

APPENDIX IV

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS.

- 1. National Environmental Policy Act of 1969, as amended.** Public meetings through the Tampa Bay Regional Planning Council's Agency on Bay Management have been conducted, the Cockroach Bay Restoration Alliance, and a scoping letter dated January 26, 1998, has been sent to all interested parties including local interests and governments, State and federal agencies. Environmental information on the project has been compiled and a draft Environmental Assessment prepared. A preliminary Finding of No Significant Impact accompanies this document. This document will be coordinated with the public for a 30-day period in accordance with the Corps NEPA implementing regulation ER 200-2-2. The public coordination process and environmental assessment complies with the intent of NEPA. The process will fully comply with the Act once public comments are received, any new information incorporated into the EA, responses sent, the Findings of No Significant Impact has been signed by the District Commander.
- 2. Endangered Species Act of 1973, as amended.** During the preparation of the Fish and Wildlife Coordination Act Report, the USFWS was requested to provide a list of species that could be located in the project area. The District has made a determination that the laying of the pipeline would not impact any species along this corridor from the dredging to the Leisey Shell Pits. Informal consultation indicates that the USFWS would agree with this determination contingent upon implementation of the standard manatee protection conditions. A formal No Effects determination was made by letter dated February 19, 1999 and sent to USFWS for concurrence. The USFWS responded by letter dated Mar 16, 1999 concurring with this determination based on the standard manatee protection condition being implemented during construction.
- 3. Fish and Wildlife Coordination Act of 1958, as amended.** A Coordination Act Report was requested from the USFWS by letter dated March 3, 1998. A draft CAR was coordinated with State and federal resource agencies and a copy forwarded to this office by letter dated June 4, 1998. After review and revisions, a Final CAR was received by letter dated November 3, 1998 (Appendix III). A request for an amended CAR was sent to USFWS by letter dated March 23, 1999. Information contained in the CAR was used to formulate the proposed alternatives and prepare the EA. On June 22, 2000, we requested an amended CAR based on consideration of several additional alternative sources of material. The USFWS responded with an amended CAR on October 20, 2000. Therefore, the project is in compliance with the Act.
- 4. National Historic Preservation Act of 1966, as amended (PL 89-665).** An archival and literature review, including review of the current National Register of Historic Places listing, has been conducted to determine if significant cultural resources are located within the area of impact for the proposed project. The District has determined that placement of the dredged material from offloading of the Tampa Harbor - Alafia River Navigation Project Dredged Material Management Areas in the former Leisey shell mining pits will not have an adverse effect on significant cultural resources. The SHPO concurred in letter dated January 21, 1997, that maintenance dredging would not effect historic properties. The cultural resources survey report

has been coordinated with the SHPO and they concurred that the restoration project would not effect historic properties. The project will be in compliance with this Act and with the Archeological and Historic Preservation Act, as amended (PL 93-291).

5. Clean Water Act of 1972, as amended.

Section 401. (Water Quality) A Florida Department of Environmental Protection (DEP) Water Quality Certificate (WQC) has been issued a Notice General Permit to the Southwest Florida Water management District for restoration projects. State water quality standards will be adhered to during construction. The pits will act as primary treatment ponds during placement of the dredged material. Effluent from these pits will meet water quality standards. Various protective measures and monitoring programs will be conducted during construction to ensure compliance with State water quality standards

Section 404 (b)(1). The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. An evaluation of the dredged material was conducted (Appendix I). The impacts are addressed in the Environmental Assessment and are primarily related to the covering of benthic organisms in the pits, the elimination of fisheries from saltwater inputs, the increase in estuarine habitat for fisheries and birds, a change in species size and composition from a change in fisheries habitat and a potential increase in seagrass bed growth from improved water quality.

Based on the probable impacts addressed in the draft environmental assessment, the 404(b)(1) evaluation and Inland Testing Manual requirements concerning the dredged material to be used, the proposed work would comply with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.

6. Clean Air Act of 1972, as amended. This area of Hillsborough County is an attainment area and therefore, no air quality permits will be required for this project. Therefore, this Act would not be applicable.

7. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Management Plan (Appendix II). The State Clearinghouse has reviewed the project at this stage of the study and has determined that the project is consistent with the Coastal Zone Management Plan (Appendix IV). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the Draft Environmental Assessment and Section 404(b)(1) Evaluation, and the Coastal Zone Consistency Determination will be submitted to the State to show consistency with the Florida Coastal Zone Management Plan. The Florida Department of Community Affairs responded to coordination by letter dated June 24, 2002, stating that the

project was consistent at this stage. Final state concurrence is issued concurrently with the issuance of the Water Quality Certification.

8. **Farmland Protection Policy Act of 1981.** No prime or unique farmland will be impacted by implementation of this project. This act is not applicable.

9. **Wild and Scenic River Act of 1968, as amended.** No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.

10. **Marine Mammal Protection Act of 1972, as amended.** There would be no impacts from offloading of the disposal area on manatees, therefore, this project is in compliance with the Act.

11. **Estuary Protection Act of 1968.** No designated estuary will be affected by project activities. This act is not applicable.

12. **Federal Water Project Recreation Act, as amended.** There is no recreational development proposed for maintenance dredging or disposal. Therefore, this Act does not apply.

13. **Resource Conservation and Recovery Act of 1976, (PL 94-580; 7 U.S.C. 100, et seq.** This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

14. **Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq.** This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

15. **E.O. 11990, Protection of Wetlands.** No wetlands will be affected by project activities. This project is in compliance with the goals of this Executive Order.

16. **E.O. 11988, Floodplain Management.** No activities associated with this project will take place within a floodplain, therefore this project is in compliance with the goals of this Executive Order.

17. **E.O. 12898, Environmental Justice.** This project has been evaluated in accordance with the subject E.O. The project would not result in adverse human health or environmental effects. There would be no impacts on subsistence consumption of fish or wildlife from this project. Therefore, the work would comply with this E.O.