

Finding of No Significant Impact

Environmental Assessment of the Implementation of Base Realignment and Closure 2005 Closure Actions at Newport Chemical Depot, Indiana

Pursuant to the Council on Environmental Quality regulations (Title 40 of the *Code of Federal Regulations* [CFR] Parts 1500–1508) for implementing the procedural provisions of the National Environmental Policy Act of 1969 (42 *United States Code* 4321 *et seq.*) and 32 CFR Part 651 (Environmental Analysis of Army Actions), Newport Chemical Depot (NECD) has prepared an environmental assessment (EA) of the potential environmental and socioeconomic effects associated with disposing of the depot's 7,136 acres in accordance with the recommendations of the Base Closure and Realignment Commission (BRAC Commission).

Proposed Action

The proposed action is to convey the former Newport Chemical Depot (NECD) property consisting of 7,136 acres.

Alternatives

The Army has identified two disposal alternatives (accelerated and traditional) and a caretaker status alternative. Under accelerated disposal, the Army would take advantage of various property transfer and disposal methods that allow the reuse of the property to occur before environmental remedial action has been taken. Under traditional disposal, the Army would transfer or dispose of property after environmental remediation is complete for individual parcels of the installation. Under caretaker status—which would arise if the Army is unable to dispose of all or portions of its surplus BRAC property within the period defined for initial caretaking of the property—the Army would reduce maintenance to levels consistent with federal government standards for excess and surplus properties.

Two reuse scenarios, based on medium-low-intensity and low-intensity uses, encompass the community's reuse plan and are evaluated as secondary actions. In the context of NECD, low-intensity reuse could represent a level of activity that might be found in uses requiring only minimal numbers of buildings, with agricultural, park, or recreation functions occurring over substantial portions of the installation. A medium-low-intensity reuse, in the context of NECD would represent the next greater level of use intensity, for example, using existing facilities similar to present levels.

The Army's preference is the accelerated disposal alternative. The Army expresses no preference with respect to reuse scenarios because decisions implementing reuse would be made by other entities. Each of the disposal alternatives and reuse scenarios are evaluated in detail in the EA. Consistent with guidance issued by the Council on Environmental Quality, the No Action Alternative is also evaluated.

Factors Considered in Determining that No Environmental Impact Statement is Required

The EA, which is attached hereto and incorporated by reference into this Finding of No Significant Impact (FNSI), examined in detail the potential effects of the proposed action and alternatives and the No Action Alternative on areas of environmental and socioeconomic concern: land use, transportation, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics (including environmental justice and protection of children), aesthetics and visual resources, utilities, and hazardous and toxic materials.

Implementing the proposed action of property disposal would be expected to result in a mixture of short- and long-term minor adverse effects and short and long-term minor beneficial effects on the subject environmental resources and conditions, but no significant adverse effects. The proposed action would also be expected to not have an effect on many of the resources. The EA does not identify the need for any mitigation measures; however, to eliminate adverse effects on cultural resources caused by the transfer of the historic properties out of federal ownership, a Programmatic Agreement was prepared by the Army and approved by the Indiana Department of Natural Resources (IDNR)—Division of Historic Preservation and Archaeology. The agreement contains a preservation covenant that will afford protection

for all historic properties that have been determined eligible or potentially eligible for the National Register of Historic Places.

Informal consultation between the Army and the U.S. Fish and Wildlife Service (USFWS) regarding protection of the Indiana bat has been completed. Receipt of a memorandum from the USFWS stating the closure of and the proposed reuse of the NECD property *May Affect, but is Not Likely to Adversely Affect*, the Indiana bat on the property is pending. Adverse effects on the federally endangered Indiana bat identified by USFWS and Army during the informal consultation will be managed in accordance with protection provisions memorialized in deeds transferring NECD to the Newport Chemical Depot Reuse Authority (NeCDRA).

A Recitation of Intent (ROI) between NeCDRA and IDNR preserves approximately 1,650 acres of NECD land for conservation purposes including 612 acres, known as the Land Bank, that may be used for tallgrass prairie restoration. Although if fully implemented, the reuse plan submitted by NeCDRA could result in the loss of up to 300 acres of restored tallgrass prairie, this potential loss is not considered significant because the loss could be offset by tallgrass prairie restoration in the Land Bank.

Public Comment

The EA and draft FNSI were available for review and comment for 30 days from the publication of a Notice of Availability (NOA) in *The Daily Clintonian* and *The Tribune Star* newspapers. The NOA was published on November 18, 2010, and the public comment period ended on December 17, 2010. Copies of the EA and draft FNSI were available at the Clinton Public Library and on the BRAC Division web site (http://www.hqda.army.mil/acsim/brac/env_ea_review.htm).

Before the conclusion of the public comment period, response letters specific to the review of the Final EA and draft FNSI were received from a former NECD employee, the Indiana Director of Bird Conservation–National Audubon Society, the Indiana Department of Natural Resources–Division of Fish and Wildlife, the Natural Resources Conservation Service (NRCS), the USFWS–Bloomington Field Office, the IDNR–Division of Historic Preservation and Archaeology, and the Peoria Tribe of Indians of Oklahoma.

Many comments received from a former NECD employee, the Audubon Society, IDNR–Division of Fish and Wildlife, USFWS, and others voiced concern about the potential loss of NECD's restored prairie grasslands. Some of the comments requested that an environmental impact statement (EIS) be prepared, while others from IDNR and USFWS favored preservation, if possible. Those comments were noted; however, potential development of existing prairie grass by NeCDRA would be compensated as presented in the NeCDRA-IDNR ROI, precluding the need for an EIS. The NRCS commented on the potential loss of prime farmland and the applicability of the Farmland Policy Protection Act (FPPA) at NECD; however, the Army has concluded that the FPPA does not apply to national defense installations and by extension, the conveyance of the NECD property. Correspondence from the IDNR–Division of Historic Preservation and Archaeology acknowledged receipt of the Final EA and draft FNSI and that the office had no additional comments. The letter from the Peoria Tribe of Indians of Oklahoma raised no objections to the findings of the EA, but it indicated that if any skeletal remains and/or objects falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are uncovered during construction, the construction should be stopped immediately, and appropriate persons, including state and tribal NAGPRA representatives be contacted.

All the comments received during the public comment were evaluated, and responses to each were prepared and have been included in the project Administrative Record. On the basis of the evaluation, it should be noted that this FNSI strikes the last sentence in Table 3-2 Reuse Attributes found in the Final EA.

Finding of No Significant Impact

On the basis of the EA, which is herewith incorporated, and in consideration of all comments received on the EA, I have determined that implementing the proposed action would have no significant adverse effects on the quality of the human or natural environment. Because no significant environmental impacts would result from implementing the proposed action, an EIS is not required and will not be prepared.

Date: 30 August 2011



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