

Chapter 16.

Consultation and Other Requirements

This chapter provides an overview of the consultation and other requirements for the Hamilton Wetland Restoration Project and describes the progress made in meeting those requirements.

Federal Endangered Species Act

The Corps has been informally consulting with USFWS regarding the project. The Corps initiated informal consultation by requesting a list of threatened, endangered, and candidate species in the project area. USFWS responded with a list of such species. Chapter 8, “Biological Resources”, describes the potential for listed, proposed, or other sensitive species to occur in the area affected by the alternatives. Meetings are being conducted with USFWS to determine the scope of required consultation, identify species of concern, and develop an appropriate approach to addressing listed and proposed species as part of the Section 7 consultation.

National Historic Preservation Act

When the Army was directed to dispose of HAAF, it was required to comply with Section 106 of the NHPA. Compliance with Section 106 required the Army to inventory historic properties and evaluate the eligibility of those properties for listing in the NRHP. The effects of disposal and reuse of HAAF on properties that may be eligible for listing or are listed on the NRHP was addressed during that process. Chapter 14, “Cultural Resources”, describes the potential effects of the project alternatives on cultural resources and identifies measures that may be necessary to avoid or reduce impacts on these resources.

Farmland Protection Policy Act

The Farmland Protection Policy Act of 1981 requires federal agencies to consider project alternatives that minimize or avoid adverse impacts on prime and unique farmland. As described in Chapter 9, “Land Use and

Public Utilities”, farmland would not be affected by the project alternatives. In the event that the project is expanded to include the BMKV parcel, the Corps will be required to contact the U.S. Natural Resources Conservation Service to comply with the provisions of the act.

Executive Order 11988—Floodplain Management

Executive Order 11988, “Floodplain Management”, requires federal agencies to prepare floodplain assessments for proposed projects located in or affecting floodplains. An agency proposing to conduct an action in a floodplain must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the only practicable alternative involves siting in a floodplain, the agency must minimize potential harm to or development in the floodplain and explain why the action is proposed in the floodplain.

As described in Chapter 5, “Surface Water Hydrology and Water Quality”, the entire project site is within the 100-year floodplain. Because the objective of the project is to restore tidal wetlands, the area within the project boundaries would be flooded. Secondary impacts involving the potential for flooding surrounding parcels as a result of the proposed project are addressed in Chapter 5. This EIR/EIS concluded that the project would not increase the potential for flooding on surrounding parcels through project design or implementation of mitigation measures.

Executive Order 11990—Protection of Wetlands

Executive Order 11990, “Protection of Wetlands”, requires federal agencies to prepare wetland assessments for projects located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the proposed action includes all practicable measures to minimize harm to wetlands.

One of the primary goals of the project is to restore wetlands in the HAAF and SLC parcels. As described in Chapter 8, “Biological Resources”, the restoration project would result in the loss of brackish marsh. However, this loss would be substantially offset by the creation of both tidal wetland and coastal salt marsh under all alternatives.

Executive Order 12898—Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations”, requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minorities and low-income populations and communities. Because no permanent or temporary residences are located on the project site, the Hamilton Wetland Restoration Project would not result in disproportionately high or adverse human health or environmental effects on minority or low-income populations.