**DIRECTIONS:**

**Black text denotes required language.**

**Blue text denotes where project specific information is required. Some sections are drop-down menus with required options available to select.**

**Green text denotes directions or guidance to completing the document and should be deleted in final project specific decision document.**

**Upon opening new template, click “File” and “Save As” to immediate save the decision document to project specific folder.**

**HQUSACE Office of Water Policy Review and Office of Counsel need to be consulted on when it is appropriate to deviate from the required template language. Additional language to meet project specific needs may be added as appropriate.**

**RECORD OF DECISION**

**PROJECT NAME - THE FR/EIS, CHIEFS REPORT, AND ROD SHOULD HAVE IDENTICAL NAMES**

**GEOGRAPHIC LOCATION SUCH AS CITY/COUNTY, STATE**

The Final Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS) dated **DATE OF FEIS**, for the **PROJECT NAME** addresses **PROJECT PURPOSE(S)** opportunities and feasibility in the **GEOGRAPHIC LOCATION SUCH AS CITY/COUNTY, STATE**. The final recommendation is contained in the report of the Chief of Engineers, dated **DATE OF CHIEF’S REPORT**. Based on these reports, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan recommended by the Chief of Engineers to be technically feasible, **SELECT OPTION BASED ON PROJECT PURPOSE(S)**, in accordance with environmental statutes, and the public interest.

The Final IFR/EIS, incorporated herein by reference, evaluated various alternatives that would **DESCRIBE STUDY GOALS (e.g., reduce flood risk)** in the study area. The recommended plan is the **SELECT APPLICABLE OPTION** and includes:

* **ENTER PROJECT DESCRIPTION HERE. MATCH THE CHIEF’S REPORT AND PHRASE AS BULLET POINTS E.G. CONSTRUCT A LEVEE “Y” FEET LONG, DREDGE “X” CUBIC YARDS**
* Implementation of the environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan. Monitoring will continue until the mitigation is determined to be successful based on the identified criteria within the **TITLE OF MONITORING AND MITIGATION AREA ADAPTIVE MANAGEMENT PLAN** included in Appendix **XX**. Monitoring is expected to last no more than 10 years. ***Mitigation monitoring needs to be scaled to the minimum necessary to reach ecological success and is not to exceed 10 years. Compensatory mitigation, monitoring and adaptive management plans will be developed in consultation with the non-Federal Sponsor during plan formulation.***

In addition to a “no action” plan, **INSERT APPLICABLE NUMBER OF ALTERNATIVES** alternatives were evaluated.[[1]](#footnote-2) The alternatives included **BRIEFLY LIST THE FINAL ARRAY OF ALTERNATIVES EVALUATED AND COMPARED AND REFER TO THE SECTION OF THE EIS THAT DISCUSSES ALTERNATIVE FORMULATION AND SELECTION.** *(****OPTIONAL) IF NON-STRUCTURAL ALTERNATIVE(S) CONSIDERED AND NOT SELECTED, BRIEFLY DISCUSS ENVIRONMENTAL CONSIDERATIONS ON THE REASON WHY. IF THE LPP IS RECOMMENDED, BRIEFLY DISCUSS ENVIRONMENTAL CONSIDERATIONS BETWEEN THE LPP AND NED/NER PLAN (I.E., IS THE LPP SIMILAR< LESS THAN OR GREATER IMPACT THAN NED/NER PLAN) AND HOW THAT AFFECTED THE LPP SELECTION****.* The **NAME THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE** was identified as the environmentally preferable alternative.[[2]](#footnote-3) **IF THE RECOMMENDED PLAN IS NOT THE ENVIRONMENTALLY PREFERABLE PLAN, THEN PROVIDE A SHORT EXPLANATION WHY THE ENVIRONMENTALLY PREFERABLE PLAN WAS NOT CHOSEN.**

***SUMMARY OF POTENTIAL EFFECTS:***

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

***Place an x in appropriate boxes to note the degree of effect to particular resources, or whether evaluation on a particular resource is unaffectedThis list is to capture typical resource categories that may be evaluated as part of a NEPA document and is not intended to be a minimum list or an exhaustive list. The list of resources may be adjusted (deleted or added) based on NEPA scoping results and the primary analysis in the EIS.***

***\*Significant adverse effects, provide additional concise summary (e.g. 1-2 sentences) of key significant adverse effects following table.***

***\*\*Insignificant effects due to mitigation, provide a summary of the mitigation that is a condition to the project following the table.***

**Table 1: Summary of Potential Effects of Recommend Plan**

|  | Significant adverse effect\* | Insignificant effects due to mitigation\*\* | Insignificant effects | Resource unaffected by action |
| --- | --- | --- | --- | --- |
| Aesthetics |  |  |  |  |
| Air quality |  |  |  |  |
| Aquatic resources/wetlands |  |  |  |  |
| Invasive species |  |  |  |  |
| Fish and wildlife habitat |  |  |  |  |
| Threatened/Endangered species |  |  |  |  |
| Historic properties |  |  |  |  |
| Other cultural resources |  |  |  |  |
| Floodplains |  |  |  |  |
| Hazardous, toxic & radioactive waste |  |  |  |  |
| Hydrology |  |  |  |  |
| Land use |  |  |  |  |
| Navigation |  |  |  |  |
| Noise levels |  |  |  |  |
| Public infrastructure |  |  |  |  |
| Socio-economics |  |  |  |  |
| Environmental justice |  |  |  |  |
| Soils |  |  |  |  |
| Tribal trust resources |  |  |  |  |
| Water quality |  |  |  |  |
| Climate change |  |  |  |  |
| **ADD OTHER RESOURCES OR DELETE THIS ROW AS NEEDED** |  |  |  |  |

**ADD SUMMARY OF SIGNIFICANT ADVERSE EFFECTS OF ANY RESORUCES MARKED AS “SIGNIFICANT ADVERSE EFFECTS”. INCLUDE A REFERENCE TO THE APPROPRIATE SECTION OF THE IFR/EIS.**

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EIS will be implemented to minimize impacts.[[3]](#footnote-4) **ADD SUMMARY OF AVOIDANCE AND MINIMIZATION MEASURES TAKEN INCLUDING BMPs AND NEPA MITIGATION, ENSURING MITIGATION FOR ANY RESOURCES MARKED AS “INSIGNIFICANT EFFECTS DUE TO MITIGATION” ARE DISCUSED. INCLUDE A REFERENCE TO THE APPROPRIATE SECTION OF THE IFR/EIS.**

***COMPENSATORY MITIGATION:***

***Choose the appropriate paragraph depending on whether compensatory mitigation is required or not.***

***COMPENSATORY MITIGATION REQUIRED*:**

The recommended plan will result in unavoidable adverse impacts to **QUANTIFY UNAVOIDABLE ADVERSE IMPACTS TO ENVIRONMENTAL AND/OR CULTURAL RESOURCES THAT REQUIRE COMPENSATORY MITIGATION.** To mitigate for these unavoidable adverse impacts, the U.S. Army Corps of Engineers will **INSERT MORE DETAILED DESCRIPTION OF MITIGATION PLAN FROM THE BULLETED LIST IN THE PROJECT DESCRIPTION AND PROVIDE A REFERENCE TO THE APPLICABLE SECTION OF THE EIS. DESCRIBE ONLY THOSE MITIGATION ACTIONS THAT ARE UNIQUE TO THE PROJECT OR WERE INCLUDED TO DIRECTLY ADDRESS A CONTROVERSIAL ISSUE OR AGENCY CONCERN. THESE MEASURES SHOULD ALSO BE CALLED OUT IN THE CONSTRUCTION CONTRACT TO ENSURE COMPLIANCE**

***COMPENSATORY MITIGATION NOT REQUIRED***

No compensatory mitigation is required as part of the recommended plan.

***PUBLIC REVIEW:***

Public review of the draft IFR/EIS was completed on **DATE DEIS COMMENT PERIOD ENDED**. All comments submitted during the public comment period were responded to in the Final IFR/EIS. **IF STATE AND AGENCY REVIEW (SAR) IS REQUIRED, INCLUDE THE FOLLOWING SENTENCES.** A 30-day waiting period and state and agency review of the Final IFR/EIS was completed on **DATE SAR PERIOD ENDED**.[[4]](#footnote-5) **PICK OPTION BASED ON RESULTS OF STATE AND AGENCY REVIEW**.

***OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:***

***For documentation of other environmental and cultural compliance complete the appropriate paragraph(s) below and delete those that are not applicable. Alternatively, cut and paste text from the IFR/EIS that briefly summarizes compliance with each of the applicable requirements.***

***ENDANGERED SPECIES ACT***

***FORMAL CONSULTATION:***

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the **PICK THE APPROPRIATE AGENCY** issued a biological opinion, dated **DATE OF BIOP**, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: **LIST ALL SPECIES INCLUDED IN THE FORMAL CONSULTATION**. All terms and conditions, conservation measures, and reasonable and prudent measures resulting from these consultations will be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

***INFORMAL CONSULTATION:***

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: **LIST ALL SPECIES INCLUDED IN INFORMAL CONSULTATION.**. The **PICK THE APPROPRIATE AGENCY** concurred with the Corps’ determination on **DATE OF CONCURRENCE LETTER.**

***NO EFFECT LANGUAGE:***

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan will have no effect on federally listed species or their designated critical habitat.

***NATIONAL HISTORIC PRESERVATION ACT***

***HISTORIC PROPERTIES ADVERSELY AFFECTED:***

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the **ENTER THE APPROPRIATE SHPO(S) OR THPO(S)** entered into a **PICK TYPE OF AGREEMENT**, dated **DATE OF AGREEMENT. IF ADVERSE IMPACTS ARE SIGNIFICANT BRIEFLY DESCRIBE WHAT WILL BE DONE UNDER THE AGREEMENT.** All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.[[5]](#footnote-6)

***HISTORIC PROPERTIES NOT ADVERSELY AFFECTED:***

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties would not be adversely affected by the recommended plan. The **ENTER THE APPROPRIATE SHPO OR THPO** concurred with the determination on **DATE OF CONCURRENCE LETTER.**

***NO EFFECT TO HISTORIC PROPERTIES:***

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan has no effect on historic properties.

***CLEAN WATER ACT SECTION 404(B)(1) COMPLIANCE***

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the recommended plan have been found to be compliant with the section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in **ENTER SECTION OR APPENDIX WITH 404(B)(1) EVALUATION** of the IFR/EIS.

***CLEAN WATER ACT SECTION 401 COMPLIANCE:***

***401 WQC OBTAINED:***

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the **NAME OF ISSUING AUTHORITY.**  All conditions of the water quality certification shall be implemented in order to minimize adverse impacts to water quality.

***401 WQC WAIVED:***

The **NAME OF ISSUING AUTHORITY** has waived water quality certification pursuant to section 401 of the Clean Water Act, as follows. **DESCRIBE DOCUMENTATION OF THE WAIVER OF THE WQC.**

***401 WQC PENDING:***

A water quality certification pursuant to section 401 of the Clean Water Act will obtained from the **NAME OF ISSUING AUTHORITY** prior to construction. In a letter dated **DATE OF LETTER**, the **STATE, TERRITORY, OR TRIBE** stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

***COASTAL ZONE MANAGEMENT ACT***

***CZMA CONSISTENCY ISSUED:***

A determination of consistency with the **STATE OR TERRITORY NAME** Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the **NAME OF CZM ISSUING AUTHORITY**. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

***CZMA CONSISTENCY WAIVED****:*

A determination of consistency with the **STATE OR TERRITORY NAME** Coastal Zone Management program was provided to **NAME OF CZM ISSUING AUTHORITY** on **DATE OF SUBMITTAL** pursuant to Section 307 of the Coastal Zone Management Act of 1972. Due to the lack of response of **STATE OR TERRITORY NAME** within six months of the Corps’ submittal, consistency is presumed under 16 U.S.C. 1456(c)(3)(A).

***CZMA CONSISTENCY PENDING:***

A determination of consistency with the **STATE OR TERRITORY NAME** Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the **NAME OF CZM ISSUING AUTHORITY** prior to construction. In a letter dated **DATE OF LETTER**, the **STATE OR TERRITORY NAME** stated that the recommended plan appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

***EXECUTIVE ORDER 12114 ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS*[[6]](#footnote-7)**

The recommended plan may result in environmental effects within **NAME OF FOREIGN NATION(S) AFFECTED**. In accordance with E.O. 12114, *Environmental Effects Abroad of Major Federal Actions, 4 January 1979,* the Corps consulted with **NAME OF AGENCY(IES) SUCH AS DEPARTMENT OF STATE, INTERNATIONAL JOINT COMMISSION, OR INTERNATIONAL BOUNDARY AND WATER COMMISSION**. **ADD TEXT, IF NECESSARY, TO INDICATE THE CONCLUSION OF OR CONDITIONS REQUIRED AS A RESULT OF THIS CONSULTATION**.

***OTHER SIGNIFICANT ENVIRONMENTAL COMPLIANCE:***

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. **ADD BRIEF DISCUSSION IF OTHER SIGNIFICANT ISSUES WERE RAISED RELATIVE TO OTHER ENVIRONMENTAL LAWS AND/OR EOs SUCH AS ENVIRONMENTAL JUSTICE, CLEAN AIR ACT, PRIME OR UNIQUE FARMLANDS, MARINE MAMMAL PROTECTION ACT, ESSENTIAL FISH HABITAT, WILD AND SCENIC RIVERS, OR COASTAL BARRIER RESOURCES ACT.**

***FINDING***

Technical, environmental, **PICK OPTION BASED ON PROJECT PURPOSE(S)** criteria used in the formulation of alternative plans were those specified in the Water Resources Council’s 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives.[[7]](#footnote-8) Based on the review of these evaluations, I find that benefits of the recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.[[8]](#footnote-9)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date **NAME OF ASA(CW)**

Assistant Secretary of the Army

(Civil Works)

1. 40 CFR 1505.2(b) requires a summary of the alternatives considered. [↑](#footnote-ref-2)
2. 40 CFR 1505.2(b) requires identification of which alternative is the environmentally preferable alternative. [↑](#footnote-ref-3)
3. **40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted.** [↑](#footnote-ref-4)
4. 40 CFR 1506.10(b) requires the EIS to be publically available/30-day waiting period prior to the ROD being signed. [↑](#footnote-ref-5)
5. Required by 36 CFR 800.6(c)(3) meeting the terms and conditions of the MOA [↑](#footnote-ref-6)
6. 33 CFR 230.25(b) – compliance with EO 12114 Environmental Effects Abroad of Major Federal Actions [↑](#footnote-ref-7)
7. 40 CFR 1505.2(B) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision. [↑](#footnote-ref-8)
8. 40 CFR 1505.2 requires clearly stating the NEPA decision. [↑](#footnote-ref-9)