

# Treasury RESTORE Act Environmental Checklist

OMB Approval Number 1505-0250

*Directions: The following questions will aid the applicant in identifying the environmental laws that may apply to the eligible activity and the environmental documents that may be submitted with the grant application. Treasury will use the submittals to record the Applicant's assertion that it has complied with applicable environmental laws.*

## FEDERAL LAWS

### 1.1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The NEPA of 1969 (42 U.S.C. 4321 et seq.) provides a national policy that encourages “productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man . . .” The NEPA requires that all federal agencies use a systematic, interdisciplinary approach for protection of the human environment; this approach will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an impact upon the environment. The NEPA also requires the preparation of a detailed Environmental Impact Statement (EIS) on any major federal action that may have a significant impact on the environment.

1) Will the proposed activity be under the permitting authority of any federal agency?

**Yes**                      **No**

2) Will the proposed activity receive federal assistance (other than RESTORE Act funding)?

**Yes**                      **No**

3) Will the proposed activity be subject to any federal regulatory decision or approval?

**Yes**                      **No**

If the answer to any of these questions is “yes,” contact the relevant federal agency or agencies for further guidance on environmental compliance. Additional information concerning NEPA can be found at: <http://ceq.hss.doe.gov/nepa/nepanet.htm>.

### 1.2. COASTAL ZONE MANAGEMENT ACT (CZMA)

[Direct Component or Centers of Excellence] grant applications may be subject to the review provisions of Section 307 of the Coastal Zone Management Act (CZMA) and implementing

*According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0250. Comments concerning the time required to complete this information collection, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information, should be directed to the Department of the Treasury, RESTORE Act Program, 1500 Pennsylvania Ave., NW, Washington, DC 20220.*





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.

### **1.9 COASTAL BARRIER RESOURCE ACT (CBRA)**

Federal funding may be prohibited for projects that occur on certain designated coastal barriers.

1) Is the proposed activity located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (<http://www.fws.gov/cbra/>)?

**Yes**

**No**

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

### **1.10 RIVERS AND HARBORS ACT**

A permit may be required from the USACE if the proposed activity involves any work in, over, or under navigable waters of the United States.

1) Will the proposed activity involve any work (including structures) that will occur in, over or under navigable waters of the United States?

**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 10 permits. The USACE can authorize activities by a standard individual permit, letter-





If the answer to this question is “yes,” provide documentation in the grant application demonstrating that: (1) there is no practicable alternative, and (2) the proposed activity includes all practicable measures to minimize harm to wetlands.

### **2.3 E.O. 12898 – ENVIRONMENTAL JUSTICE**

This Executive Order requires that "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."

1) Will the proposed activity have disproportionately high and adverse human health or environmental effects on minority or low-income populations?

**Yes**                      **No**

If the answer to this question is “yes,” see the Council on Environmental Quality website for further guidance on Environmental Justice:

[http://ceq.hss.doe.gov/nepa\\_information/justice.html](http://ceq.hss.doe.gov/nepa_information/justice.html).

### **2.4 E.O. 13089 – CORAL REEF PROTECTION**

This Executive Order requires that any actions that are authorized or funded by federal agencies not degrade the condition of coral reef ecosystems. The some of the Gulf Coast States contain coral reef ecosystems and include National Marine Sanctuaries (<http://sanctuaries.noaa.gov>).

1) Will the proposed activity involve a coral reef ecosystem or National Marine Sanctuary?

**Yes**                      **No**

If the answer to this question is “yes,” contact the National Oceanic and Atmospheric Administration Coral Reef Conservation Program (<http://www.coralreef.noaa.gov>) for further guidance. Additional information regarding Executive Order 13089 can be found at:

<http://ceq.hss.doe.gov/nepa/regs/eos/eo13089.html>.

### **2.5 E.O. 13112 – INVASIVE SPECIES**

This Executive Order requires agencies to prevent the introduction of invasive species and provide for their control.

1) Will the proposed activity have the potential to introduce or cause the spread of an invasive species? For more information on invasive species, see

<http://www.invasivespeciesinfo.gov/index.shtml>.

**Yes**                      **No**

If the answer to this question is “yes,” provide documentation demonstrating that the benefits of the activity 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.

**2.6 E.O. 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS**

This Executive Order requires the incorporation and promotion of migratory bird conservation considerations into all agency activities. The Gulf Coast States contain North American migration flyways.

1) Is the proposed activity likely to occur during a time of the year when migrating birds are in the vicinity?

**Yes**

**No**

If the answer to this question is “yes,” contact the nearest Regional Office of the U.S. Fish and Wildlife Service (<http://www.fws.gov/where>) for further guidance. Additional information regarding Executive Order 13186 can be found at: <http://www.fws.gov/migratorybirds>.

**2.7 E.O. 13653 – PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE**

This Executive Order requires federal agencies to identify and support smarter, more climate-resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance and grants.

1) Will the proposed activity incorporate elements that promote climate-resilience (e.g., to rising sea levels)?

**Yes**

**No**

If yes, include a brief description of the climate-resilient elements in the grant application - proposed activity description.

Additional information regarding Executive Order 13563 can be found at: <https://sftool.gov/learn/annotation/427/executive-order-13653-preparing-united-states-impacts-climate-change>.