

**FINDING OF NO SIGNIFICANT IMPACT
SITE 1 IMPOUNDMENT PROJECT
PALM BEACH COUNTY, FLORIDA**

Based on the information analyzed in the Environmental Assessment (EA), reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require an Environmental Impact Statement (EIS). Reasons for this conclusion are in summary:

- a. The Site 1 Impoundment Project, as part of the Comprehensive Everglades Restoration Plan, had been evaluated previously in the Central and Southern Florida Comprehensive Review Study (Restudy) Final Environmental Impact Statement, December 1999. The Site 1 Impoundment Project, as documented in the Project Implementation Report (PIR) with integrated EA, has reconfirmed the information in the Restudy as well as provided project level evaluation of impacts associated with construction and operations of an impoundment. The Site 1 Impoundment PIR/EA reaffirms the location as suitable as described in the Restudy, as well as the design, with refinements. The project footprint has been reduced, but otherwise, no major changes have been made in the recommendations from the described component in the Restudy.
- b. A draft and revised draft PIR/EA have been circulated with a draft FONSI for public and agency review and coordination in compliance with the National Environmental Policy Act. No significant issues were raised regarding project impacts to the natural or human environment.
- c. The proposed action would occur within pasture and plant nursery land. Minimal environmental resources were identified on this site.
- d. The Draft and Final Fish and Wildlife Coordination Act Reports indicate support of the Department of Interior for the selected plan. The project is in compliance with the Act.
- e. The U.S. Army Corps of Engineers has coordinated a consistency determination under the guideline of the Coastal Zone Management (CZM) Act. The State has concurred with the determination (Annex C of the EA) that the proposed action is consistent with the State's CZM programs.
- f. The proposed action has been coordinated with the Florida State Historic Preservation Officer in accordance with the National Historic Preservation Act and the Archeology and Historic Preservation Act. Consultation with the State Historic Preservation Officer has been completed and no sites of cultural or historic significance will be affected. Conditions to protect undiscovered resources will be implemented as follows: Language will be included in

- construction contract specifications outlining the steps to be taken in the event that undiscovered historical properties are encountered. An informational training session, developed by a professional archaeologist, will be conducted for the contractor's personnel to explain what kinds of archaeological/cultural materials might be encountered during construction of the impoundment, and the steps to be taken in the event these materials are encountered. A professional archaeologist will conduct periodic monitoring of the project area during construction to determine if activities are impacting unanticipated cultural resources. The proposed action is consistent with these Acts.
- g. The Draft, Revised Draft and Final EA included an assessment and determination of impacts to endangered species. Species likely to occur in the area include 1) Everglade snail kite 2) Eastern indigo snake 3) wood stork 4) American bald eagle 5) Audubon's crested caracara, 6) Florida panther and 7) West Indian manatee. A Biological Assessment was coordinated under the Endangered Species Act. In a letter dated August 31, 2005, the U.S. Fish and Wildlife Service concurs with the determinations of may affect, but not likely to adversely affect, listed species. Listed measures to eliminate, reduce, or avoid potential impacts to fish and wildlife resources, include the following: (1) Special measures will be incorporated during project construction to minimize effects to any listed species that may be present: standard protection measures for the Eastern indigo snake; standard protection measures for the Florida manatee; *Management Guidelines for the Bald Eagle in the Southeast Region* and *Bald Eagle Standard Local Operating Procedures for Endangered Species*; *Audubon's Crested Caracara Standard Local Operating Procedures for Endangered Species*; *Habitat Management Guidelines for the Wood Stork in the Southeast Region*; Gopher tortoise surveys and relocations; and a burrowing owl survey. (2) The U.S. Army Corps of Engineers and the South Florida Water Management District agree to maintain an open and cooperative informal consultation process with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission throughout the design, construction, and operation of this restoration project. The proposed action is in compliance with the Endangered Species Act.
- h. In compliance with the Clean Water Act, a water quality certificate will be obtained from the State. All State water quality requirements will be followed.

In view of the above and after consideration of public and agency comments received on the project, I have concluded that the proposed action, including construction and operations of the Site 1 Impoundment, will not result in a significant adverse effect on the environment. This Finding incorporates by reference all discussions and conclusions contained in the EA enclosed herewith.



Robert M. Carpenter
Colonel, U.S. Army
District Commander

17 APR 06

Date