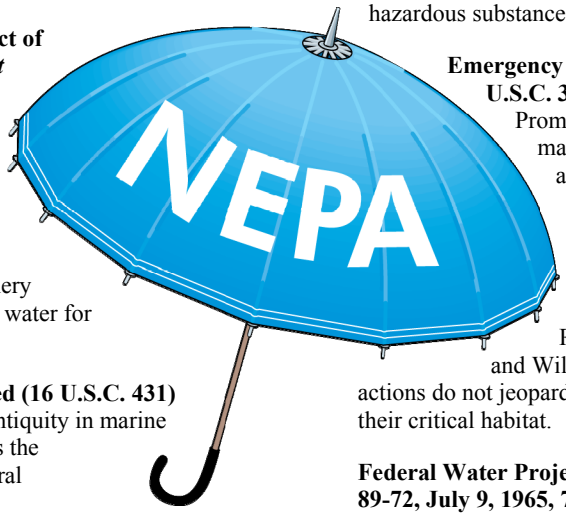
US Army Corps of Engineers
Mobile District

What's covered under the NEPA umbrella?

The National Environmental Policy Act, Public Law 91-190 (NEPA)

Requires Federal agencies to consider impacts on the human environment from proposed actions and document environmental impacts during project planning. The Council on Environmental Quality (CEQ) regulations [40 CFR Parts 1500-1508] and Engineering Regulation 200-2-2 [33 CFR 230] govern how NEPA is implemented by the Corps.

The NEPA process provides a framework for compliance with other environmental statutory requirements. A list describing the most commonly applicable laws and policies for water resource projects is provided below.



Anadromous Fish Conservation Act of 1965, as amended (16 U.S.C. 757 *et seq.*) (AFC)
Authorizes the Secretary of Commerce and the Secretary of the Interior to enter into cooperative agreements with States and other non-Federal interests for the conservation, development, and enhancement of the anadromous fishery (those that migrate from salt to fresh water for spawning) resources of the U.S.

Antiquities Act of 1906, as amended (16 U.S.C. 431)
Regulates salvage of any object of antiquity in marine protected areas in which the U.S. has the authority to protect submerged cultural resources.

Archeological and Historical Preservation Act (16 U.S.C. 469)
Requires federal agencies to identify and recover data from archeological sites threatened by their actions.

Archeological Resources Protection Act (16 U.S.C. 470aa-470ll)
Requires permits and provides for civil and criminal penalties for persons disturbing archeological resources on Federal and Tribal land without a permit.

Clean Air Act (42 U.S.C. 7401) (CAA)
Requires agencies to comply with State air quality standards set in State Implementation Plans.

Clean Water Act (33 U.S.C. 1251 *et seq.*); also known as the Federal Water Pollution Control Act of 1972 (CWA)
Protects, restores, and enhances the quality of the nation's waters.

Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501-3510)
Protects undeveloped coastal barriers and related areas by prohibiting direct or indirect Federal funding of various projects in these areas that might support development.

Coastal Zone Management Act (Public Law 92-583, 16 U.S.C. 1451-1456) (CZMA)
Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.

Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) (CERCLA)
Requires reporting of releases and cleanup of releases of hazardous substances; also assigns liability for cleanup.

Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901-3932)
Promotes the conservation of wetlands to maintain the public benefits they provide, and to fulfill international obligations contained in various migratory bird treaties and conventions.

Endangered Species Act (16 U.S.C. 1531) (ESA)
Requires consultation with the U.S. Fish and Wildlife Service (USFWS) to ensure that actions do not jeopardize threatened or endangered species or their critical habitat.

Federal Water Project Recreation Act of 1965 (Public Law 89-72, July 9, 1965, 79 Stat. 213; 16 U.S.C. 4601-12 *et seq.*), as amended
Requires Federal agencies to consider potential outdoor recreational opportunities and fish and wildlife enhancement when planning navigation, flood control, reclamation, hydroelectric, or multipurpose water resource projects.

Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 01/03/95) (FWCA)
Requires consultation with the USFWS on actions affecting stream modifications.

Flood Control Act of 1944, as amended (16 U.S.C. 460)
Authorizes the U.S. Army Corps of Engineers (Corps) to construct, maintain, and operate public park and recreational facilities at water resource development projects.

Food Security Act of 1985 (16 U.S.C. 3811 *et seq.*)
Denies Federal farm program benefits to producers who converted wetlands after December 23, 1985 and creates a system for inadvertent violations allowing farmers to regain lost Federal benefits if they restore converted wetlands.

Historic Sites Act of 1935 (16 U.S.C. 461)
Provides for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes.

Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267; 16 U.S.C. 1801)
Requires Federal agencies to notify National Oceanic and Atmospheric Administration (NOAA) Fisheries regarding a proposed action that may adversely affect Essential Fish Habitat (EFH).

Migratory Bird Treaty Act (16 U.S.C. 701-719c)
Decreed that all migratory birds and their parts (including eggs, nests, and feathers) are fully protected.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*) and amendments of 1980 (16 U.S.C. 469a) (NHPA)
Requires agencies to identify historic properties subject to effect by their actions, and to consult with the State Historic Preservation Officer and others about alternatives and mitigation.

Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)
Provides protection of Native American graves and for other purposes including to clarify the right of ownership of artifacts.

Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469)
Gives the National Park Service (NPS) major responsibility for preservation of archaeological data that might be lost specifically through dam construction.

Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6992k) (RCRA)
Regulates the collection, storage, transport, and disposal of hazardous and solid waste and regulates underground storage tanks.

Rivers and Harbors Act of 1888 (33 U.S.C. 608); of 1899 (33 U.S.C. 401-413); as amended and supplemented (33 U.S.C. 426 *et seq.*)
Corps is authorized to regulate the construction of any structure or work within navigable waters. Further amendments and supplements prohibit the construction of any bridge, dam, dike or causeway over or in navigable waterways of the U.S. without Congressional approval and provide that storage may be included for present and future municipal or industrial water supply in Corps or U.S. Bureau of Reclamation projects.

Safe Drinking Water Act (Public Law 93-523; 42 U.S.C. 300f – j-10) (SDWA)
Protects the quality of drinking water the public receives from public water systems.

Water Resources Development Act of 1986, as amended 1988, 1990, 1992, 1995, and 1996 (Public Law 99-662; 33 U.S.C. 2201-2330,)
Provides for the conservation and development of water and related resources and the improvement and rehabilitation of the nation's water resources infrastructure.

Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001
Provides for cooperation with State and local constituents for the purpose of preventing erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the U.S. and furthering the conservation, development, utilization, and disposal of water and the conservation and utilization of land thereby preserving, protecting, and improving the nation's land and water resources and the quality of the environment.

Water Pollution Control Act Amendments of 1961 (Public Law 87-88)
Requires Federal agencies to consider, during the planning for any reservoir, storage to regulate streamflow for the purpose of water quality control.

EO 11514: Protection and Enhancement of Environmental Quality
Federal agencies shall initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals. The CEQ, through the Chairman, shall advise and assist the President in leading this national effort.

EO 11988: Floodplain Management
Directs all Federal agencies to avoid, if possible, development and other activities in the 100-year base floodplain.

EO 11990: Protection of Wetlands
Directs all Federal agencies to avoid, if possible, adverse effects on wetlands and to preserve and enhance the natural and beneficial values of wetlands.

EO 12088: Federal Compliance with Pollution Control Standards
Delegates responsibility to the head of each executive agency for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution.

EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Environmental Justice)
Requires each Federal agency to 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.

EO 13045: Protection of Children from Environmental Health Risks and Safety Risks
Requires each Federal agency to make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

EO 13175: Consultation and Coordination with Indian Tribal Governments
In formulating or implementing policies that have Tribal implications, requires agencies to consult with Tribal officials regarding the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian Tribes.