

5.5 Natural and Cultural Resources



This section provides information about federal statutes and assessments related to ecological compliance and cultural resources.

5.5.1 Ecological Compliance

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DOE policies require that all projects having the potential to adversely affect biological resources have an ecological compliance review performed prior to initiation of the project. This review determines if the project will comply with the *Endangered Species Act* and the *Migratory Bird Treaty Act*. It also re-examines whether other significant resources such as Washington State listed species of concern, wetlands, and native shrub-steppe habitats are adequately considered during the project planning process. Where effects are identified, mitigation action is prescribed. Mitigation actions can include avoidance, minimization, rectification, or compensation.

Because many projects occur during periods of the year when plants are not growing and are difficult to identify or evaluate, each of the operational areas (200-East and 200-West Areas, 100-N and 100-K Areas, and the 300 Area) are surveyed each spring. All habitat areas within these areas are surveyed and each building is inspected for the nests of migratory birds. These baseline visual surveys provide information about habitat types, and species inventories and abundance, which can be used throughout the rest of the year to assess the potential impact. These data are also used to support ecological inventory and data requirements for ecological risk evaluations. Examples of the baseline survey maps are available at <http://www.pnl.gov/ecomon/Compliance/comp.html>.

There were 225 reviews performed during 2004 including 174 ecological compliance reviews in support of general Hanford Site activities and 51 reviews performed in support of environmental restoration activities.

5.5.1.1 Endangered Species Act

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Several protected species of plants and animals exist on the Hanford Site and along the Hanford Reach of the Columbia River. The bald eagle (*Haliaeetus leucocephalus*), steelhead trout (*Oncorhynchus mykiss*), and spring-run Chinook salmon (*Oncorhynchus tshawytscha*) are listed by the U.S. Fish and Wildlife Service as either threatened or endangered (50 CFR 17, Subpart B) and occur onsite. Other species at Hanford are listed by the Washington Department of Fish and Wildlife as endangered, threatened, or sensitive (see Section 8.12).

5.5.1.2 Migratory Bird Treaty Act

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The *Migratory Bird Treaty Act* prohibits taking or disturbing specified migratory birds or their feathers, eggs, or nests. Over 100 species of birds that regularly occur on the Hanford Site are protected by the *Migratory Bird Treaty Act*.

All Hanford Site projects with a potential to affect federally or state listed species of concern complied with the requirements of this act by using the ecological compliance review process (see Section 5.5.1) as described in the *Hanford Site Biological Resources Management Plan* (DOE/RL-96-32). When applicable, the ecological reviews produced recommendations to minimize adverse impact to migratory birds, such as performing work outside of the nesting season and minimizing the loss of habitat.



5.5.2 Cultural Resources

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DOE's policy is to comply with all cultural resource-related laws and regulations. Cultural resources on the Hanford Site are subject to the provisions of the following seven acts, two executive orders, and one Presidential Proclamation: *American Indian Religious Freedom Act*; *Antiquities Act*; *Archaeological and Historic Preservation Act*; *Archaeological Resources Protection Act*; Executive

Order 11593, *Protection and Enhancement of the Cultural Environment* (36 FR 8921); *Historic Sites, Buildings, and Antiquities Act*; *National Historic Preservation Act*; *Native American Graves Protection and Repatriation Act*; Proclamation 7319 of June 9, 2000, *Establishment of the Hanford Reach National Monument* (65 FR 37253); and Executive Order 13287 of March 3, 2003, *Preserve America* (68 FR 10635).

See Section 8.15 for details regarding the cultural resources programs on the Hanford Site.