

V. COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

Coordination and evaluation of required compliance with specific Federal acts, executive orders, and other policies for the various alternatives was achieved, in part, through the coordination of this document with appropriate agencies and the public. This section documents compliance with all applicable Federal statutes, executive orders, and policies.

1. National Environmental Policy Act of 1969

The proposed action complies with the NEPA of 1969, as amended (42 U.S.C. 4321, *et seq.* P.L. 91-190). The Service has prepared this Final EIS to analyze MMPA decision-making consistent with the requirements of NEPA.

2. Endangered Species Act of 1973

The proposed action complies with the ESA of 1973, as amended (16 U.S.C. 1531, *et seq.* P.L. 93-205). The Service will conduct intra-Service section 7(a)(2) consultation when a Federal action regarding the finding or promulgation of incidental take regulations for the Florida manatee is defined consistent with the requirements of the ESA.

3. Marine Mammal Protection Act of 1972

The proposed action complies with the MMPA of 1972, as amended (16 U.S.C. 1361-1407). The Service has prepared this Final EIS to analyze the promulgation of incidental take regulations for the Florida manatee consistent with the requirements of the MMPA.

4. Clean Water Act of 1972

The proposed action complies with the CWA of 1972, as amended, Federal Water Pollution Control Act (33 U.S.C. 1251, *et seq.* P.L. 92-500).

5. Clean Air Act of 1972

The proposed action complies with section 309 of the Clean Air Act of 1972, as amended (42 U.S.C. 1857h-7, *et seq.* P. L. 91-604).

6. National Historic Preservation Act of 1966 (inter Alia)

The National Historic Preservation Act, as amended (16 U.S.C. 470a, *et seq.* P.L. 89-655); the Archeological and Historic Preservation Act, as amended; and Executive Order 11593 do not apply to the proposed action.

7. Coastal Zone Management Act of 1972

The CZMA of 1972, as amended (16 U.S.C. 1451, *et seq.* P.L. 92-583) does not apply to the analysis contained in this Final EIS.

8. Wild and Scenic River Act of 1968

No designated wild and scenic river reaches would be affected by the proposed action. The Wild and Scenic River Act of 1968, as amended (16 U.S.C. 1271, *et seq.* P.L. 90-542) is not applicable.

9. Estuary Protection Act of 1968

No designated estuary would be affected by the proposed action. The Estuary Protection Act of 1968, (16 U.S.C. 1221, *et seq.* P.L. 90-454) is not applicable.

10. Fishery Conservation and Management Act of 1976

The Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801-1882, *et seq.* P.L. 94-265) does not apply to the proposed action.

11. Lands Act of 1953

The proposed action is in compliance with the State Sovereignty and Submerged Lands Program and the Submerged Lands Act of 1953, (43 U.S.C. 1301, *et seq.*).

12. Barrier Resources Act and Coastal Barrier Improvement Act of 1990

The proposed action does not include Federal funding that would facilitate development of designated coastal barrier resources. The Coastal Barrier Resources Act (16 U.S.C. 3501, *et seq.* P.L. 97-348) and the Coastal Barrier Improvement Act of 1990 are not applicable to this proposed action.

13. Rivers and Harbors Act of 1899

The proposed action will not obstruct navigable waters of the U.S. The Rivers and Harbors Act of 1899, as amended (33 U.S.C. 401, *et seq.*) is not applicable.

14. Anadromous Fish Conservation Act

As defined in the Anadromous Fish Conservation Act (16 U.S.C. 757a-g, 79 Stat. 1125, as amended by P.L. 89-304), anadromous fish species would not be affected by the proposed action.

15. Migratory Bird Treaty Act and Migratory Bird Conservation Act

No migratory birds would be affected by the proposed action. The project is in compliance with the Migratory Bird Conservation Act (16 U.S.C. 715-715d, 715e, 715f-715r; 45 Stat. 1222) and the Migratory Bird Treaty and other international agreements listed in the ESA of 1973, as amended, section 2(a)(4).

16. Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401, *et seq.* P.L. 92532 (3[33 U.S.C. 1402](f)) does not apply to the proposed action.

17. Magnuson-Stevens Fishery Conservation and Management Act of 1996

The Magnuson-Stevens Fishery Conservation Act of 1996, as amended (16 U.S.C. 1801, *et seq.* P.L. 94-265). No adverse effect on fisheries would result from the proposed action.

18. Information Quality Act

The Information Quality Act (P.L. 106-554, H.R. 5658, Section 515) requires Federal agencies to develop and implement guidelines “for ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information) disseminated [or used] by Federal agencies” in decision making. The information summarized in Table 4 and provided throughout this Final EIS, particularly in Appendices I, K, L, and M, comprise the best available scientific and economic information. This Final EIS complies with the Information Quality Act and the Service’s Information Quality Guidelines.

19. Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601-612) requires Federal agencies to determine whether proposed actions may have a significant impact on substantial numbers of small businesses through an Initial Regulatory Flexibility Analysis. If a rule is promulgated, the Service will review reasonably available data and certify the action as required.

20. Wilderness Act

No designated or proposed wilderness areas will be directly or indirectly impaired by the proposed action. The proposed action is consistent with the Wilderness Act (16 U.S.C. 1131(a)).

21. Rivers and Harbors Improvement Act

The proposed action addresses watercraft related incidental take of manatees through small boat access facilities and operations; as such, it serves as indirect guidance to the Secretary of the Department of the Army for the planning and implementation of improvements to rivers, harbors, and waterways regarding prioritization and incorporation of “due regard for wildlife conservation” which it may prosecute (33 U.S.C. 540).

22. Ports and Waterways Safety Act

The proposed action addresses watercraft related incidental take of manatees through small boat access facilities and operations; as such, it serves as indirect guidance to the Secretary of the Department of the Army for prioritizing environmental, economic, and other factors during the planning and management of vessel operating requirements and aids to navigation, including waterways and channel maintenance, in navigable waters of the U.S. (33 U.S.C. 1223 and 1224).

23. Executive Order 11990, Protection of Wetlands

Provisions of this Executive Order do not apply.

24. Executive Order 11988, Flood Plain Management

Provisions of this Executive Order do not apply.

25. Executive Order 12898, Environmental Justice

Executive Order 12898, Federal Actions to Address *Environmental Justice* in Minority Populations and Low-Income Populations, provides that *each* Federal agency shall make *achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority or low-income populations.* The proposed action is being developed in compliance with Executive Order 12898.

26. Executive Order 13045, Protection of Children

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires each Federal agency to *identify and assess environmental risks and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.* The proposed action is being developed in compliance with Executive Order 13045.

27. Executive Order 13186, Protection of Migratory Birds

Executive Order 13186, *The Responsibilities of Federal Agencies to Protect Migratory Birds*, requires Federal agencies to avoid or minimize the effects of their actions on migratory birds, and, in some cases, to evaluate the effects of actions and plans on migratory birds during environmental analyses. The proposed action evaluates regulatory actions that could lead to the authorization of incidental take of Florida manatees related to watercraft access and operation. It is possible that required mitigating measures, if implemented, may indirectly benefit migratory waterbirds. The direct and indirect impacts that any specific LOA or mitigating measure may have on migratory birds will be analyzed if and when LOAs are issued.

28. Executive Order 13112, Invasive Species

Executive Order 13112 on *Invasive Species* requires Federal agencies to, among other tasks, prevent the introduction of invasive species, monitor invasive species populations, restore native species and habitat where invasions have occurred, and promote public education. This Executive Order does not apply.

29. Executive Order 12866, Regulatory Planning and Review

Executive Order 12866, *Regulatory Planning and Review* ensures that Federal agency decision makers understand the economic consequences of alternatives under consideration during rulemaking. The mechanism for presenting that information is an Economic Analysis. The Final EIS (see EIS Appendices K, L, and M) is consistent with this Executive Order

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