

## **I. Review of Environmental Laws**

*EOC denotes that Act or EO is also in Extraordinary Circumstances*

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>N/A</u></b>	<b><u>NATIONAL HISTORIC PRESERVATION ACT – EOC</u></b>
[ ]	[ ]	[ ]	Any structures over 50 years old impacted by the project?
[ ]	[ ]	[ ]	Consultation with SHPO conducted?
[ ]	[ ]	[ ]	SHPO comments attached?

**Administering Agency:** U.S. Department of the Interior through the National Park Service, the Advisory Council on Historic Preservation and/or the State Historic Preservation Office

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>N/A</u></b>	<b><u>ARCHEOLOGICAL &amp; HISTORICAL PRESERVATION ACT–EOC</u></b>
[ ]	[ ]	[ ]	Any significant disturbance to previously undisturbed ground surface?
[ ]	[ ]	[ ]	Consultation with SHPO conducted?
[ ]	[ ]	[ ]	SHPO comments attached?
[ ]	[ ]	[ ]	Any significant disturbance to cultural resources?

**Administering Agency:** U.S. Department of the Interior through the National Park Service, the Advisory Council on Historic Preservation and/or the State Historic Preservation Office

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>N/A</u></b>	<b><u>ENDANGERED SPECIES ACT - EOC</u></b>
[ ]	[ ]	[ ]	Any significant disturbance to the physical environment?
[ ]	[ ]	[ ]	Any threatened or endangered species present in the project area?
[ ]	[ ]	[ ]	Any critical habitat present in the project area?
[ ]	[ ]	[ ]	Consultation with USFWS or State Wildlife Agency conducted?
[ ]	[ ]	[ ]	Comments attached?

**Administering Agency:** Dept. of the Interior through the U.S. Fish and Wildlife Service

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>N/A</u></b>	<b><u>FISH AND WILDLIFE COORDINATION ACT - EOC</u></b>
[ ]	[ ]	[ ]	Is the project located in a waterway or body of water?
[ ]	[ ]	[ ]	Any modification of the waterway or body of water?
[ ]	[ ]	[ ]	Consultation with USFWS or State Wildlife Agency conducted?
[ ]	[ ]	[ ]	Comments attached?

**Administering Agency:** Dept. of the Interior through the U.S. Fish and Wildlife Service

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>N/A</u></b>	<b><u>WILD AND SCENIC RIVERS ACT - EOC</u></b>
[ ]	[ ]	[ ]	Is project located along or impact a designated wild and scenic river?
[ ]	[ ]	[ ]	Was consultation conducted?
[ ]	[ ]	[ ]	Comments attached?

**Administering Agency:** Dept. of the Interior through the National Park Service, Bureau of Land Management and U.S. Fish and Wildlife Service. Also the Dept. of Agriculture through the U.S. Forest Service within their jurisdiction.

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>WILDERNESS ACT - EOC</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project located in a designated wilderness or coastal wildlife area?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments attached?

**Administering Agency: Dept. of the Interior through the National Park Service, Bureau of Land Management, and U.S. Fish & Wildlife Service**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>FARMLANDS PROTECTION POLICY ACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project located in designated prime & unique farmlands?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any unnecessary or irreversible conversion of prime & unique farmlands?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation with NRCS conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments attached?

**Administering Agency: Dept. of Agriculture through the Natural Resources Conservation Service**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>COASTAL ZONE MANAGEMENT ACT - EOC</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Project impacts coastal zone?

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>COASTAL BARRIERS RESOURCES ACT - EOC</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Project promotes development in the coastal zone?

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>CLEAN AIR ACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project result in permanent air emissions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments attached?

**Administering Agency: U.S. Environmental Protection Agency**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>CLEAN WATER ACT (Sec. 404)</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project dredging or disposal of dredged material, or excavation, filling or other modifications to the waters of the U.S.?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project result in piers, wharves, breakwaters, bulkheads, jetties, weirs, transmissions lines or bank stabilization in waters of the U.S.?
<b><u>NOTE:</u> "WATERS" includes waters subject to ebb and flow of tide; wetlands; lakes, rivers, streams, mudflats, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments, tributaries, territorial seas, and wetlands adjacent to waters previously identifies.</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation conducted with the USACE.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments or permit attached?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does <b>NATIONWIDE PERMIT</b> apply?

**Administering Agency: U.S. Army Corps of Engineers**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>OTHER RELEVANT LAWS AND ENV. REGULATIONS</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any other laws and/or regulations that may apply to the project.

**Administering Agency: Applicable State Statutory Requirements, Executive and Administrative Orders and any local Environmental requirements.**

## II. REVIEW OF EXECUTIVE ORDERS

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>E.O. 11988 – FLOODPLAINS</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project located in a FEMA identified 100 yr. or 500 yr. floodplain?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consultation with FEMA and/or state water agency conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments attached?

**Administering Agency: Federal Emergency Management Agency, Region VIII. Each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order. Also concurrence is needed from the local community floodplain administrator.**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>E.O. 11990 – WETLANDS - EOC</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project in an area that is inundated or saturated by surface or ground water (swamps, marshes, bogs, etc.) or identified wetland?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consultation with federal agency conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments attached?

**Administering Agency: Environmental Protection Agency. Each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order. Wetlands identifications are made via a wetlands inventory map through the U.S. Fish & Wildlife Service and Army Corps of Engineers.**

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>E.O. 12898 – ENVIRONMENTAL JUSTICE</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project in an area of low income or minority populations?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project disproportionately impact any low income or minority populations?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any socio-economic data attached?

**Comments: If the project is disproportionately adversely affecting low income or minority individuals, or is disproportionately assisting higher income individuals at the exclusion of lower income or minority individuals, then EO 12898 has to be addressed.**

**Administering Agency: Environmental Protection Agency. Each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order.**

## III. REVIEW OF EXTRAORDINARY CIRCUMSTANCES

***If extraordinary circumstances exist within an area affected by an action, such that an action that is categorically excluded from NEPA compliance may have a significant adverse environmental impact, an environmental assessment shall be prepared.***

**NOTE: Bold type Extraordinary Circumstances are covered in preceding laws and Executive Orders.**

<u>YES</u>	<u>NO</u>	
<input type="checkbox"/>	<input type="checkbox"/>	(i) Greater scope or size than normally experienced for a particular category of action;
<input type="checkbox"/>	<input type="checkbox"/>	(ii) Actions with a high level of public controversy;
<input type="checkbox"/>	<input type="checkbox"/>	(iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
<input type="checkbox"/>	<input type="checkbox"/>	(iv) Employment of unproven technology with the potential adverse effects or actions involving unique or unknown environmental risks;
<input type="checkbox"/>	<input type="checkbox"/>	(v) <b>Presence of endangered or threatened species or their critical habitat, or archaeological cultural, historical or other protected resources;</b>
<input type="checkbox"/>	<input type="checkbox"/>	(vi) Presence of hazardous or toxic substances at levels which exceed Federal, state, or local regulations or standards requiring action or attention;

- (vii) **Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;**
- (viii) Potential for adverse effects on health or safety; and
- (ix) Potential to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by them elves.

## **IV. REVIEW OF PROJECT CONDITIONS & ASSURANCES**

- | <b><u>YES</u></b>        | <b><u>NO</u></b>         | <b>Project conditions and assurances included in application.</b>  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | If ground disturbing activities occur during implementation, the applicant will monitor excavation activity, and if any artifacts or human remains are found during the excavation process, all work is to cease and the applicant will notify FEMA, Grantee, and SHPO.  |
| <input type="checkbox"/> | <input type="checkbox"/> | If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or result in any other unanticipated changes to the physical environment, the Grantee must contact FEMA, and a re-evaluation under NEPA and other applicable environmental laws will be conducted by FEMA. |
| <input type="checkbox"/> | <input type="checkbox"/> | If the action is in a identified wetland or waters of the U.S., the applicant will seek and comply with a 404 permit or other permit as appropriate.   |

## **V. OTHER COMMENTS**

The above list of environmental statutes and Executive Orders is not **ALL INCLUSIVE**. Other laws may apply depending upon the project application. Some of these may be:

- EPA-Section 402 of the Federal Clean Water Act-Sewage Disposal Discharge Permits***
- EPA-Section 313 of the Federal Clean Water Act-Stormwater Mgt. and Erosion Sediment Control-33-U.S.C.-1251-1387***
- EPA-Comprehensive Environmental Response, Compensation and Liability Act-(CERCLA) Hazardous Waste-42 U.S.C. 9601-9675***
- EPA-Underground Storage Tank Regulations***
- EPA-Federal Safe Drinking Water Act (SDWA)-42 U.S.C. 300f-300j-26***
- EPA-Resource Conservation and Recovery Act (RCRA)-42 U.S.C. 6901-6992k***
- EPA-Toxic Substances Control Act (TSCA)-15 U.S.C.-2601-2692***
- EPA-Pollution Prevention Act (PPA)-42 U.S.C.-13101-13109***
- EPA-Emergency Planning and Community right-To-Know Act of 1986 (EPCRA)-42 U.S.C. 11001-11050***
- Section 4(f) of the Dept. of Transportation Act-Recreational Area/ Parkland/ Protected Land***
- Section 10 of the Rivers and Harbors Act-Navigable Waters***
- Native American Graves Protection & Repatriation Act of 1990***
- Applicable State & Local Requirements and Laws***