

**U.S. DEPARTMENT OF THE INTERIOR
AND
U.S. DEPARTMENT OF COMMERCE,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

RECORD OF DECISION

**COMMENCEMENT BAY NATURAL RESOURCE DAMAGE ASSESSMENT:
RESTORATION PLAN
PIERCE COUNTY, WASHINGTON**

This Record of Decision (ROD) has been developed by the U.S. Department of the Interior (DOI) and the National Oceanic and Atmospheric Administration (NOAA) in compliance with the agency decision-making requirements of the National Environmental Policy Act (NEPA) of 1969, as amended. The purpose of this ROD is to document the decision of the DOI and NOAA for the selection of an alternative for implementing the Commencement Bay Natural Resource Damage Assessment (CB/NRDA) Restoration Plan (Plan). Alternatives have been fully described and evaluated in the February 1997, Final Environmental Impact Statement (EIS) for the Plan.

This ROD is designed to: (a) state the DOI's and NOAA's decision, present the rationale for its selection, and describe its implementation; (b) identify the alternatives considered in reaching the decision; and (c) state whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

PROJECT DESCRIPTION

The Commencement Bay Natural Resource Trustees (Trustees) developed the CB/NRDA to determine the extent of injuries to natural resources, such as fish, shellfish, wildlife, sediments, and water quality, and the services they provide. The CB/NRDA was conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Oil Pollution Act of 1990, and other applicable laws. The Trustees represent the interests of the public in assessing injuries to the natural resources and the services they provide and restoring and compensating the public for such injuries. The Trustees are the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce; the U.S. Department of the Interior, including the U.S. Fish and Wildlife Service and the Bureau of Indian Affairs; the State of Washington, including the Departments of Ecology (lead state Trustee), Natural Resources, and Fish and Wildlife; the Puyallup Tribe of Indians; and the Muckleshoot Indian Tribe.

Concurrent with the damage assessment process, the Trustees are conducting restoration planning to determine the best approach to restoring, rehabilitating, replacing, and acquiring the equivalent of the natural resources and their associated services. Under the Plan, a comprehensive plan would be utilized to restore injured species in Commencement Bay (Bay) and the Puyallup River Basin (Basin). The Plan was developed to assist with (1) restoration of injured resources in the interim while habitat restoration is developing into a fully functioning system, and (2) recovery of those resources that require additional measures to achieve restoration.

KEY ISSUES

Public involvement occurred throughout the process--from public scoping; input from various agencies, local governments and the public; and letters received during the public comment periods for the Draft and Final EIS. Ten letters were submitted during the Draft EIS comment period and three letters were received commenting on the Final EIS, one of which was a resubmission of previous comments. The Trustees considered and evaluated all public comments as part of the decision making process for the EIS and restoration plan.

The public assisted in the identification of key issues, which focused on the following subject areas: (1) certain aspects of the biological environment, especially the potential to benefit more than one injured natural resource or service, and potential impacts on fish and wildlife resources, (2) certain aspects of the physical environment, especially the potential impacts on water and sediment quality, (3) the long term sustainability of restoration projects, and (4) project cost. These issues were thoroughly examined in the Draft and Final EIS.

ALTERNATIVES

Many ideas were identified and discussed during formal and informal scoping meetings. Since this is a programmatic document, the alternatives reflect general management approaches to the restoration of injured natural resources or services. Five alternatives were advanced for detailed analysis in the EIS: (1) No Action, (2) Species-Specific, (3) Habitat Function, (4) Acquisition of Equivalent Natural Resources and Services, and (5) an Integrated Approach.

No Action

The No Action Alternative consists of conditions under current programs and regulations pursued by tribes and agencies outside the NRDA process. If this alternative were implemented, the Trustees would not undertake any CB/NRDA restoration projects. The No Action Alternative should have no direct adverse impacts, since no new actions are implemented under this alternative to improve water or sediment quality, habitat conditions, fish and wildlife, or threatened and endangered

species. Indirect impacts could result if this alternative fails to result in improvements to existing conditions and habitats continue to be degraded, or if habitats, which could otherwise have been restored under one of the other alternatives, are converted to industrial, commercial, or residential uses. The No Action Alternative is by far the least costly. The alternative has a low probability of success in terms of NRDA restoration goals, but could easily be implemented immediately without any direct adverse effects to the environment.

Species-Specific

Under this alternative, the restoration plan would consist of one or more projects for a selected species or group of species. The projects would be based on the appropriate structural and functional components needed to meet the restoration goals for that species. Actions that involved both examination of habitats critical to target species, and actions such as artificial propagation and construction of physical structures would be considered. Typical actions could include, constructing net pens, hatcheries, or artificial incubators; creating or enhancing feeding, rearing or spawning habitat; constructing artificial reefs or other substrate enhancements for demersal fish; seeding intertidal mudflats with clams or oysters; distributing shell hash to provide refuge habitat for juvenile crabs; erecting nest boxes or perches, and creating or enhancing nesting, loafing, feeding and rearing habitats for waterfowl.

The Species-Specific Alternative has moderate potential for short-term impacts to water and sediment quality, habitat conditions, and fish and wildlife species. Long-term adverse impacts to water and sediment quality could result from construction of new hatcheries, net pens, or aquaculture facilities. Release of hatchery or net pen fish could increase competition, predation, and genetic interactions with wild anadromous and resident fish species.

Habitat Function

This alternative involves actions designed primarily to benefit certain habitat types that support a range of species. It assumes that if functional habitat is created, use by injured species would follow, and injured species and services would be restored. It further assumes that more diverse habitat would yield a greater diversity of biota. The goal of this alternative is (1) to restore habitats that provide functional benefits (e.g., feeding, refuge, reproduction) to multiple natural resources and services injured as a result of the release of hazardous substances or discharges of oil, or (2) to purchase and enhance existing functional habitats that would provide direct benefits to injured natural resources and services. Typical actions could include, creating or restoring intertidal beaches with fringing salt marshes by either filling deep subtidal habitats or excavating upland areas; breaching river dikes to return tidal or riverine waters to former wetlands and riparian habitats; excavating uplands to create palustrine

wetlands; returning natural hydrology to agricultural lands that were formerly wetlands; enhancing vegetated buffers; transplanting eelgrass; removing impediments of river flow to return a river to a more natural channel; and reconnecting oxbows.

The Habitat Function Alternative should result in net improvement in water and sediment quality over the long-term. This alternative is specifically designed to improve habitats that function in support of multiple fish and wildlife resources. Some habitat restoration actions could result in short-term impacts, but these impacts can typically be avoided or minimized. The Habitat Function Alternative satisfies the statutory requirements of the CB/NRDA program. The limitations of the Habitat Function Alternative include the time lag for habitats to become fully functioning, the higher cost associated with habitat restoration especially in highly urbanized areas, and the inability to provide an alternative for acquisition of the equivalent where restoration of the injured resource or service is technically infeasible or costs are too prohibitive in the judgment of the Trustees.

Acquisition of Equivalent Natural Resources and Services

Under this alternative, projects, and activities would focus on the acquisition of equivalent natural resources and services which would be the same or substantially similar to the natural resource or service that was injured but which could not otherwise be restored. Typical actions could include acquiring replacement or substitute property or services; constructing artificial reefs or substrate enhancements to provide equivalent habitat functions for rockfish; constructing aquaculture facilities and propagating shellfish for stocking in suitable areas; reintroducing or enhancing alternate species and stocking of fish species; creating habitats away from known discharge sites to provide equivalent services for fish and wildlife production; constructing hatcheries and net pens to provide equivalent habitat functions; improving operations of existing salmon hatcheries to improve the quality of fish; direct feeding of waterfowl to provide an equivalent food source; and creating public access/viewing areas.

The Acquisition of Equivalent Natural Resources and Services Alternative could result in short-term decreases in water and sediment quality, and increased damage to specific habitats. Specific fish and wildlife resources would benefit from this alternative, but these species would be substitutes for the injured resources and services. This alternative is one of the best for providing an alternative for those resources that will not recover without efforts beyond regulatory requirements. However, as a stand-alone alternative, acquisition could only be implemented as a last resort in those cases where restoration of the injured resource or service is technically infeasible or the cost is too prohibitive in the judgment of the Trustees.

Integrated Approach

As a comprehensive plan to restore injured species in the Bay and Basin, the integrated approach is based primarily on the habitat function alternative, which forms the core of the integrated approach, as well as specific components from the Species-Specific and Acquisition of Equivalent Natural Resources and Services Alternatives that would assist with (1) restoration of injured resources in the interim while habitat restoration is developing into a fully functioning system, and (2) recovery of those resources that require additional measures to achieve restoration.

Specific components from the Species-Specific Alternative could include creating or enhancing feeding, rearing, or spawning habitat for selected fish and wildlife species that have been injured; modifying the substrate, at locations in the Bay where appropriate habitat and water quality conditions exist, to make it more conducive to shellfish and demersal fish needs, and possibly seeding for clams and oysters; seasonal delayed release salmon net pens; and erecting nest boxes or perches.

Specific components from the Acquisition of Equivalent Natural Resources and Services Alternative could include purchasing property for preservation; facilitating cultural services such as subsistence and ceremonial practices; creating habitats away from known discharge sites to provide equivalent services within the region for fish and wildlife production; improving operations of existing salmon hatcheries to improve the quality of fish (e.g., creating off-channel rearing ponds in conjunction with existing hatcheries, changing the timing of release of hatchery fry or smolts to reduce potential interaction with wild fry) and thereby provide equivalent habitat functions; and creating public access/viewing areas.

The Integrated Approach Alternative has low to moderate potential for short-term adverse impacts to water and sediment quality, habitat conditions, and fish and wildlife species. Adverse impacts could result from the use of net pens, however, proper siting and the use of seasonal delayed release of net pens under this alternative should not result in any reduction in water and sediment quality. Release of hatchery or net pen fish could increase competition, predation, and genetic interactions with wild anadromous and resident fish species. Proper timing in the release of hatchery fish should greatly reduce competition with native populations. To minimize genetic interactions, appropriate species and stocks should be chosen. Construction of off channel rearing habitats, in conjunction with hatcheries, should increase the size of juveniles and thus reduce competition in nearshore environments as juveniles move farther offshore.

The Integrated Approach Alternative compensates for the slow ecological development of constructed habitats through use of technological solutions. By focusing on habitat functions while incorporating the best elements from the Species-Specific and Acquisition of Equivalent Natural Resources and Services Alternatives, the Integrated

Approach provides overall net improvement in water and sediment quality; improves habitats that function in support of multiple fish and wildlife resources; provides an alternative for acquisition of the equivalent where restoration of the injured resource or service is technically infeasible or costs are too prohibitive in the judgment of the Trustees; and allows for additional measures to reduce the time lag for habitats to become fully functioning.

DECISION

Based upon the review of the alternatives and their environmental consequences described in the Final EIS for the Plan, the decision of the DOI and NOAA is to implement Alternative 5, the Integrated Approach. The Integrated Approach is a comprehensive plan based on the habitat function alternative, but supplemented with the best features of the other alternatives. This alternative best meets the needs of the CB/NRDA Trustees' restoration goals and principles by maximizing ecological benefits for a wider range of natural resources and their associated services.

The Plan will be utilized to coordinate and implement restoration projects under the CB/NRDA. The Plan has been developed prior to final resolution of damage claims so that existing settlement funds may be utilized to implement restoration projects. The ultimate scale of restoration activity that will be undertaken will depend upon the funds, property and services made available through resolution of natural resource damage claims. By adopting the preferred alternative with its mitigation measures to avoid significant adverse impacts all practicable means to avoid or minimize harm have been adopted.

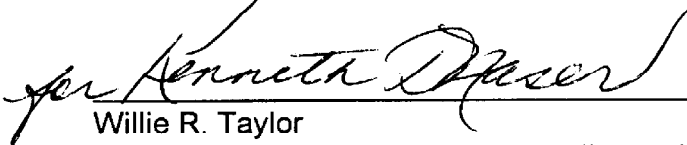
RATIONALE FOR DECISION

The Integrated Approach has been selected as the Preferred Alternative for implementation based on consideration of a number of environmental, regulatory and social factors. The Integrated Approach was identified as the preferred alternative because it is based primarily on the habitat function alternative, which forms the core of the integrated approach. Habitat function restoration provides direct and indirect ecological benefits to multiple injured species and would also benefit uninjured natural resources and services. The Integrated Approach also incorporates specific components from the Species-Specific and Acquisition of Equivalent Natural Resources and Services Alternatives that will assist with (1) restoration of injured resources in the interim while habitat restoration is developing into a fully functioning system, and (2) recovery of those resources that require additional measures to achieve restoration.

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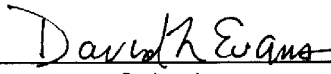
Approach provides overall net improvement in water and sediment quality; improves habitats that function in support of multiple fish and wildlife resources; provides an alternative for acquisition of the equivalent where restoration of the injured resource or service is technically infeasible or costs are too prohibitive in the judgment of the Trustees; and allows for additional measures to reduce the time lag for habitats to become fully functioning. As such, this alternative also represents the environmentally preferable alternative.

The No Action Alternative was not selected for implementation because by itself it would not provide sufficient restoration for the injured natural resources. The Species-Specific and Acquisition of Equivalent Natural Resources and Services Alternatives were not selected for implementation due to the higher potential for adverse environmental impacts and the inability to satisfy the stated goals and first objective of the NRDA restoration planning process. The Habitat Function Alternative was not selected for implementation due to the time lag for habitats to become fully functioning, the higher cost associated with habitat restoration, especially in highly urbanized areas, and the inability to provide an alternative for acquisition of the equivalent where restoration of the injured resource or service is technically infeasible or costs are too prohibitive in the judgment of the Trustees.



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9/19/97
Date



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10/3/97
Date