

**Michigan Coastal Nonpoint Pollution Control Program**  
**Analysis of Finding that State has Satisfied All Conditions of Approvability**  
**(i.e., Full Approval Decision)**

**I. INTRODUCTION**

The Coastal Nonpoint Pollution Control Program, set forth in Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990, 16 U.S.C. § 1455b, addresses nonpoint source pollution problems in coastal waters. Section 6217 directs states and territories with approved coastal zone management programs to develop coastal nonpoint programs to implement management measures for nonpoint source pollution control, for the purpose of restoring and protecting coastal waters. Only coastal states that choose to participate in the National Coastal Zone Management Program pursuant to Section 306 of the Coastal Zone Management Act (CZMA) are required to implement coastal nonpoint pollution programs (or coastal nonpoint programs) under Section 6217 of the CZARA.

Section 6217 is jointly administered by the National Oceanic and Atmospheric Administration (NOAA) and the United States Environmental Protection Agency (EPA) (collectively, Federal agencies). On January 19, 1993, EPA issued technical guidance to assist states in designing coastal nonpoint programs. This document, titled *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, 840-B92-002 (January 1993), addresses five major source categories of nonpoint pollution: (1) urban runoff, (2) agriculture runoff, (3) forestry runoff, (4) marinas and recreational boating, and (5) hydromodification. The guidance also addresses nonpoint source pollution issues associated with the loss or damage to wetlands and riparian areas.

In March 1996, NOAA published a programmatic environmental impact statement (PEIS) that assessed the environmental impacts associated with the approval of state and territory coastal nonpoint programs pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* (1970). The PEIS forms the basis for the environmental documents NOAA is preparing on each state and territorial coastal nonpoint program submitted for approval. In the PEIS, NOAA determined that the full approval and approval, with conditions (i.e., “conditional approval”) of coastal nonpoint programs will not result in any significant adverse environmental impacts and that these actions will have an overall beneficial effect on the environment.

On November 7, 1996, NOAA and EPA issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the approval, with conditions, of Michigan’s coastal nonpoint program for public comment (61 FR 57673). On October 31, 1997, NOAA and EPA approved the Michigan coastal nonpoint program, with conditions (62 FR 58940). For the conditional approval findings, see <https://coast.noaa.gov/data/czm/pollutioncontrol/media/findmi.txt>.

Since that time, Michigan has undertaken a number of actions to address each of the identified conditions. Based on those actions and the materials provided by the State that document how its program meets each condition, on May 11, 2023, NOAA and EPA published a notice and request for public comment on the proposed finding that Michigan has satisfied all conditions of approvability on its coastal nonpoint program (88 FR 30280).

This analysis document examines whether supplemental environmental review under NEPA is required prior to NOAA and USEPA making its decision on whether to approve in full Michigan's coastal nonpoint program.

## **II. BACKGROUND**

Pursuant to CZARA, state coastal nonpoint programs must contain the following components:

- Coordination with existing state programs
- Determination of the state's coastal nonpoint management area
- Determination of critical coastal areas
- Processes for the implementation of 6217(g) management measures
- Identification and implementation of additional management measures
- Technical assistance
- Public participation
- Administrative coordination
- Identification of enforceable policies and mechanisms

Of these requirements, the development of processes that provide for the implementation of 6217(g) management measures is the most detailed and complex component. Management measures are defined as "economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives." 16 U.S.C. § 1455b(g)(5). States are required to develop programs and processes to implement 56 management measures. The management measures address five categories of nonpoint source pollution: Agriculture, Forestry, Urban Areas, Marinas and Boating, and Hydromodification. Management measures also address the protection and restoration of wetlands and riparian areas. State programs must also provide for the implementation of "additional management measures... that are necessary to achieve and maintain applicable water quality standards and protect designated uses." § 1455b(b)(3).

Should a state fail to submit an approvable program, NOAA and EPA are required, by statute, to withhold 30 percent of a state's CZMA Section 306 funds and Clean Water Act (CWA) Section 319 funds, respectively. § 1455b(c)(3)-(4). In recognition of challenges states faced in developing programs, NOAA and EPA developed a policy for conditional approvals, whereby the penalty provision of section 6217 will be suspended during the conditional approval period if the

state continues to make progress on the workplan and to meet milestones agreed to with NOAA and USEPA as part of the conditional approval.<sup>1</sup> In the March 1996 PEIS, three alternatives were analyzed: approval, approval with conditions, and program disapproval (i.e., finding that a state had failed to submit an approvable program). Under program disapproval, the state would be subject to the penalty provisions.

In the PEIS, NOAA concluded that both the full approval and approval with conditions, of coastal nonpoint programs in general would have beneficial effects on the physical and biological environment associated with reduced nonpoint sources of pollution, improved water quality, and enhanced recreational opportunities. The PEIS noted that there might be some slight and localized positive and negative socioeconomic effects as with management measure implementation to reduce nonpoint sources of water pollution, but adverse environmental impacts would not be significant (NOAA 1996). After preparing a programmatic NEPA document, such as a PEIS, federal agencies may “tier” from the programmatic analysis to a narrower analysis of a specific project, policy, or program (pursuant to 40 C.F.R. §§ 1502.20 and 1508.28 (1978)). The PEIS stated that approval of each state coastal nonpoint program would be analyzed in an EA that would be tiered from the PEIS. The tiered EAs refer back to the PEIS, and they focus on the characteristics and issues ripe for discussion when agencies consider a related action.

NOAA completed a tiered EA in 1997 for the Michigan Coastal Nonpoint Pollution Control Program, which analyzed the alternatives of approving the program fully, approving the program with conditions, and denying approval of the program (i.e., finding the program had failed to submit an approval program, or no approval).<sup>2</sup> The EA concluded that the conditional approval of the Michigan coastal nonpoint program would not result in any significant environmental impacts in Michigan different from those analyzed in the PEIS and would have primarily beneficial effects on the environment. Further, the EA indicated that conditional approval would have the same or greater benefits as full approval, by encouraging Michigan to strengthen its coastal nonpoint program to satisfy the conditions while maintaining full CZMA and CWA funding, provided that Michigan later satisfied the conditions. The EA concluded that no action, or no approval, would have negative environmental impacts because the program would risk loss of 30 percent of its Section 306 coastal zone management funding and Section 319 Clean Water Act funding. Based on the results of the analysis, NOAA issued a Finding of No Significant Impact (FONSI). NOAA and EPA found that the proposed Michigan Coastal Nonpoint Program qualified for approval, with conditions. No comments were received when the 1997 Michigan draft EA, draft FONSI and proposed findings were made available for public comment.

On July 16, 2020, the Council for Environmental Quality (CEQ) finalized new NEPA regulations that became effective on September 14, 2020 (85 FR 43304). Under the new regulations, 40 C.F.R. § 1506.13 (2020), the new regulations apply to all NEPA processes “begun after the

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<sup>1</sup> NOAA and EPA. 1998. Final Administrative Changes to Coastal Nonpoint Pollution Control Program Guidance, Oct. 16, 1998. <https://coast.noaa.gov/data/czm/pollutioncontrol/media/6217adminchanges.pdf>

<sup>2</sup> NOAA. 1997. Environmental Assessment for Michigan’s Coastal Nonpoint Pollution Control Program

effective date, but agencies have the discretion to apply them to ongoing NEPA processes.” NOAA and EPA published the proposed findings on June 15, 2020, and commenced preparing this NEPA Adequacy review before publication of the proposed findings. Likewise, this Adequacy review relies on NEPA documents also prepared in 1996 (PEIS) and 1997 (EA), well before the effective date. As such, NOAA had determined it is appropriate to rely on the CEQ regulations in place prior to the July 16, 2020, rulemaking. Additionally, this analysis is consistent with the recent June 3, 2023 amendments to NEPA under the Fiscal Responsibility Act of 2023 (FRA).<sup>3</sup>

### **III. Analysis**

Under NEPA, an EIS or EA must be supplemented and re-circulated for public comment if, in pertinent part, “[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns” or “there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 CFR § 1502.9(c). The courts have further interpreted this threshold for supplementation as fairly high and subject to a rule of reason, such as where “new information must provide a seriously different picture of the environmental landscape such that another hard look is necessary.” *Wisconsin v. Weinberger*, 745 F.2d 412, 418 (7th Cir. 1984), or if the new information is sufficient to show that the remaining action will affect the environment “in a significant manner or to a significant extent not already considered.” *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 373-74 (1989). In this analysis, we compare the proposed action to the alternatives analyzed in the PEIS and 1997 Michigan EA, and examine the new information, to determine if supplemental analysis under NEPA is required prior to full approval of the Michigan Coastal Nonpoint Program (i.e., finding that the state has satisfied all conditions of approvability on its program).

#### **A. Changes to the Proposed Action**

The proposed action and range of alternatives is the same as that analyzed in the PEIS and 1997 Michigan EA. In the PEIS, the proposed action was NOAA’s decision on the approvability of the state and territory coastal nonpoint programs, and the alternatives were to approve the state and territory programs, conditionally approve programs, or deny approval of programs, depending on whether the programs meet the requirements of section 6217. In the 1997 EA for Michigan, the proposed action (and preferred alternative) was approved with conditions of the Michigan coastal nonpoint program, and the alternatives were full approval (to approve the program without conditions) or to deny approval of the program. Now, the proposed action and the preferred alternative is full approval, i.e., finding that a state has satisfied all conditions of approval on its program. As described below, while the content of Michigan’s coastal nonpoint program has changed, the agencies’ proposed action and alternatives, and the environmental impacts thereof, remain the same. The preferred alternative identified in the 1997 Michigan EA

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<sup>3</sup> Fiscal Responsibility Act of 2023, H.R. 3746, 118th Cong. § 321 (codified at 42 U.S.C. § 4321 *et seq.*)

was approval of the Michigan coastal nonpoint program subject to certain conditions, based on a finding that the program met many, but not all, of the requirements of section 6217 and related guidance. The approval, with conditions, was granted on September 24, 1997. NOAA and EPA put several conditions on Michigan's program, such as management measures needed for forestry, new development, construction site erosion and sediment control, onsite disposal systems, hydromodification, and marina stormwater runoff. More information regarding the specific conditions that were placed on Michigan's program can be found in NOAA and EPA's 1997 findings document on Michigan's Coastal Nonpoint Program (available on NOAA's Coastal Nonpoint Program website at <https://coast.noaa.gov/data/czm/pollutioncontrol/media/findmi.txt>).

The proposed action and preferred alternative at this time is finding that Michigan has satisfied all conditions of approvability on its program (i.e., full approval). Full approval was analyzed in both the PEIS and the Michigan EA. Since the publication of the Michigan EA, the state has better articulated how its existing programs and authorities address the 6217(g) management measures and further strengthened other parts of its coastal nonpoint program. While the program designed to meet the management measures is more fully developed, the proposed decision that Michigan has satisfied all conditions of approvability on its program simply confirms that Michigan has developed a program implementing management measures necessary to achieve and maintain applicable water quality standards and protect designated uses. Approval with conditions was not necessary for Michigan to implement management measures as described in its coastal nonpoint program, as these programs existed under state and local laws, regulations, and programs. The approval with conditions meant that Michigan was eligible to continue to receive undiminished grant funding under section 306 of the CZMA and section 319 of the Clean Water Act while it worked on satisfying the outstanding conditions. As such, the proposed decision has not changed in a way that affects the environmental impacts analysis or conclusions contained in the 1997 Michigan EA. Some particular management measures are discussed below for illustration purposes. A full description of the updates to the State's coastal nonpoint program may be found in the proposed decision (available on NOAA's Coastal Nonpoint Program website at <https://coast.noaa.gov/czm/pollutioncontrol/#Michigan>).

For example, Michigan has included in its program management measures in conformity with the 6217(g) guidance for existing development by establishing a voluntary strategy to identify, prioritize, and address nonpoint sources of pollution resulting from existing development through watershed-based plans. For example, the *Rogue River Watershed Management Plan* identifies runoff from impervious surfaces as a high priority suspected cause of pollution. The plan helps to prevent future impairments by managing runoff from impervious surfaces and protecting areas from future development. Michigan further supports the implementation of the existing development management measure through its targeted grant funding guidelines.

In addition, Michigan has demonstrated how a suite of state and local authorities such as the Michigan Criteria for On-site Wastewater Treatment, and the state's Administrative Rules for On-Site Water Supply and Sewage Disposal for Land Divisions and Subdivisions meet the new

onsite sewage disposal system management measure. In addition, the State has demonstrated that it relies on state rules and local ordinances, and robust education and outreach efforts to ensure that existing onsite sewage disposal systems are operated and maintained to prevent the discharge of pollutants.

Michigan has satisfied the hydromodification condition through a mix of direct regulatory authorities, such as Part 31 (Waters Resource Protection) and Part 301 (Inland Lakes and Streams) of NREPA (Natural Resources and Environmental Protection Act) and the Michigan Drain Code as well as voluntary-based approaches that include watershed planning and strong outreach and education efforts such as the Michigan Natural Shoreline Partnership.

From 1997 to present, the changes to the Michigan program reflect the development and/or further explanation of specific programs and policies to meet the CZARA management measure requirements. Although the manner in which Michigan's program would meet the approval conditions were not known at the time the 1997 Michigan EA was published, NOAA and EPA had identified requirements for program approval, and the impacts were analyzed in the prior NEPA documents. The proposed agency action that Michigan has met all conditions of approvability placed on its program, (i.e., full approval) is simply a finding that a program satisfies the program requirements. The action does not vary from that analyzed in the 1997 Michigan EA.

The state's implementation of management measures requiring behavior changes to reduce nonpoint sources of water pollution may cause slight negative socioeconomic effects, but neither the socioeconomic impacts, nor any environmental impacts, would be significant. Rather, Michigan's implementation of these management measures is expected to have positive impacts on both environmental conservation and human health and safety by increasing the quality of coastal habitats. Environmental effects are all indirect, as approval is not required for these programs to be implemented, as these programs are already in existence and being implemented by the state or local government. Consistent with the analysis in the 1997 Michigan EA, the approval of the conditions will continue the state's eligibility for funding to implement the aforementioned management measures, which are expected to have positive environmental impacts and minor negative socioeconomic impacts.

## **B. Considerations for Adequacy of Existing EA**

1. Comparison of the range of alternatives analyzed and evaluated in the prior two NEPA analysis documents and the proposed action to find that Michigan has satisfied all conditions of approvability on its program (i.e., full approval):

The alternatives presented in this sufficiency analysis are generally the only ones available to both NOAA and EPA: full approval (i.e., approval without conditions or finding that a state has satisfied all conditions of approvability placed on its program), conditional approval, or disapproval (i.e., finding that a state has failed to submit an approvable program).

## 2. Comparison of Affected Environment

The geographic area and resource conditions of the affected environment have slightly evolved since the management area was analyzed in the existing NEPA document. Some of the characteristics of the affected environment have changed slightly over time, such as a slight increase in urban development despite a slight decrease in population, improvements in water quality, a slight decrease in marinas and boating, and changes to agricultural activities, specifically the increase in Concentrated Animal Feeding Operations (CAFOs). Although there have been some changes in the affected environment since the 1997 Michigan EA, the changes in coastal use trends and the evolution of the affected environment continue to provide adequate baseline information to support the findings in the 1997 Michigan EA that approval of the program will not have significant impacts on the environment.

### a. Coastal Nonpoint Program Coastal Environment

#### i. Geographical Boundary

The geographic area across which the Michigan coastal nonpoint program extends is the same as the geographic area analyzed in the original 1997 Michigan EA for the program. No conditions were placed on the coastal nonpoint program management area boundary proposed by Michigan. The designated area was found to be sufficient to control the land and water uses that have or are reasonably expected to have a significant impact on the coastal waters of Michigan. Therefore, there has been no change to the boundary of the management area.

#### ii. Shoreline Environment

Michigan's environment has slightly changed as a result of various anthropogenic and natural factors. For example, as discussed further in the climate change analysis below, heavy rainstorms in Michigan are increasing in frequency, and ice cover on the Great Lakes has formed later in the winter and/or melted earlier in the spring. However, for purposes of this sufficiency analysis, the coastal environment of Michigan has not changed to a substantial degree. At the time of the 1997 Michigan EA, Michigan had the longest freshwater coast in the nation, with a total of approximately 3,225 miles of shoreline bordering Lake Michigan, Superior, Huron, and Erie, as well as Lake Saint Clair and the Saint Clair and Detroit rivers; the shoreline remains unchanged today.<sup>4,5</sup> Michigan's shoreline accounts for approximately 62 percent of the total coastline of the Great Lakes basin (eight U.S. states and two Canadian provinces).<sup>6</sup>

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<sup>4</sup> 1997 Environmental Assessment for Michigan's Coastal Nonpoint Pollution Control Program, p. 14

<sup>5</sup> <https://coast.noaa.gov/data/docs/states/shorelines.pdf>

<sup>6</sup> [https://www.michigan.gov/egle/0,9429,7-135-3313\\_3677\\_3696-549387--,00.html#:~:text=Coastal%20Management-,Michigan's%20Resilient%20Coast%3A%20Living%20on%20the%20nation's%20longest%20freshwater%20coastline,e.g.%2C%203%2C288%20linear%20miles\).](https://www.michigan.gov/egle/0,9429,7-135-3313_3677_3696-549387--,00.html#:~:text=Coastal%20Management-,Michigan's%20Resilient%20Coast%3A%20Living%20on%20the%20nation's%20longest%20freshwater%20coastline,e.g.%2C%203%2C288%20linear%20miles).)

Michigan's coastal nonpoint program boundary includes drowned river mouths, bays, inlets, marshes, wetlands, beaches, dunes, bluffs and coastal uplands. Michigan's coastal nonpoint program boundary also provides critical habitat for fish, waterfowl and wildlife, and supports several endangered species, including the piping plover. These habitats experience great water level fluctuations due to global warming and natural seasonal changes.

The Northwest Lower Peninsula comprises several bays and peninsulas, including Grand Traverse Bay and Little Traverse Bay, Big and Little Sable Point, Point Betsie, and the Leelanau and Old Mission Peninsulas. Two major island groups, the North and South Manitou Islands and the Beaver Islands, are found in the Lake Michigan waters of this area. In southeast Michigan, coastal waters include portions of Lake Erie, Lake Huron and Lake St. Clair and the Detroit and St. Clair rivers. The Lake Erie shoreline consists of wetlands interspersed with stabilized shorelines in the more developed areas. The Upper Peninsula shoreline is also varied, including flat lake plains, steep sloped areas, and sedimentary bedrock. Lake Superior's coast is a rocky shoreline with exposed bedrock in many areas. Isle Royale, located in Lake Superior, is the largest Great Lakes island in U.S. waters.

At the time of the EA, Michigan had approximately 6,489,624 acres of wetlands.<sup>7</sup> Today, that number has dropped to an approximated 6,465,109 acres, representing a 24,515 acre loss of wetlands.<sup>8</sup> Wetlands act as a buffer to storm surge; this loss of wetlands contributes to an increase in damage caused by increasing storm intensity and frequency. However, this effect on wetland habitats is not so significant as to alter the baseline information and findings in the 1997 EA that approval of the program will not have significant impacts on the environment.

### iii. Water Quality

Under the federal Clean Water Act (CWA), Michigan must adopt surface water quality standards for waters in the state, assess the status of water quality, and implement actions necessary to achieve and maintain those standards. Many local, regional, and state agencies play an important role in managing these standards. These entities provide information about local water quality issues and build support for the management measures that are necessary to prevent and reduce nonpoint source pollution. Coordinating with these partners allows the state to effectively manage its water quality protection and restoration efforts.

The 2020 *Water Quality and Pollution Control in Michigan Integrated Report* (IR) compiled by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), summarizes water quality condition data in Michigan, satisfying reporting requirements under Sections 303(d), 305(b), and 314 of the CWA. Michigan holds 76,439 miles of rivers and streams, 6,465,109 acres of wetlands, and approximately 3,225 shoreline miles of the Great Lakes, a critically

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<sup>7</sup> <https://coast.noaa.gov/ccapatlas/>

<sup>8</sup> *Id.*



important natural resource jointly managed by the federal governments of the United States and Canada, and several states, provinces, and tribes, including Michigan.<sup>9</sup>

At the time of the 1997 EA, approximately 76 percent of Michigan's assessed river miles supported designated uses. PCB concentrations in fish were the major cause of nonsupport in rivers, followed by sediments, pathogens, mercury, and nutrients. Leading sources of pollution included unspecified nonpoint sources, agriculture, contaminated sediments, municipal and industrial discharges, combined sewer overflows (CSOs), and urban runoff.<sup>10</sup>

Water quality in Michigan's inland lakes during the time of the EA was generally good, however, a fish consumption advisory for all inland lakes was in effect due to widespread mercury contamination. Excessive nutrient loadings from sewage, fertilizers, detergents, and runoff caused nuisance plant and algal growth in some lakes. Lakes Superior, Michigan, and Huron had generally good water quality, except for a few degraded locations near their shores. Although water quality in the lakes had been greatly improved by reduced point source pollution, CSOs and urban stormwater runoff continued to cause bacterial contamination. Michigan did not have a program that routinely monitored wetlands at the time of the 1997 EA.<sup>11</sup>

Today, the open waters of the Great Lakes have good to excellent water quality. The inland waters of Michigan's Upper Peninsula and the northern half of the Lower Peninsula, with good to excellent water quality, support a number of diverse aquatic communities. The lakes and rivers of this forested area of the state support coldwater fish populations. Waterbodies located in Michigan's Lower Peninsula generally have good water quality and support both warm water and cold water biological communities. South Michigan contains the state's major urban and farmland. This area receives runoff from urbanized areas, construction sites, and agricultural activities. Sedimentation, nutrient enrichment, and toxic pollutant loading are problems associated with runoff in this area, which impacts surface water quality.

Cyanobacteria blooms, caused by excessive phosphorus in the water supply, continue to affect Michigan's portion of Lake Erie in the western basin. This is not a new challenge for Michigan, as legislation passed in 1997 and in 2009 reduced the allowable phosphorus content in household laundry detergents, and all other cleaning products, respectively, to 0.5 percent. Reducing phosphorus concentrations in surface waters is an ongoing effort for the state.<sup>12</sup>

Michigan's water quality is generally showing improvement where programs are in place to correct issues caused by municipal and industrial effluent. For example, Michigan initiated a fixed station fish contaminant trend monitoring project to measure spatial and temporal trends of

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<sup>9</sup> Water Quality and Pollution Control in Michigan 2020 Sections 303(d), 305(b), AND 314 Integrated Report, Chapter 1 (Sep 2020)

<sup>10</sup> [https://www.epa.gov/sites/default/files/2015-09/documents/2000\\_national\\_water\\_quality\\_inventory\\_report\\_to\\_congress.pdf](https://www.epa.gov/sites/default/files/2015-09/documents/2000_national_water_quality_inventory_report_to_congress.pdf)

<sup>11</sup> [https://www.epa.gov/sites/default/files/2015-09/documents/2000\\_national\\_water\\_quality\\_inventory\\_report\\_to\\_congress.pdf](https://www.epa.gov/sites/default/files/2015-09/documents/2000_national_water_quality_inventory_report_to_congress.pdf)

<sup>12</sup> Water Quality and Pollution Control in Michigan 2020 Sections 303(d), 305(b), AND 314 Integrated Report, Chapter 4 (Sep 2020)

certain bioaccumulative contaminants in 1990. Data captured in the integrated report was collected between 1990 - 2015, and noted a few key findings:

- Lindane, terphenyl, Polybrominated biphenyls, heptachlor, and aldrin were quantified rarely in the fish sampled, but heptachlor epoxide and dieldrin (breakdown products of heptachlor and aldrin) were quantified in most of the samples.
- Total polychlorinated biphenyl concentration declined at an average rate of 7 percent per year between 1990 and 2015.
- Total Dichlorodiphenyltrichloroethane concentrations declined at all but one river trend site, with an average decline of 8 percent per year between 1990 and 2015.

EGLE is working toward achieving its priority goal of clean beaches for recreation through an extensive investment of resources. In 2013, EGLE estimated that 48 percent of Michigan's rivers and streams exceeded the Total Body Contact Recreation designated use, and in 2018, 26 percent of monitored beaches had closures due to bacterial pollution. To help attain the goal of enhancing recreational waters through reducing *E. coli* contamination of surface waters, EGLE is prioritizing the development of a pathogen TMDL that addresses all waterbodies impaired by *E. coli*.<sup>13</sup>

#### b. Coastal Nonpoint Program Management Area Land and Water Uses

This section provides a description of the terrestrial environment and the land and water uses and users in the Michigan coastal nonpoint program management area. The Michigan coastal nonpoint program management area supports extensive and varied commercial and recreational activities. As in 1997, the intensity and nature of land and water uses in many areas has the potential to threaten and degrade coastal water quality if good best management practices to control nonpoint source pollution are not employed. However, for the purpose of supplementation review, Michigan's terrestrial environment and land and water uses have not significantly changed.

##### i. Coastal Zone Population

At the time of the 1997 EA, the estimated population of the coastal zone counties was 5,028,994, which was more than half of Michigan's total population.<sup>14</sup> The population density of the coastal zone counties was 160 people per square mile. As of 2019, there are 4,838,459 people living in the coastal counties, with a population density of 154.0 people per square mile.<sup>15</sup> These figures represent a decrease in the overall coastal population.

##### ii. Agriculture

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<sup>13</sup> Water Quality and Pollution Control in Michigan 2020 Sections 303(d), 305(b), AND 314 Integrated Report, Chapter 4 (Sep 2020), citing EGLE, 2019b

<sup>14</sup> <https://www.oceaneconomics.org/Demographics/PHresults.aspx>

<sup>15</sup> <https://www.oceaneconomics.org/Demographics/PHresults.aspx>

At the time of the EA, agriculture was the second largest industry in Michigan, contributing \$3.7 billion to the State's economy and employing approximately 13 percent of the Michigan workforce.<sup>16</sup> Michigan had 51,000 farms on 10.1 million acres of farmland. Almost half (21,000) of these farms were livestock and animal specialty farms. Michigan produced over 100 different food and fiber products and had the second most diverse agricultural industry in the nation. Michigan led the nation in production of tart cherries, blueberries, navy beans, cranberry beans, black turtle beans, pickling cucumbers, and potted easter lilies and geraniums. A majority of Michigan's agriculture was located in the southern two-thirds of the lower peninsula.

Today, the Michigan food and agriculture industry contributes more than \$104.7 billion annually to the state's economy, and employs 805,000 workers, accounting for about 17 percent of the state's total employment. The number of farms in Michigan in 2020 was 46,500, and Michigan had 9.8 million acres of farmland, representing a decrease in farm number and overall acreage since the time of the 1997 EA.<sup>17</sup> Michigan leads the nation in the production of several crops, including asparagus; black and cranberry beans; cucumbers; tart cherries; Niagara grapes; and squash. Michigan's crop remains second in diversity only to California. Michigan's cattle herd totals 1.15 million, of which 422,000 are dairy cows and 108,000 are beef cows, raised throughout Michigan on approximately 13,800 farms and ranches. The structure of agriculture in Michigan has shifted as CAFOs have overtaken the industry. At the time of the EA, there were a little over 100 CAFOs in the state, and today there are almost 300 CAFOs.<sup>18</sup>

### iii. Forestry

Forests in Michigan are managed for timber production, wildlife habitat, watershed protection, biodiversity conservation, and recreation. Most of Michigan's forest resources are located in the Upper Peninsula, with lesser proportions as one moves southward into more industrialized, farmed, urbanized and populated areas. Maple-Beech timberland is the most prevalent tree variety in the state.<sup>19</sup>

At the time of the EA, forestry was an important component of Michigan's economy. Michigan was the fifth largest state in terms of timberland resources. Approximately half of Michigan's land area, some 18 million acres, was covered with forest.<sup>20</sup> Michigan's forest exports totaled \$94 million. Individual land owners, representing the largest group of forest owners, owned 53

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<sup>16</sup> 1997 Environmental Assessment for Michigan's Coastal Nonpoint Pollution Control Program, citing MSPO. 1995. Patterns on the Land: Our Choices-Our Future. Michigan Society of Planning Officials. September 1995.

<sup>17</sup> [https://www.nass.usda.gov/Statistics\\_by\\_State/Michigan/Publications/Current\\_News\\_Release/2021/nr2109mi.pdf](https://www.nass.usda.gov/Statistics_by_State/Michigan/Publications/Current_News_Release/2021/nr2109mi.pdf)

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[https://www.michigan.gov/-/media/Project/Websites/mdard/documents/business-development/mi\\_ag\\_facts\\_figures.pdf?rev=9ca97e867d0d40b392470b02a2694e50](https://www.michigan.gov/-/media/Project/Websites/mdard/documents/business-development/mi_ag_facts_figures.pdf?rev=9ca97e867d0d40b392470b02a2694e50)

<sup>19</sup> 1997 Environmental Assessment for Michigan's Coastal Nonpoint Pollution Control Program, citing MSPO. 1995. Patterns on the Land: Our Choices-Our Future. Michigan Society of Planning Officials. September 1995.

<sup>20</sup> 1997 Environmental Assessment for Michigan's Coastal Nonpoint Pollution Control Program, citing MSPO. 1995. Patterns on the Land: Our Choices-Our Future. Michigan Society of Planning Officials. September 1995.

percent of Michigan's forests, while the State owned 21 percent, the federal government 14 percent, forest products industry owned eight percent, and farmers owned four percent.<sup>21</sup>

Today, over half of the state remains forested, and Michigan still boasts the fifth largest timberland acreage in the nation. Michigan estimates that the state's forest products industry provides over 91,000 jobs, \$5.5 billion in labor income, \$8 billion in value-added and \$20.2 billion in output.<sup>22</sup> Most of Michigan's forest land remains privately owned by families and individuals, corporations, and miscellaneous private entities (43.7, 14.6, and 3.6 percent, respectively). The State of Michigan, USDA Forest Service, National Park Service, and public groups own the remaining acreage (20.8, 13.6, 1.1, and 2.6 percent, respectively).<sup>23</sup>

#### iv. Urban

While coastal populations have decreased slightly, residential development has increased in Michigan's coastal watershed in the past two decades. While not exactly equivalent to the coastal nonpoint boundary, the state's watershed boundary is a close approximation. In 1990, the Michigan coastal watershed contained approximately 2,016,232 housing units, with a housing density of 64.2 units per square mile.<sup>24</sup> By 2019, housing development increased to 2,313,945 housing units in the Michigan coastal watershed, with a housing unit density of 73.6 units per square mile.<sup>25</sup>

#### v. Marinas

Based on 1994 licensing data, there were a total of 626 licensed marinas in Michigan at the time of the EA.<sup>26</sup> In 1990, Michigan had 848,548 registered boats, more than any other state in the Nation. Recreational boating remains a major use of Michigan's coastal waters. In 2020, there were a total of 555 marinas in all of Michigan, and Michigan ranked 3rd in the United States in the number of boats registered, with a total of 785,993 registered boats.<sup>27,28</sup> These figures represent a slight decline in boats and marinas in Michigan since the time of the EA.

### C. Direct and Indirect Effects Comparison

This section discusses the direct and indirect effects comparison between the full approval analysis in this sufficiency analysis and the existing NEPA documents. The direct and indirect effects of full approval of the Michigan program (i.e., finding that the state has satisfied all conditions of approvability on its program) are similar qualitatively and quantitatively to the

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<sup>21</sup> 1997 Environmental Assessment for Michigan's Coastal Nonpoint Pollution Control Program, citing MSPO. 1995. Patterns on the Land: Our Choices-Our Future. Michigan Society of Planning Officials. September 1995.

<sup>22</sup> <https://www.michigan.gov/dnr/managing-resources/forestry/products>

<sup>23</sup> [https://www.fs.fed.us/nrs/pubs/ru/ru\\_fs153.pdf](https://www.fs.fed.us/nrs/pubs/ru/ru_fs153.pdf)

<sup>24</sup> <https://www.oceaneconomics.org/Demographics/PHresults.aspx>

<sup>25</sup> <https://www.oceaneconomics.org/Demographics/PHresults.aspx>

<sup>26</sup> Michigan CNP, 14 (1999)

<sup>27</sup> <https://marinas.com/browse/marina/US/MI/24>

<sup>28</sup> <https://www.statista.com/statistics/1155988/us-recreational-boating-vessels/>

effects of full approval discussed in the 1996 PEIS and the 1997 Michigan EA. The programs, initiatives and other components proposed for inclusion in the Michigan coastal nonpoint program are already operating, independent of the NOAA-EPA proposed action. The elements of the coastal nonpoint program are supported by enforceable policies and mechanisms that will remain in effect regardless of the federal action. Thus, there are limited direct impacts of the federal action itself, particularly now that there is no longer a dedicated funding source for coastal nonpoint programs.

The indirect effects of activities falling under the umbrella of the coastal nonpoint program have beneficial effects to the natural environment and minor negative socioeconomic effects. For more information about these effects, see Section 4 of both the PEIS and the 1997 Michigan EA. The funding levels available to Michigan for coastal management and water quality initiatives will not change as a result of full program approval (i.e., finding that Michigan has satisfied all conditions of approvability on its program). Michigan would simply continue to be eligible to receive full CZMA Section 306 and CWA Section 319 funding. If NOAA and EPA were to find that Michigan had failed to submit an approvable program (i.e., disapprove the program), a 30 percent reduction in CZMA Section 306 coastal zone management and CWA Section 319 nonpoint source management funding would have indirect adverse effects on the physical, biological, and socioeconomic environments because it would reduce investments in efforts to manage coastal uses and improve water quality. The state's CZMA Section 306 funding supports overall implementation of the state's coastal zone management program.

While not all activities supported through CZMA Section 306 funds are directly related to water quality and coastal habitat, the Michigan coastal management program often supports efforts every year related to coastal water quality. These initiatives, as well as other initiatives of the coastal management program related to coastal resilience, public access and other coastal management issues may also have to be reduced. The state's CWA Section 319 funding is used to fund eligible projects that reduce pollutant loads and improve water quality, including installation of best management practices that reduce the transport of pollutants to waterbodies. If the state's CWA Section 319 funding is reduced, Michigan would have to cut the number of projects that improve water quality and reduce nonpoint source pollution it is able to support.

NOAA and EPA's proposed finding that Michigan has satisfied all conditions of approvability on its program (i.e., full program approval) signifies that Michigan has demonstrated that it has met all coastal nonpoint program requirements, including that it has in place programs and processes to implement the 6217(g) management measures. This continued implementation and funding of Michigan's nonpoint program translates to continued beneficial effects to water quality as discussed in the 1997 Michigan EA. Also, as noted in the 1997 Michigan EA, both conditional and full approval of the Michigan coastal nonpoint program help make existing programs more effective by continuing to strengthen the link between federal and state coastal zone management and water quality programs in Michigan. Thus, the various direct, indirect, and cumulative effects resulting from implementation of the new proposed action are similar to those analyzed in prior NEPA documents, including the 1997 Michigan EA.

## D. Analysis of Cumulative Impacts

Cumulative impacts, as defined in NEPA, are the impacts from the proposed action, when added to other past, present, and reasonably foreseeable future actions affecting the same geographic range or area of potential effect. In addition to the discussion on environmental impacts from the proposed action, cumulative impacts, in particular, assist stakeholders to understand the complete picture of what is taking place in the project area because it looks at not just the impacts from the proposed action, but also impacts from all other actions and natural influences.

For example, the average yearly temperature in Michigan has increased by two to three degrees Fahrenheit, leading to shifting seasonal patterns and more extreme events.<sup>29</sup> In the coming decades, the state will continue to suffer more extremely hot days; Michigan is projected to see a fivefold increase in heat wave days by 2050.<sup>30</sup> These heat waves may harm public health in urban areas and agricultural harvests in rural areas.<sup>31</sup>

Increased temperatures have also reduced winter ice cover on the Great Lakes, and in 2021, the Great Lakes set a record for lack of ice. This could lengthen the commercial navigation system and allow for more lake evaporation, causing additional water pollution and a decline in lake levels.<sup>32</sup> According to the Great Lakes Environmental Research Laboratory (GLERL), the Great Lakes total ice coverage in 2021 was 3.9 percent. In 2020, it was sitting at 11.3 percent, and in 2019 at 18.5 percent.<sup>33</sup>

Climate change is also causing extreme rainfall and flooding events in Michigan. These events lead to increased erosion and runoff, causing a decline in water quality. Today, very heavy rain events (the heaviest 1 percent of storms) drop 37 percent more precipitation in the Midwest than they did 50 years ago.<sup>34</sup> The average change reported by 22 stations in Michigan was 13.1 percent or an increase of 0.6 days per year.<sup>35</sup> These intense storm events result in negative impacts on transportation, agriculture, human health, and infrastructure.<sup>36</sup> Climate change in the Great Lakes is also affecting the range and distribution of fish species, allowing the spread of invasive species, and degrading beach health by providing ideal conditions for bacteria growth.

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<sup>29</sup> Great Lakes Integrated Sciences and Assessments (GLISA). Climate change in the Great Lakes region. <http://glisa.umich.edu/media/files/GLISA%20%20Pager%202019.pdf>. Accessed March 21, 2022.

<sup>30</sup> [https://reportcard.statesatrisk.org/report-card/michigan/extreme\\_heat\\_grade](https://reportcard.statesatrisk.org/report-card/michigan/extreme_heat_grade)

<sup>31</sup> <https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-mi.pdf>

<sup>32</sup> <https://www.cnn.com/2021/01/22/weather/great-lakes-record-lack-of-ice/index.html>

<sup>33</sup> [https://www.glerl.noaa.gov/res/glcfs/compare\\_years/](https://www.glerl.noaa.gov/res/glcfs/compare_years/)

<sup>34</sup> <https://www.michigan.gov/mdhhs/safety-injury-prev/environmental-health/Topics/climate/overview>

<sup>35</sup> <https://www.michigan.gov/mdhhs/safety-injury-prev/environmental-health/Topics/climate/overview>

<sup>36</sup> <https://www.michigan.gov/mdhhs/safety-injury-prev/environmental-health/Topics/climate/overview>

<sup>37</sup> [https://www.micclimateaction.org/climate\\_change\\_and\\_michigan](https://www.micclimateaction.org/climate_change_and_michigan)

These factors have the potential to increase polluted runoff which negatively affects water quality, coastal habitats, and the organisms these habitats support. Additionally, polluted runoff has been known to impact water temperature, turbidity, salinity, dissolved oxygen levels, and bacteria levels which then lead to an impact on the associated habitats.

Nonpoint source pollution cannot be addressed by one entity or program by itself. It requires a comprehensive effort by many different organizations that are able to bring their resources and expertise to bear. Therefore, in addition to various state initiatives and programs to address nonpoint source pollution and improve coastal water quality in coastal Michigan, there are additional efforts being carried out by federal and local governments, non-governmental organizations, and the private sector.

For example, EGLE has a number of programs within the coastal zone designed to: establish water quality standards; provide regulatory oversight for public water supplies; issue permits to regulate the discharge of industrial and municipal wastewaters and to alter wetlands, lakes, streams, and Great Lakes bottomlands; provide technical and financial assistance to reduce pollutant runoff; ensure compliance with state and federal laws; protect wetlands; and educate the public about water quality issues.<sup>38</sup> The EGLE Water Resources Division spent approximately \$63.7 million in 2018 and \$79.8 million in 2019 to implement water quality monitoring and restoration programs. These programs provide services such as issuing permits to regulate wastewater discharge, provide technical and financial assistance to reduce pollutant runoff; ensure compliance with state laws, regulate and protect wetlands; and conduct public education about water quality issues.<sup>39</sup>

The Michigan Agriculture Environmental Assurance Program (MAEAP) is another example of a program that aids in environmental efforts in Michigan.<sup>40</sup> This voluntary program assists farmers throughout the state in their efforts to minimize agricultural pollution. The program was initiated to reduce farmers' environmental impact through a three-phase process: 1) education and training; 2) farm-specific risk assessment; and 3) verification that the farm has implemented environmentally sound practices. After becoming MAEAP verified, a farm can display a MAEAP sign signifying that MAEAP partners recognize the farm is environmentally assured.<sup>41</sup>

Another initiative that provides technical assistance to reduce industry-driven environmental impacts is the Michigan Forestry Assistance Program.<sup>42</sup> This program connects conservation district foresters with private foresters and forestland owners to promote sustainable forestland management. Conservation district foresters support private landowners through workshops, field days, and educational articles written for local publications.<sup>43</sup> The conservation district foresters visit private forestlands, suggest silvicultural practices, and provide assistance with

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<sup>38</sup> [https://www.michigan.gov/documents/egle/egle-wrd-swas-ir2020-finalreport\\_703521\\_7.pdf](https://www.michigan.gov/documents/egle/egle-wrd-swas-ir2020-finalreport_703521_7.pdf)

<sup>39</sup> Water Quality and Pollution Control in Michigan 2020 Sections 303(d), 305(b), AND 314 Integrated Report, Chapter 6 (Sep 2020)

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> <https://www.michigan.gov/mdard/environment/forestry/forestry-assistance-program-fap>

<sup>43</sup> <https://www.michigan.gov/mdard/environment/forestry/forestry-assistance-program-fap>

qualified forest program applications. Through increasing the number of privately-owned forests that are managed under a sustainable forest management plan, this program allows for more effective and environmentally conscious management of Michigan's forests.<sup>44</sup>

The 6217(g) management measures are designed to reduce and/or prevent polluted runoff, thus limiting stress caused by poor water quality on resources and local communities within the coastal nonpoint management area. While the programs that comprise Michigan's coastal nonpoint program may cause limited cumulative socioeconomic effects on coastal communities and individuals that need to modify certain land management practices, such as those related to agriculture runoff management, stormwater management, and waste disposal, government agencies and individuals have been subject to economic costs related to administering water quality and environmental management programs (including the coastal nonpoint program) for years. In addition, the programs that comprise the coastal nonpoint program already exist and are being implemented and will continue to be implemented at the federal, state or local level regardless of NOAA and EPA's finding that Michigan has met all conditions of approvability on its coastal nonpoint program (i.e., full approval). Therefore, NOAA and EPA's action to find that Michigan has satisfied all conditions of approvability on its coastal nonpoint program would not create or contribute to any additional cumulative effects.

NOAA's National Ocean Service (NOS) concludes that the proposed action and the effects of implementing Michigan's coastal nonpoint program will improve water quality and increase the potential for resources to sustain themselves. Further, NOS concludes that the action, when added to the other past, present, and reasonably foreseeable future actions within the coastal nonpoint program area will not significantly alter the ecosystem or have an adverse effect. Additionally, the proposed action, when combined with other actions, will not affect the potential for any resources in the coastal nonpoint management area to sustain themselves in the future. Therefore, NOS concludes that cumulative impacts to the proposed action, as defined under NEPA, are not significant.

## **E. Public Review**

On November 7, 1996, NOAA and EPA announced a 30-day public comment period on the proposed approval findings, with conditions, EA, and FONSI for the Michigan coastal nonpoint program (61 FR 57673). Thus, the public has already been given one opportunity to comment on the environmental consequences of the action that is currently being proposed. On May 11, 2023, NOAA and EPA announced in the Federal Register a proposed decision that Michigan has satisfied all conditions of approvability placed on its coastal nonpoint program for a 30-day public comment period (i.e., full approval) (88 FR 30280). No public comments were received. The federal agencies also notified tribes with an interest in Michigan's coastal nonpoint program management area of the proposed decision on May 11, 2023, inviting government-to-government consultation and informing them of other informal engagement opportunities. No tribe requested consultation. One tribe, the Gun Lake Tribe, did request an informal meeting to learn more about

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<sup>44</sup> <https://www.michigan.gov/mdard/environment/forestry/forestry-assistance-program-fap>



Michigan's coastal nonpoint program. Thus, NOAA and EPA have provided multiple opportunities for public engagement, and the public has received sufficient notice and opportunity to comment on the proposed action.

#### **IV. CONCLUSION**

NOS has determined that there is not a need to supplement the existing 1977 Michigan coastal nonpoint program EA. The changes to the proposed action and the new information and circumstances do not suggest the proposed action will result in significant adverse impacts, and the anticipated impacts of the action currently proposed are the same as those that were considered in the Michigan EA. Therefore, the 1997 Michigan EA and FONSI remain valid and NOAA will continue to rely on them to support the proposed action.

#### **V. FINDING OF NO SIGNIFICANT IMPACTS**

Pursuant to section 6217 of Coastal Zone Act Reauthorization Amendments, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) propose to find that Michigan has satisfied all conditions of approvability placed on its coastal nonpoint pollution control program. In addition to the preferred alternative, NOAA and EPA considered Michigan additional alternatives: disapproval, and no action (maintaining the approval with conditions).

The Final Environmental Assessment (EA) in 1997 prepared to evaluate the proposed action of approving with conditions, found that the proposed action and the alternatives of full approval and disapproval will not result in any significant environmental impacts different from those analyzed in the 1996 Programmatic Environmental Impact Statement (PEIS) for the Coastal Nonpoint Pollution Control Program, which resulted in a Finding of No Significant Impact (FONSI). The 1997 EA was tiered off the 1996 PEIS and focused on information specific to Michigan. NOAA prepared an analysis of the current proposed action to find that Michigan has satisfied all conditions of approvability (i.e., full approval), and has determined that the impacts do not differ from those analyzed in the 1997 EA and 1996 PEIS. Thus, preparation of a Finding of No Significant Impact (FONSI) is warranted.

NOAA uses eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below as they relate to the proposed project. Each criterion is discussed below with respect to the proposed action and considered individually, as well as in combination with the others.

**a. Has the agency considered both beneficial and adverse effects? (A significant effect may exist even if the Federal agency believes on balance the effect will be beneficial.)**

The agency has considered both beneficial and adverse effects, and no significant adverse effects are anticipated. The primary beneficial effects of the Michigan Coastal Nonpoint program relate to the improvement of Michigan's water quality. Michigan also expects the program to promote an improved coastal habitat, improved public health, increased aesthetic value of coastal areas and enhanced recreational opportunities as a result of cleaner water and healthier coastal habitats.

**b. To what degree would the proposed action affect public health and safety?**

The proposed approval decision would not be anticipated to have significant impacts on public health or safety because it would not alter any Michigan programs already in operation. Additionally, the implementation of management measures reduces nonpoint source pollution generation from a variety of sources and minimizes the delivery of pollutants into Michigan's land, surface water, and groundwater, which could result in minor improvements to public health and safety due to cleaner coastal waters.

**c. To what degree would the proposed action affect unique characteristics of the geographic area in which the proposed action is to take place?**

None. Though there are unique places within the Michigan coastal nonpoint management area, the proposed action will not affect its unique characteristics because it does not create any new programs or initiatives. Finding that the state has satisfied all conditions of approval placed on its coastal nonpoint program does not create new programs or policies that change how Michigan already manages nonpoint source pollution; the programs and policies that comprise Michigan's coastal nonpoint program already exist and are being implemented by state, local, and other entities regardless of NOAA and EPA's action.

**d. To what degree would the proposed action have effects on the human environment that are likely to be highly controversial?**

The effects of the proposed action on the human environment are not likely to be highly controversial. No public comments were received during the public comment period for Michigan's proposed approval, with conditions, findings and draft EA. Nor were any comments received from the public on the proposed decision that Michigan has satisfied all conditions of approval on its program. The programs and authorities that comprise Michigan's Coastal Nonpoint Program are already in existence and being implemented at the state and local level and will continue to be implemented regardless of NOAA and EPA's action. Therefore, NOAA and EPA's action will not create any additional effects on the human environment beyond what is already occurring in absence of the action.

While NOAA and EPA's proposed action would allow Michigan to be eligible for future funding (if appropriated) to implement its coastal nonpoint program, any potential effects of that future funding on the human environment are unknown and speculative at this time. NOAA has

mechanisms in place for evaluating any effects on the human environment if and when a future funding decision is made.

**e. What is the degree to which effects are highly uncertain or involve unique or unknown risks?**

None. There are no uncertain, unique, or unknown risks associated with the proposed finding that Michigan has satisfied all conditions of approvability on its coastal nonpoint program. The Michigan Coastal Nonpoint Program consists entirely of existing state and local requirements, as well as voluntary educational and participatory activities, which do not have uncertain, unique, or unknown risks.

**f. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?**

None. NOAA and EPA evaluate individually each proposed coastal nonpoint program by carefully reviewing all materials submitted by any approved state or territory with conditions on their program to evaluate whether the information provided addresses applicable conditions of approvability. The finding that Michigan has satisfied all conditions of approvability on its coastal nonpoint program does not have any bearing on whether NOAA and EPA will make similar findings of programs in other jurisdictions. Thus, this action does not establish a precedent for future actions or represent a decision in principle about a future consideration.

**g. Does the proposed action have individually insignificant but cumulatively significant impacts?**

No, this action would not have any individually insignificant but cumulatively significant impacts. A finding that a state has satisfied all conditions of approvability on its coastal nonpoint program would facilitate continued investments in addressing coastal nonpoint pollution in Michigan. These investments and other endeavors identified as components of the Michigan Coastal Nonpoint Program would be expected to give Michigan improved control of sources of nonpoint pollution and result in reduced pollutant levels entering coastal waters, improved water quality, and enhanced coastal habitat. The Michigan Coastal Nonpoint Program has beneficial impacts on the physical, biological, and socioeconomic environment in Michigan. Potential adverse effects would not exceed the ability of human or natural communities to withstand stress. Thus, neither the incremental effects of a finding that Michigan has satisfied all conditions of approvability nor program implementation will have individually or cumulatively significant effects.

**h. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?**

NOAA and EPA have provided tribal consultation opportunities regarding Michigan's coastal nonpoint program, consistent with each agency's policies on consultation and coordination with Indian Tribes and Executive Order 13175. No tribe requested formal government-to-government consultation. One Tribe, the Gun Lake Tribe, requested, and NOAA hosted, an informal meeting to learn more about Michigan's coastal nonpoint program.. Issuing a finding that Michigan has satisfied all conditions of approval on its coastal nonpoint program is a federal action that would have no potential to affect historic properties or significant scientific, cultural, or historic resources in Michigan because it is an administrative action. Prior to approving or providing funding (typically under the Coastal Zone Management Act) for other types of specific activities in Michigan that address coastal nonpoint pollution, NOAA's Office for Coastal Management evaluates environmental compliance needs and ensures compliance with NHPA and all other applicable requirements. For example, targeted consultations under NHPA are conducted for those activities that have the potential to cause an adverse effect on historic properties. At that time, NOAA can provide to the Michigan State Historic Preservation Office the site-specific details necessary to fully analyze the effects of specific actions to historic properties.

**i. What is the degree to which endangered or threatened species, or their critical habitat, as defined under the Endangered Species Act of 1973, are adversely affected?**

None. Finding that Michigan has satisfied all conditions of approval on its coastal nonpoint program would have no effect on threatened and endangered species or their critical habitat. Projects aimed at managing, quantifying, and controlling coastal nonpoint pollution funded by NOAA under the Coastal Zone Management Act are evaluated individually with respect to their potential to affect resources protected pursuant to the Endangered Species Act; appropriate procedures are followed if there is a need to consult with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

**j. Does the proposed action have a potential to violate federal, state, or local law for environmental protection?**

No. Finding that Michigan has satisfied all conditions of approval on its coastal nonpoint program does not have the potential to violate federal, state, or local law. Federally-supported projects intended to reduce coastal nonpoint pollution are required to comply with all applicable federal, state, and local laws, including those for environmental protection. Given project review at the state and federal level, no violation of environmental protection laws is threatened.

**k. Will the proposed action result in the introduction or spread of a non-indigenous species?**

No. Finding that Michigan has satisfied all conditions of approval on its coastal nonpoint program will not result in the introduction or spread of any non-indigenous species. The components of the program are already in place and are being implemented at the state and local level

regardless of the federal action. Neither the components identified as planned parts of the Michigan Coastal Nonpoint Program nor federally-supported nonpoint pollution reduction projects would be expected to introduce any invasive species because they would be subject to federal and state requirements and best management practices intended to reduce the spread of non-indigenous species. The Michigan Department of Natural Resources, other state agencies, and other entities are involved in invasive species management.