ground disturbance that would affect the physical integrity of sampling sites or encounter any threatened or endangered listed species. Implementation of approximately 18 new or recently discontinued streamflow gages across the Gulf Coast would constitute the proposals greatest habitat disturbance. Construction or re-establishment of recently discontinued gages should be covered by Corps of Engineers Nationwide Permit (#5 Scientific Measurement Devices) which does not allow a permitted activity to jeopardize a listed species or adversely modifying their critical habitat. Activities that "may affect" a listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. Based on the use of Nationwide Permit #5, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions or comments regarding this letter, please contact Harmon Brown of this office at (281) 286-8282.

Sincerely,

E. Dawn Gardiner  
Acting Project Leader