

Final
Finding of No Significant Impact (FNSI)
U.S. Army Reserve
Land Acquisition

53.8 acres at 218 Boardman Lane, Middletown, Connecticut

Federal Action. The Proposed Action is the acquisition and long-term habitat management of a 53.8-acre parcel from the 89-acre parcel at 218 Boardman Lane, Middletown, Connecticut (Boardman Lane parcel). The acquisition of this parcel of land is specified as off-site compensatory mitigation in the Clean Water Act Section 404(b)(1) Permit No. NAE-2008-2372 issued for the construction and operation of the Middletown Armed Forces Reserve Center (AFRC) in Middletown that resulted in the direct loss of about 1.5 acres of jurisdictional wetlands. The Proposed Action satisfies one component of the permit's required mitigation. The permit was required after the selection of the 42-acre parcel on Smith Street (formerly Cucia Park) for the Middletown AFRC under the 2005 BRAC Commission's recommendations (Public Law 101-510).

Real Estate Land Acquisition Strategies. The preferred plan is to acquire the Boardman Lane parcel and implement the mitigation outlined in the CWA Section 404(b)(1) permit using one of three real estate acquisition strategies: Third-party Acquisition, Direct Acquisition by the Army with a subsequent transfer to a Third-Party Owner, or Direct Acquisition by the Army. The preferred strategy is through Third-party acquisition, where the Army would enter into a cooperative agreement with a private entity to perform the wetlands mitigation (acquisition and implementation of the enhancement and long-term stewardship). Under the agreement, the Army would provide funds to the Third-party to acquire the property at Boardman Lane and manage the property in perpetuity in accordance with the terms and conditions of the Clean Water Act Section 404(b)(1) permit. The Army would remain responsible to the regulator for the required wetlands mitigation. Since all three acquisition strategies would have similar, almost identical, impacts on the environment, they are collectively analyzed as the proposed action.

Decision Basis. This decision was based on a thorough review of the siting alternatives and potential environmental impacts disclosed in the attached Environmental Assessment (EA), which is incorporated by reference. The EA identifies, evaluates, and documents the environmental and socioeconomic effects of acquisition, protection, preservation, and enhancement of the site for conservation management and ecological purposes. This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), as amended, and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508).

Alternatives. Two alternatives are presented in the EA: (1) the Proposed Action, which is the acquisition of the 53.8 acre Boardman Lane parcel, and (2) the No Action Alternative. Eight other sites were evaluated by the Regulatory Division, New England District-Corps of Engineers and U.S. Environmental Protection Agency in the Clean Water Act Section 404(b)(1) permitting process to identify off-site compensatory mitigation areas. Following a detailed review of the sites available, the New England District Regulatory Division and U.S. EPA, in consultation with the USACE Louisville District concluded the Boardman Lane parcel provided the conditions for compensatory mitigation that could directly offset the unavoidable functional impacts to wetlands from development of the AFRC on Smith Street in the Sawmill Brook Watershed.

Reasons for the Decision. The EA for land acquisition and management of the Boardman Lane parcel, which incorporates by reference previous Federal NEPA and Clean Water Act determinations for the Middletown AFRC, indicates that no significant short-term or long-term adverse impacts to the environment are anticipated. To achieve the final conditions of the site, some of the planned restoration/enhancement projects will have short-term minor impacts. The proposed acquisition and long-term management of the parcel will result in the permanent preservation of 53.8 acres that will provide a viable and sustainable compensatory mitigation site, and an area of aquatic resources enhancement. My determination of a Finding of No Significant Impact is based the following considerations:

- The Federal action provides long-term protection and management of the mitigation area over the life of the site, and prohibits incompatible uses that would jeopardize the objectives of this parcel of land side aside for conservation management and ecological purposes;
- The project will have no known adverse impacts to Federal or state-listed rare or endangered species.
- No archaeological or historical resources will be affected by this project;
- Impacts associated with the proposed work will be minimal, consisting of temporary increases in air emissions from gasoline-powered engine equipment and temporary displacement of wildlife during wetland enhancement and associated vegetation plantings;
- No identified significant adverse indirect or cumulative impacts will be caused by action;
- Selection of the Boardman Lane parcel is the preferred mitigation indentified in Clean Water Act Section 404(b)(1) permit No. NAE-2008-2372.

An Integrated Wetland Resources Stewardship Plan (IWRSP) will be used at the site. This formal plan requires that within the 53.8 acre parcel a minimum 40-acre area will receive a minimum of ten years proactive management, including invasive species plant control, environmental management, and monitoring for restoration success. An existing 14-acre grazed wet meadow will be enhanced through 10 acres of grassland management designed to protect the Eastern box turtle's use of the site, and reestablishing native riparian vegetation by plantings on a 4-acre area adjacent to Richards Brook. The plantings are intended to improve the resource habitat value and maximize the ability of this area to protect the water quality of the watershed and Sawmill Brook.

Public Comment. Interested parties were invited to review and comment on the original EA and Draft FNSI from June 30, 2010 to July 29, 2010. A Notice of Availability was published on June 30, 2010 in the *Hartford Courant* and *Middletown Press* newspapers. During the 30-day comment period a total of 2 written comments were received. One from the U.S. Environmental Protection Agency (EPA) and a second from the Connecticut Department of Environmental Protection. An email communication was received from the City of Middletown Department of Planning, Conservation and Development. These comment letters and communications have been added into Appendix E of the EA.

The EPA commented that the Section 404 permit (NAE 2008-2372) requires 40-acres of off-site compensatory mitigation, including restoration and enhancement of wetlands, riparian enhancements to improve water quality in Richards and Sawmill Brooks, habitat enhancement for State-listed species, invasive species control, and the permanent preservation and stewardship of the mitigation parcel. The EPA expressed concern for how the additional acreage purchased as part of the acquisition would be managed and utilized; emphasizing that one of the intents of the 40-acre compensatory mitigation is to result in overall water quality improvements in the two adjacent waterbodies that flow adjacent to the AFRC at Smith Street. EPA recommended that protective measures, such as conservation easements and ecological protection zones, be implemented for the additional acreage acquired to preserve the

integrity of the compensatory mitigation identified in the Clean Water Act Section 404 permit. Adding these restrictions to the additional acreage purchased would protect and prevent degradation of the AFRC mitigation site and potential adverse effects to aquatic resources. The Army will ensure the additional acreage purchased remains undeveloped. Deed restrictions will be incorporated into any future transfers to a third-party.

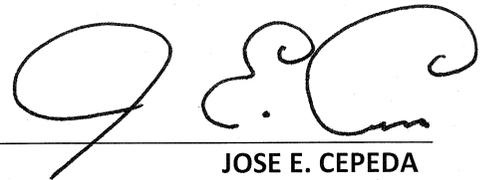
The City of Middletown Department of Planning, Conservation and Development expressed concern over the U.S. Army installing a chain link fence around the Boardman Lane conservation/mitigation area as a means of ATV deterrence. The Clean Water Act Section 404 permit Special Condition No. 10 states that the Army will prohibit incompatible uses that would jeopardize the objectives of the land set aside for conservation management and ecological protection purposes, among them includes grazing or off-road vehicle use. The New England District Regulatory Division has indicated that where access becomes an issue either by animals grazing or other means such as illegal off-road vehicle uses, their determination of compliance with the Special Condition would only allow the installation of a split rail fence, which would not prohibit wildlife movement through the area. A chain link or other solid body fence would not be allowed.

The Connecticut Department of Environmental Protection commented the management of the parcel in accordance with the IWRSP would not result in adverse impact to the 2 State-listed species of concern.

Conclusion. In my review and evaluation of the environmental effects as presented in the Environmental Assessment and public comments received, I have determined that the proposed land acquisition and the long-term habitat management of the Boardman Lane Parcel satisfies the requirements for off-site compensatory mitigation indentified in the Clean Water Act permit No. NAE-2008-2372, and is not a major Federal action significantly affecting the quality of the human environment. It has been determined that implementation of the Proposed Action will have no significant direct, indirect, or cumulative adverse effects on the quality of the natural or human environment. Because no significant environmental impacts will result from implementation of the Proposed Action, an Environmental Impact Statement is not required and will not be prepared.

17 August 2010

Date



JOSE E. CEPEDA

Colonel, U.S. Army Reserve
Regional Engineer