

Appendix O

COMPLIANCE WITH ENVIRONMENTAL LAWS, REGULATIONS, AND EXECUTIVE ORDERS

Following completion of the final integrated DMMP/SEIS, the Assistant Secretary of the Army for Civil Works will issue a written Record of Decision (ROD) concerning the proposed action. The ROD will be issued within a framework of laws, regulations, executive orders, policies, rules, and other guidance. Relevant Federal statutory authorities and executive orders are listed in Table 1. Relevant State of Louisiana statutory authorities are listed in Table 2. Full compliance with statutory authorities will be accomplished upon review of the final DMMP/SEIS by appropriate agencies and the public and the signing of a ROD.

Table 1. Relevant Federal Statutory Authorities and Executive Orders (Note: This list is not complete or exhaustive.)

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| Abandoned Shipwreck Act of 1987 | Marine Mammal Protection Act of 1972 |
| American Indian Religious Freedom Act of 1978 | Marine Protected Areas (EO 13158) of 2000 |
| Anadromous Fish Conservation Act of 1965 | Marine Protection, Research, and Sanctuaries Act of 1972 |
| Archaeological Resources Protection Act of 1979 | Migratory Bird Conservation Act of 1929 |
| Archaeological and Historical Preservation Act of 1974 | Migratory Bird Treaty Act of 1918 |
| Bald Eagle Protection Act of 1940 | Migratory Bird Habitat Protection (EO 13186) of 2001 |
| Clean Air Act of 1970 | National Environmental Policy Act of 1969 |
| Clean Water Act of 1977 | National Historic Preservation Act of 1966 |
| Coastal Barrier Improvement Act of 1990 | National Invasive Species Act of 1996 |
| Coastal Barrier Resources Act of 1982 | Native American Graves Protection and Repatriation Act of 1990 |
| Coastal Wetlands Planning, Protection, and Restoration Act of 1990 | Neotropical Migratory Bird Conservation Act of 2000 |
| Coastal Zone Management Act of 1972 | Noise Control Act of 1972 |
| Coastal Zone Protection Act of 1996 | Nonindigenous Aquatic Nuisance Prevention and Control Act of 1996 |
| Comprehensive Environmental Response, Compensation, and Liability Act of 1980 | North American Wetlands Conservation Act of 1989 |
| Consultation and Coordination with Indian Tribal Governments (EO 13175) of 2000 | Oil Pollution Act of 1990 |
| Deepwater Port Act of 1974 | Outer Continental Shelf Lands Act of 1953 |
| Emergency Planning and Community Right-to-Know Act of 1986 | Pollution Prevention Act of 1990 |
| Emergency Wetlands Restoration Act of 1986 | Prime or Unique Farmlands, 1980 CEQ Memorandum |
| Endangered Species Act of 1973 | Protection and Enhancement of the Cultural Environment (EO 11593) of 1971 |
| Environmental Quality Improvement Act of 1970 | Protection and Enhancement of Environmental Quality (EO 11991) of 1977 |
| Estuaries and Clean Waters Act of 2000 | Protection of Children from Environmental Health Risks and Safety Issues (EO 13045) of 1997 |
| Estuary Protection Act of 1968 | Protection of Cultural Property (EO 12555) of 1986 |
| Estuary Restoration Act of 2000 | Protection of Wetlands (EO 11990) of 1977 |
| Exotic Organisms (EO 11987) of 1977 | Reclamation Projects Authorization and Adjustments Act of 1992 |
| Farmland Protection Policy Act of 1981 | Recreational Fisheries (EO 12962) of 1995 |
| Federal Actions to Address Environmental Justice in Minority Populations & Low-Income Populations (EO 12898, 12948) of 1994, as amended | Resource Conservation and Recovery Act of 1976 |
| Federal Compliance with Pollution Control Standards (EO 12088) of 1978 | Responsibilities of Federal Agencies to Protect Migratory Birds (EO 13186) of 2001 |
| Federal Emergency Management (EO 12148) of 1979 | Rivers and Harbors Acts of 1899, 1956 |
| Federal Water Pollution Control Act of 1972 | River and Harbor and Flood Control Act of 1970 |
| Federal Water Project Recreation Act of 1965 | Safe Drinking Water Act of 1974 |
| Fish and Wildlife Conservation Act of 1980 | Submerged Land Act of 1953 |
| Fish and Wildlife Coordination Act of 1958 | Sustainable Fisheries Act of 1996 |
| Flood Control Act of 1944 | Toxic Substances Control Act of 1976 |
| Floodplain Management (EO 11988) of 1977 | Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) |
| Food Security Act of 1985 | Water Resources Development Acts of 1976, 1986, 1990, 1992, and 2007 |
| Greening of the Government Through Leadership in Environmental Management (EO 13148) of 2000 | Water Resources Planning Act of 1965 |
| Historic Sites Act of 1935 | Watershed Protection & Flood Prevention Act of 1954 |
| Historical and Archaeological Data-Preservation Act of 1974 | Water Pollution Control Act Amendments of 1961 |
| Indian Sacred Sites (EO 13007) of 1996 | Wild and Scenic River Act of 1968 |
| Invasive Species (EO 13112) of 1999 | Wilderness Act of 1964 |
| Land & Water Conservation Fund Act of 1965 | |
| Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended | |

Table 2. Relevant State Statutory Authorities (Note: this list is not complete or exhaustive.)

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| Air Control Act Archeological Treasury Act of 1974 Louisiana Coastal Resources Program Louisiana Natural and Scenic Rivers System Act | Louisiana Threatened and Endangered Species and Rare & Unique Habitats Protection of Cypress Trees Water Control Act |
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Archeological Resources Protection Act of 1979

This project complies with the provisions of the Archeological Resources Act of 1979, as amended, 16 USC 470 *et seq.*, P.L. 96-95, relative to archeological resources on public lands.

Barrier Resources Act and Coastal Barrier Improvement Act of 1990

There are no designated coastal barrier resources in the project area that would be affected by this project. The project is in compliance.

Clean Air Act of 1970

Compliance with the Clean Air Act (42 U.S.C.A. §§7401) has been fully coordinated with the Air Quality Section of the LDEQ (see also **Section 4.6 Air Quality** in the DMMP/SEIS). As required by *Louisiana Administrative Code*, Title 33 (LAC 33:III.1405 B), air quality impacts of the proposed projects were assessed. This included consideration of the proposed action for the category of general conformity, in accordance with the Louisiana General Conformity, State Implementation Plan (LDEQ, 1994). Impacts to air quality would be negligible.

Clean Water Act – Section 401 Water Quality

Under provisions of the Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, *et seq.* PL 92-500, any project that involves placing dredged or fill material in waters of the United States or wetlands, or mechanized clearing of wetlands would require a water quality certification from the Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Services. A letter granting water quality certification from the LDEQ was issued on June 24, 2009. Prior to construction, a National Pollutant Discharge Elimination System (NPDES) permit will be obtained from LDEQ, the permitting authority. The letter and application can be found in **Appendix N**.

Clean Water Act – Section 404(b)(1)

The USACE is responsible for administering regulations under Section 404(b)(1) of the Clean Water Act. Potential project-related impacts subject to these regulations, such as the discharge of dredged material into shallow open water areas to create wetlands, and the placement of rock for shoreline protection, have been evaluated in compliance with Section 404(b)(1) of the Clean Water Act (**Appendix J**). The evaluation of potential impacts to water quality indicated that, on the basis of the guidelines, the proposed disposal sites for the discharge of dredged material

and rock comply with the requirement of these guidelines, with the inclusion of appropriate and practicable methods to minimize adverse effects to the aquatic ecosystem. The Public Notice announcement providing a 30-day comment period was mailed out on February 5, 2009. The 30-day comment period began February 9, 2009. No comments were received. The notice and distribution list can be found in **Appendix N**.

Coastal Zone Management Act of 1972

Section 307 of the Coastal Zone Management Act (CZM) of 1972 (16 U.S.C. 1456(c)(1)(A)) directs that Federal agencies proposing activities or development projects (including civil work activities), whether within or outside the coastal zone, must assure that those activities or projects are consistent, to the maximum extent practicable, with the approved state coastal zone management program. A Consistency Determination is included with this report (**Appendix K**) and was submitted to the Louisiana Department of Natural Resources (LDNR) for consistency review on 1/16/2009. LDNR concurred by letter dated 4/14/2009 that this project is considered consistent, to the maximum extent practicable, with the approved Louisiana Coastal Resource Program (Appendix K).

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1996

The Hazardous, Toxic, and Radioactive Waste (HTRW) assessment performed as part of this project complies with the requirements of CERCLA and SARA. The HTRW report can be found in **Appendix G**.

Endangered Species Act of 1973 (ESA)

Compliance with the ESA (7 U.S.C. 136; 16 U.S.C. 460 *et seq.*) has been coordinated with the USFWS and the NMFS for those species under their respective jurisdictions. The USACE will continue to closely coordinate and consult with the USFWS and the NMFS regarding threatened and endangered species under their jurisdiction that may be potentially impacted by the proposed action. A biological assessment (BA) was provided to USFWS by letter dated July 2, 2007 and concurred with by USFWS by letter dated November 13, 2007. The FWS has concurred with the USACE “not likely to adversely affect” determinations for all listed species. FWS concurrence is included in the FWCAR. The BA was provided to NMFS July 11, 2007. NMFS responded by email October 11, 2007 stating no further action was required by the USACE in regards to ESA section 7 consultation with NMFS. **Appendix L** includes the BA and correspondence between the agencies.

Estuary Protection Act of 1968

It is anticipated that estuaries would be benefited by this project. The Final SEIS will be in full compliance with the Estuary Protection Act of 1968, 16 U.S.C. 1221, *et seq.* PL 90-454.

Farmland Protection Policy Act of 1981

No prime or unique farmland would be impacted by implementation of this project. The project is in compliance.

Federal Water Project Recreation Act

This project is in full compliance with the Federal Water Project Recreation Act, as amended, 16 U.S.C 460-1 (12), *et seq.*, P.L. 89-72.

Fish and Wildlife Coordination Act of 1958

The USACE and the USFWS have formally committed to work together to conserve, protect, and restore fish and wildlife resources while ensuring environmental sustainability of our Nation's water resources under the January 22, 2003, Partnership Agreement for Water Resources and Fish and Wildlife. Accordingly, in a letter dated December 20, 2006, the USFWS indicated agreement to serve as a Cooperating Agency (per NEPA section 1501.6) in developing the EIS for the proposed project in accordance with applicable NEPA and CEQ guidance. Participation of the USFWS includes: 1) participating in meetings and field trips to obtain baseline information on project-area fish and wildlife resources; 2) evaluating the proposed project's impacts to wetlands and associated fish and wildlife resources, and assisting in the development of measures to avoid, minimize, and/or compensate for those impacts; and 3) providing technical assistance in the development of a Biological Assessment describing the impacts of the proposed activity to Federally listed threatened or endangered species and/or their critical habitat.

In accordance with provisions of the report prepared in fulfillment of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the USFWS has provided recommendations on the tentatively selected plan (TSP) in a November 26, 2007, Fish and Wildlife Coordination Act Report (FWCAR) (**Appendix M**). In the report, the FWS gave the following comments and recommendations:

“The Service would not object to further detailed planning and implementation of the TSP provided that the project incorporates the following recommendations to avoid unnecessary impacts to fish and wildlife resources, to quantify indirect project impacts, to achieve the anticipated wetland creation benefits, and to mitigate for unavoidable project-related wetland impacts:

1. To the greatest extent practicable, beneficial use sites should be considered the primary disposal option over CDFs and should be used prior to disposing in CDFs.
2. According to the Corps, the DMMP will be updated every five years. The Service, the National Marine Fisheries Service (NMFS), the Louisiana Department of Natural Resources (LDNR), and the Louisiana Department of Wildlife and Fisheries (LDWF) should be involved early on in this planning effort to identify any potential change in conditions including additional beneficial use disposal options.

3. Detailed design documents (e.g., design reports, plans and specifications, etc.) of the waterway and disposal sites should be prepared in consultation with the Service, the NMFS, the LDNR, and the LDWF to avoid unnecessary wetland impacts and to achieve the anticipated wetland creation benefits. At that time, WVA calculations should be updated to more accurately reflect project impacts and/or benefits. The following are some beneficial use disposal area design features that have been implemented for marsh creation projects in the Calcasieu-Sabine Basin and should be considered in all future sites:
 - a. beneficial use disposal areas should have constructed bayous and openings to existing bayous (e.g., fish dips) to facilitate water exchange and estuarine fisheries access, openings should be constructed after dredged material has stabilized and vegetation has colonized,
 - b. beneficial use disposal area containment dikes should be breached or degraded to the settled elevations of the disposal area. Such breaches should be undertaken after consolidation of the dredged sediments and vegetative colonization of the exposed soil surface;
 - c. for beneficial use disposal areas along Calcasieu Lake, fish dips or gaps should be located approximately every 1,000 feet to allow for some estuarine fisheries access and hydraulic exchange with those marsh creation areas;
 - d. fish dips should have a minimum bottom width of 20 feet, a minimum depth of 1 foot NAVD 88, and rock armoring on the sides and bottom to minimize scour; and,
 - e. initial marsh elevations should be designed to + 4.5' MLG with a target elevation of + 2.5' MLG (1.1 NAVD 88).
4. Fee title or an equivalent easement should be acquired for any mitigation lands to preclude incompatible development and to ensure that the recommended mitigation values are maintained over the project life; costs for development, maintenance, and monitoring of mitigation lands should be allocated as a project first cost in future project funding estimates and requests.
5. The Corps should continue to coordinate with the Service throughout planning and construction to ensure that the proposed project does not impact waterbird nesting colonies, and threatened or endangered species that may be listed in the future.
6. Surveys should be conducted to document active, but undocumented, wading bird rookeries and colonial nesting birds within the project areas. If active nests are found, consultation with the Service should be initiated to ensure that project activities do not impact any colonial nesting bird colonies.
7. Proposed beneficial use disposal area 19, located on Cameron Prairie National Wildlife Refuge (NWR) is a smaller project area compared to other beneficial use restoration projects proposed for that area. We recommend that the Corps refer to the

- CWPPRA, Priority Project List 17, proposed project titled “East Cove Marsh Creation Project” (Appendix A), and revise that disposal site accordingly.
8. Shoreline protection features should be installed along the shoreline of the Sabine NWR (i.e., River Miles 9 to 11) to protect the shoreline and associated wetlands of that NWR and to reduce shoaling along that reach.
 9. The Corps should continue planning efforts to determine the feasibility of constructing bird islands or restoring Rabbit Island with material typically used (e.g., silts and clays) to create such habitat on Louisiana’s coast.
 10. Project features should be implemented and operated consistent with the Louisiana Coastal Restoration Plan, as required by Section 303(d) of CWPPRA.”

The USACE responded to recommendations by letter dated February 15, 2008. The USACE only partially concurs with the FWCAR recommendation to consider beneficial use sites as the primary disposal option over CDFs (Recommendation number 1 above). There are advantages to the use of CDFs in addition to providing a higher degree of certainty to future needs. For example, if a chemical spill in the channel contaminates sediments, it would be necessary to place the contaminated dredged material in a CDF. The Corps disagrees that beneficial use should be the “primary disposal option over CDFs,” but rather that both CDFs and beneficial use sites should be evaluated based on the needs, capacities, and characteristics of each reach of the channel. The USACE does not concur with the FWCAR recommendation number 8 to install shoreline protection features along the shoreline of the Sabine NWR (i.e., River Miles 9 to 11) to protect the shoreline and associated wetlands of that NWR and to reduce shoaling along that reach. Shoreline protection in this area is not part of the DMMP. Erosion in this area has not been shown to be a major problem.

Fishery Conservation and Management Act of 1976

This project has been coordinated with NMFS and complies fully with the Magnuson-Stevens Fishery Conservation Act, as amended in 1996, 16 U.S.C. 1801, *et seq.* PL 04-265.

Lands Act of 1953

This project 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.*

Louisiana State Rare, Threatened and Endangered species, and Natural Communities Coordination

The USACE reviewed the database maintained by the Louisiana natural Heritage Program that provided the most recent listing and locations for rare, threatened and endangered species of plants and animals and natural communities within the State of Louisiana. The proposed action would not adversely impact any rare, threatened or endangered species, or unique natural communities. The proposed action would increase the extent of intermediate marsh habitat.

Magnuson-Stevens Fishery Conservation and management Act of 1996 and the Magnuson-Stevens Act Reauthorization of 2006 (Essential Fish Habitat)

As directed by the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 104-297), the USACE will coordinate with the NMFS and that agency's experts on various marine organisms, as well as EFH. The analysis of potential impacts of the TSP on EFH is described in **Section 4.7.3.2 Animals**.

Migratory Bird Treaty Act and Migratory Bird Conservation Act

No migratory birds would be affected by project activities. 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 Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4).

National Environmental Policy Act of 1969

The project complies with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, *et seq.* PL 91-190.

National Historic Preservation Act of 1966 (Inter Alia)

In compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and 36CFR 800, Federal agencies are required to identify and consider potential effects that their undertakings might have on significant historic properties, districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register. Additionally, a Federal agency shall consult with any tribe that attaches religious and cultural significance to such properties. Agencies shall afford the State Historic Preservation Officer (SHPO) and tribes a reasonable opportunity to comment before decisions are made. Accordingly, the proposed action has been coordinated with the SHPO and tribes. In a letter dated October 5, 2007, SHPO stated no objections to the implementation of the project from a Section 106 compliance standpoint. Coordination letters received from the SHPO are included in **Appendix H**. This DMMP/Draft SEIS will be provided to the SHPO and tribes, as well as other interested parties for comment.

Native American Graves Protection and Repatriation Act of 1990

The project complies with the provisions of the Native American Graves Protection and Repatriation Act, as amended, 25 U.S.C. 3008, *et seq.*, P.L. 101-601.

Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984

The Hazardous, Toxic, and Radioactive Waste (HTRW) assessment performed as part of this project complies with the requirements of RCRA and HSWA. The assessment can be found in **Appendix G**.

River and Harbor and Flood Control Act of 1970

The River and Harbor and Flood Control Act of 1970 (P.L. 91-611) places certain requirements on the USACE for evaluating public works projects. This project complies with those requirements.

Rivers and Harbors Act of 1899

This project would not obstruct navigable waters of the United States. The action has been subject to the public notice, public hearing, and other evaluations normally conducted for activities subject to the Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401, *et seq.* The project is in full compliance.

Wild and Scenic River Act of 1968

No designated Wild and Scenic river reaches would be affected by project related activities.

Executive Order 11514, Protection of Environment

E.O. 11514, Protection and Enhancement of Environmental Quality, directs federal agencies to "*initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals.*" This project complies with E.O. 11514.

Executive Order 11988, Flood Plain Management

This E.O. instructs Federal Agencies to avoid development in flood plains to the maximum extent feasible. The current project is not a "development" but rather a floodplain restoration action. This project is being developed in compliance with E.O. 12898.

Executive Order 11990, Protection of Wetlands

Expansion of selected CDFs would result in the loss of about 68 acres of wetlands and 443 acres of open water/estuarine habitat in Calcasieu Lake. Beneficial use of dredged material is projected to create over 6,300 acres of marsh and estuarine habitat. This project complies with the goals of this executive order.

Executive Order 12898, Environmental Justice

Concern with environmental justice issues can be traced to Title VI, Section 601 of the Civil Rights Act of 1964 (Public Law 88-352):

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

On February 11, 1994, President Clinton issued Executive Order 12898 regarding Federal actions to address environmental justice issues in minority populations and low-income populations:

“To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, 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 populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.”

Executive Order 12898 is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities. The order is also intended to promote non discrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low income communities access to public information on, and an opportunity for public participation in, matters relating to human health or environmental planning, regulations, and enforcement. As part of the NEPA process, a request for comments was provided to the public and interested parties. Comments are provided in Appendix N. No comments were related to environmental justice. The USACE is committed to ensuring that any potential environmental justice issues are addressed as the study proceeds. The proposed wetland creation and nourishment upland disposal would equally impact all potential users (e.g., commercial and recreational fishers) in the area. There would be no potential environmental justice issues from implementing the TSP.

Executive Order 12962, Recreational Fisheries

Executive Order 12962 requires the evaluation of federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries. This project complies with E.O. 12962.

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.” This project complies with the requirements of E.O. 13045.

Executive Order 13089, Coral Reef Protection

Executive Order 13089, *Coral Reef Protection* requires each Federal agency whose actions affect coral reef ecosystems to “provide for the implementation of measures needed to research, monitor, manage and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation, and fishing.” This project complies with the requirements of E.O. 13045.

Executive Order 13112, Invasive Species

On February 3, 1999, President Clinton issued Executive Order 13112 to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause by establishing the National Invasive Species Council. The tentatively selected plan (TSP) is consistent with Executive Order 13112 to the extent practicable and permitted by law and subject to the availability of appropriations, and within Administration budgetary limits. The TSP will use relevant programs and authorities to prevent the introduction of invasive species and not authorize, fund, or carry out actions likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere, unless the USACE has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species, and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

Executive Order 13186 – Migratory Bird Habitat Protection

Executive Order 13186 proclaims the intent to support the conservation of previous migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions. This Executive Order requires environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern. In addition, each Federal agency shall restore and enhance the habitat of migratory birds, as practicable. Implementation of the TSP would result in a net increase in migratory bird habitat.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646)

All real estate interests acquired for construction of the TSP will be in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended in 42 USC 4601-4655, and the Uniform Regulations contained in 49 C.F.R. Part 24. The Uniform Act sets forth procedures for the acquisition of private property for public use and specifically requires that the acquiring agency appraise the real property interests it wishes to acquire and provide the owner a written summary of the basis for the amount established as just compensation.