

EXHIBIT IV

COMPLIANCE WITH
ENVIRONMENTAL LAWS AND REGULATIONS

TABLE 1-7. RELATIONSHIP OF SELECTED PLANS TO FEDERAL ENVIRONMENTAL PROTECTION STATUTES AND OTHER ENVIRONMENTAL REQUIREMENTS
TAMPA HARBOR - BIG BEND NAVIGATION STUDY, TAMPA, FLORIDA

Plan 1

Federal Statutes

Archaeological and Historic Preservation Act, as amended, 16 U.S.C. et seq	Full
Clean Air Act, as amended, 42 U.S.C. 7401 et seq	Full
Clean Water Act, as amended, 33 U.S.C. 1251 et seq	Full
Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq	Full
Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq	Full
Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq	Full
National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq	Full
National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq	Full
Coastal Zone Management Act	Full

Executive Order

Floodplain Management (E.O. 11988)	Full
Protection of Wetlands (E.O. 11990)	Full

NOTES: For each item listed enter one of the following:

- a. Full Compliance. Having met all requirements of the statute, E.O., or other environmental requirements for the current stage of planning (either pre-authorization of post-authorization).
- b. Partial Compliance. Not having met some of the requirements that normally are met in the current stage of planning. Partial compliance entries should be explained in appropriate places in the report and/or EA and referenced in the table.

1.0 National Environmental Policy Act of 1969, as amended. This document has been prepared in accordance with CEQ regulation CFR 1500 and Department of the Army Regulation ER 200-2-2. Scoping was conducted notifying the State of Florida, Federal agencies and members of the public of our intentions to study navigation problems within the Tampa Harbor - Big Bend Navigation Channel. The Draft Finding of No Significant Impact and EA was circulated for a period of 30 days starting on 26 June 1996. The study is in full compliance at this time.

2.0. Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) for the purpose of determining if there is any potential impact on threatened or endangered species or critical habitat was conducted, and Exhibit I contains the Section 7 consultation correspondence. Of these species only the manatee was known to inhabit the area. A No Effect determination was reached by the Jacksonville District Office and concurred with by the USFWS. The Biological Opinion is contained within the FWCAR (Exhibit II).

3.0. Fish and Wildlife Coordination Act of 1958, as amended. The project has been thoroughly coordinated with the US Fish and Wildlife Service. A Fish and Wildlife Coordination Act Report was transmitted to this office by letter dated 4 February 1994 (Exhibit II). Their comments were considered in the formulation of the project.

4.0. National Historic Preservation Act of 1966, as amended (PL 89-655). Cultural resource study and coordination with the SHPO is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Archeological and Historic Preservation Act, and Executive Order 11593.

5.0. Clean Water Act of 1972, as amended. Section 401. State Water Quality Certification (WQC) will be sought from the Florida Department of Environmental Protection for the dredging in accordance with the Memorandum of Agreement between the US Army Corps of Engineers and the State of Florida during the Detailed Engineering Phase.

6.0. Clean Air Act of 1972, as amended. The Tampa Bay area is an attainment area for the criteria pollutants under the Act and is not governed by a State Implementation Plan (SIP). Since the project area is within an attainment area, the EPA rules for conformity determination do not apply. No air quality permits will be required for this project. The Draft EA will be coordinated with the Hillsborough County, Environmental Protection Commission. Therefore, this project is in compliance with the Act.

7.0. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act (Appendix V). It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Zone Consistency Act. The State was requested to concur in that determination through coordination of EA with the State Clearinghouse. The

State concurred in that determination by letter dated 10 September 1996.

8.0. 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.

9.0. Marine Mammal Protection Act of 1972, as amended. The work was coordinated with the US Fish and Wildlife Service during the scoping period and during Section 7 Consultation pursuant to the Endangered Species Act. The West Indian manatee could be located in the project area, but would not be affected. The standard State manatee protection conditions as well as additional special conditions which include a manatee observer and proppelar guards will be implemented during construction.

10.0. Estuary Protection Act of 1968. Tampa Bay is part of the National Estuary Program. The proposed work would not adversely affect this estuary. The Draft Finding of No Significant Impactand EA will be coordinated with the Department of the Interior and the Tampa Bay National Estuary Program.

11.0. Federal Water Project Recreation Act, as amended. Recreation development is authorized and permitted at local flood control projects under Section 4 of the 1944 Flood Control Act, as amended and is further regulated by the Land and Water Conservation Fund Act, the Federal Water Project Recreation Act (P.L. 89-65) and the Water Resources Development Act of 1986. This Act does not apply.

12.0. Resource Conservation and Recovery Act (RCRA) of 1976, (PL 94-580; 7 U.S.C. 100, et seq). The objective of this law is to track hazardous toxic and radiological waste (HTRW) from the time of generation to disposal. The law requires safe and secure procedures to be used in treating, transporting, storing and disposing of hazardous wastes. RCRA is designed to prevent new uncontrolled HTRW sites. It also covers storage and transportation of all identified wastes for disposal during construction of this project. No HTRW are anticipated at the site. Should HTRW be found during construction of this project, it would be disposed of in accordance with all Federal, state and local regulations.

13.0. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq. An initial map reconnaissance of the project area, a review of available literature, and a site visit showed no indications of HTRW contaminants within the project corridor. Should HTRW be found during construction of this project, it would be disposed of in accordance with all Federal, state and local regulations. Therefore, the project is in compliance with the Act.

14.0. Archeology and Historic Preservation Act (PL 93-291). The project area has been investigated and no cultural resources have been identified that could be affected by the proposed work. This project has been coordinated with the State Historic Preservation Officer.

15.0. E.O. 11990, Protection of Wetlands. The objective of the Executive Order is to avoid

to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The selected plan has been evaluated in light of Executive Order 11990 on Protection of Wetlands. No wetlands would be affected by the proposed work. Therefore, the project would be consistent with the goals and intent of the Executive Order.

16.0. E.O. 11988, Floodplain Management. The objective of this Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with occupancy and modification of the floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. No development of the floodplain would occur. Therefore, the Selected Plan is consistent with the objectives of Executive Order 11988 on Flood Plain Management.