

## U.S. DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL REVIEW CHECKLIST

The Fixing America's Surface Transportation Act (FAST Act) requires the U.S. Department of Transportation (DOT or Department) and other Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects to develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.<sup>1</sup> The checklist, however, is intended to generally help project sponsors with the following: (1) identify agencies of jurisdiction and cooperating agencies; (2) develop the information needed for the purpose and need and alternatives for analysis; and (3) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.<sup>2</sup>

Accordingly, DOT has created the checklist below. In Section I, the project sponsor should provide general information about the project, including a project description and location. Section II provides a series of questions to help the Department, lead agencies, project sponsors, and other interested parties identify potential natural, cultural, and historic resources in the area of a proposed project in order to help determine the requirements applicable to the proposed project and what permits, approvals or consultations may be required.<sup>3</sup> The following categories of resources that a proposed project may impact include: (1) air quality; (2) water resources and wetlands; (3) wildlife; (4) historic and cultural resources; (5) social and economic impacts; (6) environmental justice; (7) hazardous and other contaminated materials; (8) greenhouse gas emissions and climate change; (9) noise and vibration; and (10) land. Section II also identifies potential agency or agencies of jurisdiction to facilitate the identification of cooperating or participating agencies. Early identification of these agencies will help facilitate interagency collaboration and outreach as well as expedite any required permitting processes. In particular, the Department can work with these agencies to help develop the National Environmental Policy Act (NEPA) purpose and need, and identify reasonable alternatives.<sup>4</sup> For complex projects where multiple alternatives are under consideration, the Department may complete this checklist for each alternative to facilitate comparison of impacts.

Appendix A provides a list of acronyms and legal resources for the different types of proposed transportation projects.

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<sup>1</sup> Pub. L. 112-141, § 1313(a) (codified at 49 U.S.C. § 310(c)). This section does not apply to any project subject to 23 U.S.C. § 139. 49 U.S.C. § 310(g).

<sup>2</sup> 49 U.S.C. § 310(c)(2).

<sup>3</sup> Note, however, that because this checklist is intended to apply to a broad range of transportation projects, certain requirements that are specific to a proposed project may not be included; therefore, it is important to refer to the legal authorities and available guidance documents as well to ensure full compliance.

<sup>4</sup> NEPA serves as the umbrella review process to achieve compliance with all environmental requirements.

**I. PROJECT**

<b>Proposed Project Name:</b>
<b>Project Sponsor (Name, Address, Phone Number, and Point of Contact):</b>
<b>Project Location (e.g., City(ies), State(s); if available, include a map):</b>
<b>Project Description (A brief description of the proposed project (1-2 sentences)):</b>

**II. PERMITS, APPROVALS, CONSULTATIONS, AND OTHER REQUIREMENTS**

**1. Air Quality**

<b>Requirement</b>	<b>Whether Requirement Applies</b> <i>(Check all that apply)</i>	<b>Potential Cooperating (C) or Participating (P) Agencies</b> <i>(Identify the type by (C) or (P) next to the Agency's name)</i>	<b>Comments</b> <i>(Identify any potentially applicable programmatic agreements, merger agreements, etc. or other relevant notes.)</i>
<b>1.1 <u>Conformity Determination:</u></b> Under the Clean Air Act, is a conformity determination required to show that the project conforms to the applicable State or Tribal Implementation Plan?	<input type="checkbox"/> Yes, General Conformity <input type="checkbox"/> Yes, Transportation Conformity <input type="checkbox"/> No	<input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

**2. Water Resources and Wetlands**

<b>2.1. <u>Section 401 State Certification:</u></b> Under the Clean Water Act, is a Section 401 State Certification potentially required to show that the project will not cause or contribute to a violation of relevant State water quality standards?	<input type="checkbox"/> Yes, State/Commonwealth of _____ <input type="checkbox"/> No	<input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.2 <u>Section 402 National Pollutant Discharge Elimination System (NPDES) Permit:</u></b> Under the Clean Water Act, is an EPA or State Section 402 permit required for the discharge of pollutants into the waters of the United States?	<input type="checkbox"/> Yes, EPA <input type="checkbox"/> Yes, State/Commonwealth of _____ <input type="checkbox"/> No	<input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.3 <u>Section 404 Permit:</u></b> Under the Clean Water Act, is a USACE Section 404 Permit required for the discharge of dredge and fill material?	<input type="checkbox"/> Yes, Individual <input type="checkbox"/> Yes, General—Nationwide <input type="checkbox"/> Yes, General—Regional <input type="checkbox"/> Yes, General—State <input type="checkbox"/> No	<input type="checkbox"/> USACE (___) <input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.4 <u>Coastal Zone Management Act (CZMA) Federal Consistency Certification:</u></b>	<input type="checkbox"/> Yes, Consistency Certification to be submitted to the	<input type="checkbox"/> NOAA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

<p>Will the proposed project activities potentially occur within a coastal zone or affect any coastal use or natural resource of the coastal zone, requiring a Consistency Determination and Certification?</p>	<p>State/Commonwealth of _____  <input type="checkbox"/> No</p>		
<p><b>2.5 <u>Bridge Acts:</u></b>                  Under Section 9, Rivers and Harbors Appropriations Act of 1899, as amended (33 USC 401); the Act of March 23, 1906, amended (33 USC 491), the General Bridge Act of 1946, amended (33 USC 525); or the International Bridge Act of 1972 (33 USC 535), is a USCG Bridge Permit required for construction or reconstruction or modification of a bridge or causeway in or over navigable waters of the United States?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No, exempt pursuant to 23 U.S.C. § 144(c).  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> USCG (____)  <input type="checkbox"/> USACE (____)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>2.6 <u>Section 10 Permit:</u></b>                  Under the Rivers and Harbors Act, is a USACE Section 10 Permit required for the building of a structure (e.g., wharf, pier, or jetty) or excavation or fill within any navigable waters of the United States?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> USCG (____)  <input type="checkbox"/> USACE (____)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>2.7 <u>Coastal Barrier Resources Act Consultation:</u></b>                  Will the proposed project potentially occur within the boundaries of a designated coastal barrier unit of the Coastal Barrier Resources System, requiring consultation with FWS?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FWS (____)  <input type="checkbox"/> Other _____  <input type="checkbox"/> N/A</p>	
<p><b>2.8 <u>Wild and Scenic Rivers Act Determination/Coordination:</u></b>                  Will the proposed project occur on a designated national wild and scenic river, a congressionally authorized study river, or upstream, downstream or on a tributary of such river, requiring coordination with, or a determination about potential adverse</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> NPS (____)  <input type="checkbox"/> BLM (____)  <input type="checkbox"/> FWS (____)  <input type="checkbox"/> USFS (____)  <input type="checkbox"/> Other _____  <input type="checkbox"/> N/A</p>	

effects on free-flow, water quality, and outstandingly remarkable river values by, BLM, FWS, NPS, or USFS?			
<b>2.9 Nationwide Rivers Inventory:</b> Are the proposed project actions likely to preclude future National Wild and Scenic River designation of a river included on the Nationwide Rivers Inventory requiring consultation with NPS?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> NPS (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.10 Section 103 Permit:</b> Under the Marine Protection, Research, and Sanctuaries Act of 1972 (Ocean Dumping Act), is an EPA permit potentially required to release materials into ocean waters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> EPA (__) <input type="checkbox"/> USCG (__) <input type="checkbox"/> DOI (__) <input type="checkbox"/> DOC (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.11 Section 408 Evaluation and Determination:</b> Under the Rivers and Harbors Act, is USACE Section 408 permission potentially required to make alterations to, or temporarily or permanently occupy or use, any USACE federally authorized civil works project?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> USACE (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.12 Floodplains (E.O. 11988, as amended by E.O. 13690):</b> Will the proposed project be located within a floodplain, potentially requiring a detailed analysis of the risks and impacts of the project and any proposed mitigation and alternatives?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FEMA (__) <input type="checkbox"/> HUD (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.13 Wetlands (E.O. 11990)</b> Will the proposed project be located in wetlands or affect wetlands, potentially requiring an alternatives analysis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FWS (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>2.14 National Marine Sanctuaries:</b> Are the proposed project actions likely to destroy, cause the loss of, or injure a sanctuary resource, requiring interagency	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> NOAA (__) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

consultation with NOAA?			
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**3. Wildlife**

<p><b>3.1 <u>Section 7 Consultation and Biological Opinion (Endangered Species Act):</u></b> Is there an endangered or threatened species that the proposed action may affect, requiring, at a minimum, an informal consultation with FWS and NMFS?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FWS (___) <input type="checkbox"/> NMFS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A</p>	
<p><b>3.2 <u>Bald and Golden Eagle Protection Individual or Programmatic Take Permit:</u></b> Will the proposed project potentially take (e.g., would kill or disturb) any bald or golden eagle, any bald or golden eagle on a recurring basis across a range of times and conditions of locations, or nest(s) (active or inactive) of such eagles, requiring an FWS permit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FWS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A</p>	
<p><b>3.3 <u>Migratory Bird Treaty Act:</u></b> Will the proposed project potentially take migratory birds, nests, or eggs, requiring an FWS permit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FWS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A</p>	
<p><b>3.4 <u>Fish and Wildlife Coordination— Consultation:</u></b> Will the proposed project potentially deepen a channel or impound, divert, or otherwise control or modify the waters of any stream or other body of water; therefore, requiring consultation with FWS and the appropriate State wildlife agency?</p>	<p><input type="checkbox"/> Yes, State/Commonwealth of _____ (List State and Agency Name) <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FWS (___) <input type="checkbox"/> NOAA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A</p>	

<p><b>3.5 <u>Magnuson-Stevens Fishery Conservation and Management Essential Fish Habitat (EFH) Consultation:</u></b> Will the proposed project potentially adversely affect Essential Fish Habitat, requiring a consultation with NMFS?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FWS (___) <input type="checkbox"/> NMFS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>3.6 <u>Marine Mammal Protection Consultation:</u></b> Will the proposed project potentially take (e.g., harass, injure, kill) a marine mammal(s), requiring, at a minimum, an NMFS or FWS consultation?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FWS (___) <input type="checkbox"/> NMFS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>3.7 <u>National Park Service Special Use Permit:</u></b> Will the proposed project potentially involve a short-term activity that takes place in a park area, requiring an NPS permit?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> NPS (___) <input type="checkbox"/> USFS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>3.8 <u>Fish and Wildlife Special Use Permit:</u></b> Will the proposed project action(s) potentially occur on or affect a national wildlife refuge, requiring an FWS Special Use Permit?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FWS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>3.9 <u>Right of Way Authorization (Refuge Lands):</u></b> Will the proposed project actions potentially occur on refuge lands, requiring a FWS compatibility determination?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> FWS (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

**4. *Historic and Cultural Resources***

<p><b>4.1 <u>Section 106 of the National Historic Preservation Act:</u></b> Is there the potential to affect resources eligible for or listed on the National Register of Historic Places that may require consultation with ACHP, SHPO, and THPO?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> ACHP (___) <input type="checkbox"/> SHPO (___) <input type="checkbox"/> THPO (___) <input type="checkbox"/> Other: _____	
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<p><b>4.2 <u>Native American Graves Protection and Repatriation Act Compliance:</u></b>                  Will the proposed project potentially affect Native American burial sites, Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> NPS (___)  <input type="checkbox"/> BIA (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>4.3 <u>Archeological and Historic Preservation:</u></b>                  Will the proposed project potentially result in the irreparable loss or destruction of significant scientific, prehistoric, historical, or archeological data, requiring notification to NPS?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> NPS (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	

**5. Social and Economic Impacts**

<p><b>5.1 <u>Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act):</u></b>                  Will the proposed project potentially result in the displacement of persons or businesses?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>5.2 <u>American Indian Religious Freedom Act:</u></b>                  Will the proposed project potentially affect places of religious significance to American Indians, Eskimos, Aleuts, and Native Hawaiians?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> DOI (___)  <input type="checkbox"/> NPS (___)  <input type="checkbox"/> BIA (___)  <input type="checkbox"/> USFS (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>5.3 <u>Consultation and Coordination With Indian Tribal Governments (E.O. 13175):</u></b>                  Will the proposed project potentially have tribal implications, requiring coordination and DOT consultation with tribal officials?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> BIA (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	



**6. Environmental Justice (E.O. 12898)**

Will the proposed project potentially result in a disproportionately high and adverse human health or environmental effects on minority and low-income populations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> HUD (___) <input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
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**7. Hazardous and Other Contaminated Materials**

Will the proposed project potentially involve a site(s) contaminated by hazardous waste?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
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**8. Greenhouse Gas Emissions and Climate Change**

<b>8.1</b> Will the proposed project potentially impact greenhouse gas emissions and climate change that would require a detailed analysis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<b>8.2</b> Will the proposed project be affected by climate change impacts, potentially requiring an adaptation and/or resiliency analysis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

**9. Noise and Vibration**

Will the proposed project potentially impact noise or vibration (or both types of) emissions that would require a detailed analysis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> EPA (___) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
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**10. Land**

<p><b>10.1 Section 4(f):</b> Under section 4(f), would there be a permanent, temporary, or constructive use of a 4(f) resource (park, recreation area, wildlife and waterfowl refuge, or historic site) that would not be considered de minimis?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DOI (____) <input type="checkbox"/> NPS (____) <input type="checkbox"/> BLM (____) <input type="checkbox"/> FWS (____) <input type="checkbox"/> USDA (____) <input type="checkbox"/> USFS (____) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>10.2 National Trails System Act Coordination:</b> Is the proposed project likely to have a direct and adverse effect on legislatively designated or potentially designated National Scenic and/or National Historic Trails, requiring coordination with DOI (NPS, BLM, and FWS) or USDA (USFS)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DOI (____) <input type="checkbox"/> NPS (____) <input type="checkbox"/> BLM (____) <input type="checkbox"/> FWS (____) <input type="checkbox"/> USDA (____) <input type="checkbox"/> USFS (____) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>10.3 Section 6(f):</b> Will the proposed project involve a conversion of land or facilities funded under Section 6(f) of the Land and Water Conservation Fund Act?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> NPS (____) <input type="checkbox"/> DOI (____) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>10.4 BIA Lease:</b> Will the project potentially include possession of Indian land, requiring a BIA lease?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DOI, BIA (____) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	
<p><b>10.5 Service Line Agreement:</b> Will the proposed project potentially require the construction of a service line across Indian tribal land, requiring an agreement with the landowner or other legally authorized occupant or user?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> BIA (____) <input type="checkbox"/> Other: _____ <input type="checkbox"/> N/A	

<p><b>10.6 <u>Right of Way Authorization (Tribal Lands):</u></b>                  Will the proposed project potentially require or include access, crossing, or providing services and utilities on Indian lands, requiring BIA authorization?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> BIA (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>10.7 <u>Right of Way Authorization (Public Lands):</u></b>                  Will the proposed project potentially require a right-of-way over, upon, under, or through public lands?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> BLM (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>10.8 <u>Right of Way Authorization (Federal Lands):</u></b>                  Will the proposed project activities potentially occur on Federal property, requiring BOR authorization?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> BOR (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>10.9 <u>Notice of Proposed Construction:</u></b>                  Will the proposed project potentially involve construction or alteration of structures that may affect air commerce (14 CFR 77.9), requiring submission of a Notice of Proposed Construction to FAA (Form 7460)?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FAA (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	
<p><b>10.10 <u>Aeronautic Study Determination:</u></b>                  Will the proposed project potentially involve construction or alterations of structures that may interfere with air commerce (14 CFR 77.9), requiring an Aeronautical Study Determination?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p><input type="checkbox"/> FAA (___)  <input type="checkbox"/> DOD (___)  <input type="checkbox"/> DHS (___)  <input type="checkbox"/> Other: _____  <input type="checkbox"/> N/A</p>	

**III. Other Potentially Impacted Resources**

*Include any other potentially impacted resources and potentially required permit(s) or other approval(s) not otherwise listed above (e.g., health impacts that may require disclosures and discussion of possible mitigation; the introduction and spread of invasive species; NPS lands; Prevention of Significant Deterioration permit):*

## APPENDIX A: ABBREVIATIONS AND LEGAL RESOURCES

### I. List of Agency Abbreviations

- Advisory Council on Historic Preservation (ACHP)
- Council on Environmental Quality (CEQ)
- State Historic Preservation Officer (SHPO)
- Tribal Historic Preservation Officer (THPO)
- United States (U.S.)
- U.S. Army Corps of Engineers (USACE)
- U.S. Bureau of Reclamation (BOR)
- U.S. Department of Agriculture (USDA)
  - Forest Service (Forest Service or USFS)
- U.S. Department of Commerce (DOC)
  - National Oceanic and Atmospheric Administration (NOAA)
    - o National Marine Fisheries Service (NMFS)
- U.S. Department of Housing and Urban Development (HUD)
- U.S. Department of the Interior (DOI)
  - Bureau of Indian Affairs (BIA)
  - Bureau of Land Management (BLM)
  - Bureau of Reclamation (BOR)
  - Fish and Wildlife Service (FWS)
  - National Park Service (NPS)
- U.S. Department of Homeland Security (DHS)
  - Federal Emergency Management Agency (FEMA)
  - U.S. Coast Guard (USCG)
- U.S. Department of Transportation (DOT or Department)
  - Federal Aviation Administration (FAA)
  - Federal Highway Administration (FHWA)
  - Federal Motor Carrier Safety Administration (FMCSA)
  - Federal Railroad Administration (FRA)
  - Federal Transit Administration (FTA)
  - Pipeline and Hazardous Materials Safety Administration (PHMSA)
- U.S. Environmental Protection Agency (EPA)

## II. Legal Resources

### A. APPLICABILITY

1. Fixing America's Surface Transportation Act (FAST Act), Pub. L. 112-141.
2. National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4347.
  - NEPA Implementing Regulations, 40 CFR parts 1500-1508.
  - Clean Air Act, Section 309, 42. U.S.C. § 7609.

### B. AIR QUALITY

1. Clean Air Act (CAA), Section 176(c), 42 U.S.C. 7506(c)
  - 40 CFR part 51 subpart T and part 93 subpart A (Transportation Conformity).
  - (b) 40 CFR part 51 subpart W and part 93 subpart B (General Conformity).

### C. WATER RESOURCES AND WETLANDS

1. Clean Water Act (CWA), 33 U.S.C. 251-1387.
  - Section 401, 33 U.S.C. 1341.
  - Section 402, 33 U.S.C. 1342.
    - 23 CFR part 650, subpart B.
    - 33 CFR parts 209, 320-330, 332, 335-338.
    - 40 CFR parts 121-125, 129-133, 135-136, and 230-233.
  - Section 404, 33 U.S.C. 1344
    - 33 CFR part 320
    - 40 CFR part 230.
2. Coastal Barrier Resources Act, 16 U.S.C. 3501-3510.
3. Coastal Zone Management Act, 16 U.S.C. 1451-1466.
  - 15 CFR parts 923 and 930.
4. Rivers and Harbors Act of 1899, 33 U.S.C. 401, 403, 404, 406-409, 411-416, 418, 502, 549, 686, and 687.
  - Section 9, 33 U.S.C. 401.
    - 33 CFR parts 114-116.
  - Section 10, 33 U.S.C. 403.
    - 33 CFR parts 320-322, 325-326, and 329-330.
5. Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287.
  - 36 CFR part 297 (Forest Service).
  - 43 CFR part 8350 (BLM).
6. Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3921-3932.
7. Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401-1445.
  - 33 CFR parts 320, 324-327, 330 and 335-336 (USACE).
  - 40 CFR parts 220-225, 227-229, and 230-231 (EPA).
8. National Marine Sanctuaries Act, 16 U.S.C. 1431-1445c.
  - 15 CFR part 922.
9. Executive Order 11988, "Floodplain Management" (May 24, 1977), as amended by Executive Order 13690 "Establishing a Federal Flood Risk Management Standard" (Jan. 30, 2015).
  - DOT Order 5650.2, "Floodplain Management and Protection."

10. Executive Order 11990, “Protection of Wetlands” (May 24, 1977).
11. Nationwide Rivers Inventory, Presidential Directive (August 2, 1979); Council on Environmental Quality Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory (August 10, 1980).

#### D. WILDLIFE

1. Endangered Species Act (ESA), 16 U.S.C. 1531–1544.
  - Section 4, 16 U.S.C. 1533.
  - Section 7, 16 U.S.C. 1536.
  - Section 9, 16 U.S.C. 1538.
  - Section 10, 16 U.S.C. 1539.
    - 50 CFR parts 17, 223, 224, and 402.
2. Fish and Wildlife Conservation Act, 16 U.S.C. 2901–2912.
  - 50 CFR part 83.
3. Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.
4. Marine Mammal Protection Act, 16 U.S.C. 1361–1423h.
  - 15 CFR part 904 (NOAA).
  - 50 CFR parts 10, 18 and 82 (FWS).
  - 50 CFR parts 216, 217, 222, 229, and 230 (NMFS).
  - 50 CFR part 403 (FWS, NMFS, and NOAA joint regulation).
5. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801–1884.
  - 50 CFR part 600.
6. The Bald and Golden Eagle Protection Act of 1940, 16 U.S.C. 668–668d.
  - 50 CFR parts 13 and 22.
7. National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd–668ee.
  - 50 CFR parts 25, 26, and 29.
8. Executive Order 13112, “Invasive Species” (Feb. 3, 1999).
9. Executive Order 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds” (Jan. 10, 2001).

#### E. HISTORIC AND CULTURAL RESOURCES

1. Section 4(f), 23 U.S.C. 138 and 49 U.S.C. 303 23 CFR part 774.
  - FHWA Section 4(f) Policy Paper, 77 FR 42802, July 20, 2012.
2. National Historic Preservation Act, 54 U.S.C. 300101 et seq. (formerly 16 U.S.C. 470–470x-6).
  - Section 106, 54 U.S.C. 306108 (formerly 16 U.S.C. 470f).
  - 36 CFR part 800.
  - 36 CFR part 60.
  - 36 CFR part 63.
3. Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm.
  - 43 CFR parts 7 and 79.
4. Archeological and Historic Preservation Act, 54 U.S.C. 312102–312107 (formerly 16 U.S.C. 469–469c).

- 43 CFR part 7.
5. Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170.
    - 43 CFR part 10.
  6. Executive Order 13007, “Indian Sacred Sites” (May 24, 1996).
  7. Executive Order 13287, “Preserve America” (Mar. 3, 2000).

#### F. SOCIAL AND ECONOMIC IMPACTS

1. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. 4601–4655.
  - 49 CFR part 24.
2. American Indian Religious Freedom Act, 42 U.S.C. § 1996.
  - 43 CFR part 7 (DOI).
  - 36 CFR part 296 (USFS).
3. Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments” (Nov. 6, 2000).
  - DOT Order 5301.1, “Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes.
4. Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks (April 23, 1997).

#### G. CIVIL RIGHTS AND ENVIRONMENTAL JUSTICE

1. Civil Rights Act of 1964, Title VI, 42 U.S.C. 2000d et seq.
2. Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (Feb. 11, 1994).
  - DOT Order 5610.2(a), 77 FR 27534, May 10, 2012, updating Order 5610.2, 62 FR 18377, Apr. 15, 1997.
  - FHWA Order 6640.23A (June 14, 2012).
  - FTA Circular 4703.1 (Aug. 15, 2012).

#### H. HAZARDOUS AND OTHER CONTAMINATED MATERIALS

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.
  - 40 CFR parts 300–374.
  - 40 CFR part 300.
  - 43 CFR part 11.
  - 40 CFR part 35, Subpart O.
  - 40 CFR 35.6000-35.6820.
2. Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9671-9675).
  - 42 U.S.C. 11001–11050.
    - 40 CFR parts 302, 350, 355, 370, and 374.
3. Small Business Liability Relief and Brownfields Revitalization Act, 42 U.S.C. 9601, 9604, 9605, 9607, 9628.
4. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.



- 40 CFR parts 260–282.

#### I. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

1. Executive Order 13693, “Planning for Federal Sustainability in the Next Decade (Mar. 19, 2015).

#### J. NOISE AND VIBRATION

1. Federal-Aid Highway Act of 1970, 23 U.S.C. 109.
  - 23 CFR part 772.
2. Noise Control Act of 1972, 42 U.S.C. 4901–4918.
  - 40 CFR parts 201-202 (EPA).
  - 49 CFR part 210 (FRA).
  - 49 CFR part 325 (FMCSA).
  - “Transit Noise and Vibration Impact Assessment” (May 2006) (FTA).
3. Airport Noise and Capacity Act of 1990, 49 U.S.C. 47521–47533.
  - 14 CFR part 161.
4. Aviation Safety and Noise Abatement Act of 1979, 49 U.S.C. 47501–47510.
  - 14 CFR part 150.

#### K. LAND

1. Section 6(f) of the Land and Water Conservation Fund Act of 1965, 54 U.S.C. 200301 et seq.
  - 36 CFR part 59.
2. Leases and Permits (BIA), 25 CFR part 162.
3. Federal Land Policy and Management Act of 1976, as amended, Title V, 43 U.S.C. 1763.
  - 43 CFR 2800.
4. Structures interfering with air commerce, 49 U.S.C. 44718.
  - 14 CFR part 77.
5. Sovereignty & Use of Airspace, 49 U.S.C. 40103.
6. NPS Organic Act, 54 U.S.C. 100101 et seq. (formerly codified at 16 U.S.C. 1a-1 et seq.)