



1) Will the proposed activity occur in or near the state designated coastal zone (<http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>)?

Yes No

2) Is the activity likely to have reasonably foreseeable effects on any land or water use or natural resource of the designated coastal zone?

Yes No

If the answer to either of these questions is “yes,” contact the State Coastal Zone Management Program (<http://coastalmanagement.noaa.gov/programs/czm.html>) for further guidance on federal consistency requirements in your state. Additional information on federal consistency can be found at: <http://coastalmanagement.noaa.gov/consistency/welcome.html>.

### 1.3 ENDANGERED SPECIES ACT (ESA)

Section 7 consultations may be required if a threatened or endangered species or critical habitat is present.

1) Will the proposed activity occur in proximity to threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of the National Marine Fisheries Service (NMFS) (<http://www.nmfs.noaa.gov/pr/laws/esa/>) or the U.S. Fish and Wildlife Service (USFWS) (<http://endangered.fws.gov/>)?

Yes No

2) Will the proposed activity potentially affect threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS)?

Yes No

If the answer to either of these questions is “yes,” contact the regional office of USFWS (<http://www.fws.gov/offices/>) and/or NMFS (<http://www.nmfs.noaa.gov/>) to determine if consultation is required. Most consultations are conducted informally with the federal agency or a designated non-federal representative. Non-federal representatives may be involved in the informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for the formal consultation. However, the USFWS requires the action agency to designate formally the non-federal representative in writing. Moreover, the ultimate responsibility for Section 7 obligations remains with the action agency. Additional information concerning Section 7 consultations can be found in the Endangered Species Act Consultation Handbook at: <http://www.fws.gov/policy/m0002.html>.

### 1.4 MAGNUSON – STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (FCMA)

Consultation with the NMFS may be required if Essential Fish Habitat (EFH) is present. The trigger for EFH consultation is a federal agency’s determination that an action or proposed action, funded, authorized, or undertaken by that agency may adversely affect EFH.

1) Will the proposed activity occur in proximity to EFH as identified by the nearest Regional Fishery Management Council (<http://www.fisherycouncils.org/> and <http://www.nmfs.noaa.gov/sfa/management/councils/>)

Yes No

2) Will the proposed activity potentially adversely affect EFH?

Yes No

If the answer to either of these questions is “yes,” contact the nearest regional office of the NMFS (<http://www.nmfs.noaa.gov/>) or Regional Fishery Management Council (<http://www.fisherycouncils.org/>) to determine if consultation is required. Additional information concerning EFH can be found at: <http://www.habitat.noaa.gov/index.html>. Information about consultations can be found in the Essential Fish Habitat Consultation Guidance at: [http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1\\_1.pdf](http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf).

#### 1.5 MARINE MAMMAL PROTECTION ACT (MMPA)

A permit may be required if an activity will result in the “take” of a marine mammal. Taking is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” Permits for most marine mammals are issued by NMFS. Manatees, polar bears, sea otters, walruses, and dugongs, however, are under the jurisdiction of the USFWS.

1) Will the proposed activity occur in proximity to any known marine mammals (<http://www.nmfs.noaa.gov/pr/species/mammals/>)?

Yes No

2) Will the proposed activity likely result in the take of a marine mammal?

Yes No

If the answer to either of these questions is “yes,” contact the nearest regional office of NMFS (<http://www.nmfs.noaa.gov/>) to determine if a permit is required. Additional information concerning marine mammal permits can be found at: [http://www.nmfs.noaa.gov/pr/permits/mmpa\\_permits.htm](http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.htm) and <http://www.nmfs.noaa.gov/pr/permits/guide.htm>.

#### 1.6 CLEAN WATER ACT (CWA)

A separate type of permit is required to dispose of dredge or fill material in the Nation’s waters, including wetlands. Authorized by Section 404 of the Act, this permit program is administered by the U.S. Army Corps of Engineers (USACE), subject to and using environmental guidance from the Environmental Protection Agency (EPA). Some types of activities are exempt from permit requirements, including certain farming, ranching, and forestry practices that do not alter the use or character of the land; some construction and maintenance; and activities already regulated by States under other provisions of the Act.

A permit may be required from the USACE for the disposal of dredge or fill material in the nation’s

waters, including wetlands.

1) Will the proposed activity result in any disposal of dredge or fill material to the nation's waters or wetlands?

Yes No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE (<http://www.usace.army.mil/Locations.aspx>) for further guidance on Section 404 permits.

A Water Quality Certification (Section 401) is required for activities that may result in a discharge into navigable waters, including wetlands, watercourses, and natural or man-made ponds. A National Pollution Discharge Elimination System (NPDES) permit may also be required for such discharges. 1) Will the proposed activity result in any discharge to navigable waters?

Yes No

If the answer to this question is "yes," contact your state water quality agency for additional guidance. Additional information concerning Section 401 or NPDES requirements can be found at: <http://www.epa.gov/owow/wetlands/waterquality> and <http://cfpub.epa.gov/npdes/>.

#### 1.7 CLEAN AIR ACT (CAA)

Special conditions may be required on projects that could affect air quality.

1) Will the proposed activity result in any direct or indirect emissions within a non-attainment area (<http://www.epa.gov/oar/oaqps/greenbk/index.html>)?

Yes No

If the answer to this question is "yes," contact the nearest state air quality agency (<http://www.4cleanair.org>) for further guidance on determining conformity with the state implementation plan.

#### 1.8 NATIONAL HISTORIC PRESERVATION ACT (NHPA)

Special conditions may be required on projects that could affect historic resources.

1) Will the proposed activity occur near property listed or eligible for listing in the National Register of Historic Places (<http://www.nps.gov/nr>), or near property otherwise protected by section 106 of the National Historic Preservation Act (<http://www.nps.gov/history/local-law/nhpa1966.htm>) or a similar State Preservation Act?

Yes No

If the answer to this question is "yes," contact the U.S. Advisory Council on Historic Preservation (<http://www.achp.gov>), or your state historic preservation office (<http://www.ncshpo.org/>) for further guidance concerning compliance requirements.



If the answer to this question is “yes,” contact the nearest Regional Office of the EPA (<http://www2.epa.gov/aboutepa#pane-4>) for further guidance on CERCLA requirements.

### 1.13 WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the free-flowing condition, water quality, or outstanding resource values of a designated Wild and Scenic River. There are designated rivers in the Gulf Coast States.

1) Is the proposed activity located on a designated Wild and Scenic River (<http://www.rivers.gov/index.php>)?

Yes No

If the answer to this question is “yes,” contact the nearest Regional Office of the USFWS (<http://www.fws.gov/where>) for further guidance.

### 1.14 SAFE DRINKING WATER ACT

A permit may be required if the proposed activity will involve underground injection which may impact drinking water sources.

1) Will the proposed activity involve underground injection which may impact drinking water sources?

Yes No

If the answer to the question is “yes,” contact the nearest state drinking water or underground injection control program. For more information see: <http://water.epa.gov/lawsregs/guidance/sdwa/>.

## EXECUTIVE ORDERS

Executive Orders are directives from the President of the United States to federal agencies and officials.

### 2.1 E.O. 11988 – FLOODPLAIN MANAGEMENT

This Executive Order requires that an eight-step process be followed for projects that may have potential impacts to or within floodplains.

1) Is the proposed activity located in a designated floodway or “V-zone” on a National Flood Insurance Program map: (<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>)?

Yes No

If the answer to this question is “yes,” contact the nearest Regional Office of the Federal Emergency Management Agency (<http://www.fema.gov/regional-operations>) for further guidance.



