

## STATUTORY CHECKLIST

**Use this worksheet only for projects that are CATEGORICALLY EXCLUDED SUBJECT TO Related Federal Statutes and Authorities [24 CFR §58.35(a)] and for projects that require an Environmental Assessment**

**GRANTEE:** \_\_\_\_\_ **GRANT#** \_\_\_\_\_

A "Determination of Level of Review" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. In addition the "Requirements listed at 24 CFR §58.6" form must also be completed. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

### 24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

**DIRECTIONS – For each authority, check either Box "A" or "B" under "Status."**

**"A box"** The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

**"B box"** The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

**IMPORTANT:** Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
<b>1. Historic Preservation</b> [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2. Floodplain Management</b> [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3. Wetland Protection</b> [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs exist in Arkansas, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. <a href="http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf">http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf</a>
<b>5. Water Quality (Sole Source Aquifers)</b> [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>6. Endangered Species</b> [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	

<b>7. Wild and Scenic Rivers</b> [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8. Air Quality/Clean Air Act</b> [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>9. Farmland Protection</b> [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>10. Environmental Justice</b> [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>HUD Environmental Standards</b>			
<b>1. Noise Control</b> [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2. Explosive and Flammable Operations</b> [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3. Airport Hazards (Clear Zones and Accident Potential Zones)</b> [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4. Contamination and Toxic Substances</b> [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
<b>State and Local Statutes</b>			
<b>Solid Waste Disposal</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Lead Based Paint</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Asbestos</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Parks &amp; Tourism</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Forestry</b>	<input type="checkbox"/>	<input type="checkbox"/>	

**DETERMINATION:**

**Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

**Box "B" has been checked for one or more authorities.** The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR

The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
RE Certifying Officer Name

\_\_\_\_\_  
RE Certifying Officer Signature

\_\_\_\_\_  
Date

# Statutory Checklist Regulatory Citations and Instructions

The following pages contain additional forms which may be used in completing the Environmental Review. **The additional forms are NOT required, but may be helpful in completing the required forms.** They are designed to sort out which regulations and statutes apply to your project and will help you contact the appropriate regulatory agencies and guide you in completing the checklist.

## Historic Preservation

- (a) National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended, particularly sections 106 and 100 (216 U.S.C. 470 and 470h-2).
- (b) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971, (3 CFR 1971-1975 Comp., p.559).
- (c) The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. et seq.).
- (d) Federal historic preservation regulations (36 CFR Part 800).

To avoid unnecessary harm to historic properties and archeological sites, you must identify known and potential historic properties and archeological sites encompassed by the project, and then assess the potential impact of the project on these properties and sites.

The Arkansas Historic Preservation Program (AHPP), an agency of the Department of Arkansas Heritage, serves as the Federal government's State Historic Preservation Office (SHPO) for Arkansas and has primary responsibility for determining a site's potential for inclusion in the National Historic Register. The AHPP must be contacted as part of every ACEDP water or wastewater project.

The AHPP does not require a specific form. A clear description of all construction activities proposed for the project, along with a USGS topographical map detailing the location of these proposed activities, should be provided to:

Arkansas Historic Preservation Program  
Department of Arkansas Heritage  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

**NOTE:** Although enlargements may also be provided for clarity, the map should be submitted at the original scale to facilitate AHPP review.

The AHPP will typically respond to review requests within 30 days. In rare cases, the AHPP must submit information to the Advisory Council on Historic Preservation for a finding under Sec. 106. In such cases, additional time (an additional 15 days) may be required. AHPP may be contacted at (501) 324-9611.

Once you have received a response from the AHPP, fill out the Section 106 Historic Properties Form and document the response on the Statutory Checklist.

# Arkansas Economic Development Commission

## Section 106 Historic Preservation

<b>Historic Properties Preservation Form</b> (Historic Preservation Act 16 U.S.C. 470 & 36 CFR Part 800)			
Name of Project			
Grant Control Number			
1.	Is any property in the project listed, or eligible for listing, on the National Register of Historic Places?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
2.	Is any property in the project located within or directly adjacent to a historic property?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
3.	Are all activities, regardless of funding source, included for the review?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
4.	Could the project have religious or cultural significance to an Indian tribe?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
5.	Has a reasonable good-faith effort been made to identify any Federally recognized Indian tribes that may have an interest in the project?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
6.	Is a cultural resource survey required as part of the Section 106 Review? <i>(If yes, indicate the type required and the date accepted.)</i>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
	<input type="checkbox"/> Architectural Survey Completed <input type="checkbox"/> Archaeological Survey Completed	SHPO Acceptance Date	
7.	Result of Section 106 Review: <input type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Affect <input type="checkbox"/> No Adverse Effect <b><u>With Conditions</u></b> ( <i>attach conditions</i> ) <input type="checkbox"/> <b><u>Adverse Affect.</u></b> Project is either rejected or will require an MOA with the SHPO	SHPO Acceptance Date	
8.	<b>Has compliance with SHPO been met?</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
Additional information on Historic Preservation in AR may be found at the following site:			
<a href="http://www.arkansasheritage.info/ahpp.shtml">http://www.arkansasheritage.info/ahpp.shtml</a> - (Arkansas Historic Preservation Program)			

## **Floodplain Management**

- (a) Executive Order 11988, Floodplain Management, May 24, 1977, (3 CFR. 1977 Comp., p. 117), as interpreted in HUD regulations at 24 CFR Part 55.
- (b) Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 - 4128).
- (c) National Flood Insurance Reform Act of 1994 (Pub. L. 103-325, 108 Stat. 2160).

Floodplain management in Arkansas is accomplished through local codes and ordinances enforced by the cities, towns and counties. The Arkansas Natural Resources Commission accredits local floodplain administrators and oversees enforcement of community flood damage prevention ordinances. Federal oversight is provided by the Federal Emergency Management Agency (FEMA).

To determine if your proposed project area includes a regulatory (1% chance) floodplain, contact the local floodplain administrator for assistance. All communities which participate in the National Flood Insurance Program (NFIP) are required to appoint an official floodplain administrator. Contact information for these individuals can be obtained from the Commission by calling (501) 682-1611 and asking for the Floodplain Management section. The Commission does not make floodplain determinations in lieu of local floodplain administrators. You may also contact FEMA, but they also will refer you back to the local floodplain administrator.

Or, you may make the determination yourself by using the FEMA Flood Rate Insurance Map covering the project area. FEMA-issued flood maps may be examined online free of charge at the following website:

[www.msc.fema.gov](http://www.msc.fema.gov) (FEMA Map Service Center)

The portion of interest of the map may be printed as a “FIRMette.” The FIRMette is a full-scale section of a FEMA Flood Insurance Rate Map (FIRM) that you create yourself online by selecting the desired area from an image of a Flood Insurance Rate Map. The FIRMette also includes the map title block, north arrow, and scale bar. There is no charge for making a FIRMette. And because a FIRMette is a full-scale section of an official FEMA Flood Insurance Rate Map, it can be used in all aspects of the NFIP, including floodplain management, flood insurance issues, and documentation for the ERR.

It is possible that your project will be in a community which does not participate in the NFIP. If this is the case, there will be no local floodplain administrator for you to contact. It is also possible that your project will be in a community which may not be mapped for flood hazards, whether it participates in the NFIP or not. In either of these situations, you must obtain the best information possible from one or more qualified sources, as detailed on the Floodplain Management Form (page 7).

If it is determined that any part of a proposed project lies in a regulatory floodplain, you must complete the HUD 8-Step Decision Making Process to provide an additional opportunity for public involvement and to justify floodplain development. (Any excavation in a floodplain, even the installation of water or sewer lines, is considered *development*.) Below-grade construction (such as installation of water or sewer lines) may not require compliance with E.O. 11988, but a local floodplain development permit may still be required.

A self-explanatory form for completing the HUD 8-Step Decision Making Process is provided on pages following the Floodplain Management Form.

# Arkansas Economic Development Commission

## Floodplain Management

Floodplain Management Form			
(E.O. 11988 & 24 CFR Part 55)			
Name of Project			
Grant Control Number			
1.	Does the Responsible Entity participate in the National Flood Insurance Program?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
2.	Is the Responsible Entity in good standing with the National Flood Insurance Program?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
3.	Is any part of the project located within a 100-year floodplain or a designated floodway?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
4.	<b>If you answered <u>NO</u> to Question #3 above</b> , document your determination by attaching the FEMA Flood Insurance Rate Map (or printed FIRMette from the FEMA website) and marking the site of the project location on the map.	Map Panel #	Map Panel Date
3.	<p><b><u>If the area has not been mapped</u></b>, obtain the best information possible for question #3 above from one or more of the following qualified sources:</p> <p><i>(Check all sources contacted and attach all documentation received)</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Community's Floodplain Administrator (Contact information available through the ANRC Floodplain Management Section at (501) 682-3969)</li> <li><input type="checkbox"/> US Army Corps of Engineers</li> <li><input type="checkbox"/> US Geological Survey Maps</li> <li><input type="checkbox"/> USDA Natural Resources Conservation Service</li> <li><input type="checkbox"/> FEMA</li> </ul>		
4.	<p><b>If you answered <u>YES</u> to Question #3 above, the HUD 8-Step Decision Making Process is required.</b></p> <p>Complete and attach the following 8-Step Decision Making form and all supporting documentation.</p>		
Additional information on Floodplain Management requirements in AR may be found at the following site:			
<a href="http://www.floodplain.ar.gov/ARQG2005_download.pdf" style="color: blue; text-decoration: underline;">http://www.floodplain.ar.gov/ARQG2005_download.pdf</a>			

## HUD 8-Step Decision Making Process

(Decision Making Process under E.O. 11988 and 24 CFR 55.20)

Attach additional pages as necessary for any step in the process.

Form Page 1 of 5

### Project ID

Name of Project

Grant Control ID Number

### STEP 1 - Determine if the proposed project is located in a 100-year floodplain/wetland.

Attach the FEMA Flood Insurance Rate Map (or printed FIRMette from the FEMA website), mark the site of the project location on the map and provide the following information:

Community name / Map Panel #

Map Panel Date

Has the area been mapped by FEMA?

- YES** (Continue to **STEP 2** if the project site is in the floodplain)  
 **NO** (Continue below)

**If the area has not been mapped**, obtain the best information possible from one or more of the following qualified sources:

(Check all sources contacted and attach all documentation received)

- The Community's Floodplain Administrator
- US Army Corps of Engineers
- US Geological Survey Maps
- USDA Natural Resources Conservation Service
- FEMA

(Continue to **STEP 2** if the project site is in the 100-year floodplain)

### STEP 2 - Involve the Public in the Decision-making Process.

#### Publish the Early Public Notice

The Early Public Notice is a notice of the proposal to consider an action in the floodplain/wetland. The notice must be published in a non-legal section of the newspaper of widest circulation. A 15-day comment period begins the day after publication. If any written comments are received, the Responsible Entity must respond in writing, resolve any issues and provide copies of all documents to the Commission. **Attach a copy of the notice and the affidavit of publication to this form.**



**STEP 3 - Evaluate alternatives to locating the proposed action in a floodplain.**

Explain **in detail** each of the following to determine if the floodplain and/or wetland can be avoided. **Attach extra sheets as needed.**

(a) Identify if alternative sites suitable for the project exist outside the floodplain/wetland:

(b) Identify if feasible alternative actions may be used to fulfill the identical project objective:

(c) Identify if threats to lives and property and/or adverse impacts on the floodplain/wetland outweigh the benefits of the proposed project:

**STEP 4 - Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.**

If the Responsible Entity determines the only practicable alternative for the project is occupying or modifying the floodplain/wetland, the impacts must be identified. If the Responsible Entity determines that an alternative site for the project exists out of the floodplain/wetland, project activities may still have an impact on the nearby floodplain/wetland, and must also be identified to minimize harm.

Explain **in detail** how the project will affect the floodplain/wetland with respect to each of the following types of impacts. **Attach extra sheets as needed.**

(a) Positive or beneficial impacts, both direct and indirect:

(b) Negative or harmful impacts, both direct and indirect:

(c) Concentrated impacts – at or near the floodplain/wetland:

(d) Dispersed or remote impacts occurring distant from the floodplain/wetland:

(e) Short-term impacts to the floodplain/wetland (impacts that are temporary occurring immediately after an action lasting only a short while):

(f) Long-term impacts to the floodplain/wetland (impacts that occur during or after an action that persist for considerable time or indefinitely):

**STEP 5 - Identify mitigation measures to reduce impacts and preserve benefits of the floodplain/wetland. Attach extra sheets as needed.**

(a) How will actions be designed and modified to minimize harm to or within the floodplain/wetland?

(b) How will actions be designed and modified to restore and/or preserve as much of the natural and beneficial floodplain values as possible?

**STEP 6 - Re-evaluate alternatives identified in Step 3, taking into account all identified impacts and mitigation measures.**

(a) Is it possible to modify or relocate the project/activity? Explain.

(b) If there are no alternatives, should the project/activity occur? Explain.

**STEP 7 - If the re-evaluation results in no practicable alternative to relocate the project out of the floodplain/wetland, the decision must be made public.**

**Publish the Notice of Explanation**

The Notice of Explanation must include reasons for locating the project/activity in the floodplain/wetland, all alternatives considered, and all mitigations measures planned.

The notice must be published in a non-legal section of the newspaper of widest circulation. A 7-day comment period begins the day after publication. If any written comments are received, the Responsible Entity must respond in writing and resolve any issues and provide copies of all documents to the Commission. **Attach a copy of the notice and the affidavit of publication to this form.**

**STEP 8 - Implement the Project.**

**Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the State in accordance with HUD regulation 24 CFR Part 58.**

The Responsible Entity has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contracts and all related agreement documents.

**Preparer Information**

Preparer Signature	Date
Preparer Printed Name	Preparer Title

**Certification**

**I certify that the information presented in this 8-Step Decision Making Process document is complete and correct**

Responsible Entity Signature	Date
Responsible Entity Printed Name	Title

## **Wetlands Protection**

- (a) Executive Order 11990, Protection of Wetlands, May 24, 1977, (3 CFR, 1977 Comp., p.121).

Wetland regulations include federal, state and local law and affect development not only in, but also adjacent to, wetlands. You must determine if the project will affect a wetland. You can access the National Wetlands Inventory, maintained by the U.S. Fish and Wildlife Service, to assist in making this determination. The University of Arkansas maintains the Arkansas Wetland Resource Information Management System, which you may also find helpful.

The Wetlands Protection Form on the next page will assist you in obtaining information from qualified sources.

If it is determined that your project will affect a wetland, you will need to complete the HUD 8-Step Decision Making Process. You may also need to obtain a Section 404 Permit from the U.S. Army Corps of Engineers before proceeding.

# Arkansas Economic Development Commission

## Wetlands Protection

Wetlands Protection Form (E.O. 11990, 24 CFR Part 55)			
Name of Project			
Grant Control Number			
Executive Order 11990 requires all Federal agencies to avoid impacts to wetlands, including direct or indirect impacts, and to refrain from supporting construction in wetlands whenever there is a practicable alternative. <b><i>Compliance with Wetlands Protection applies to Land Acquisition and to Construction.</i></b>			
1.	Review and attached Wetland maps if any of the above activities are involved in the project. Access acceptable maps from any of the following:  <a href="http://wetlandsws.er.usgs.gov">http://wetlandsws.er.usgs.gov</a> - FWS Wetlands Mapper (National Wetlands Inventory) <a href="http://www.awrims.cast.uark.edu/home">http://www.awrims.cast.uark.edu/home</a> - Arkansas Wetland Resource Information Management System <a href="http://topozone.com">http://topozone.com</a> - TopoZone webpage		
2.	<b>The maps listed above are for preliminary screening purposes only.</b> If any question still exists as to the potential wetland presence or the project area has not been mapped for wetlands, you must obtain a wetland determination. A wetland determination is made in accordance with the Corps' 1987 Wetland Delineation Manual and can be performed by the following agencies: <ul style="list-style-type: none"> <li>• U.S. Fish and Wildlife Service</li> <li>• USDA Natural Resources Conservation Service (NRCS)</li> <li>• US Army Corps of Engineers</li> </ul>		
3.	<b>If it is determined that that project lies in a wetland/floodplain, you MUST complete and attach the HUD 8-Step Decision Making Process.</b> <i>(Refer to the Floodplain Management section of this document for the required format.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Does the project require a Section 404 Permit from the U.S. Army Corps of Engineers? <i>(If so, obtain and attach the required permit prior to any construction activities.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Check all source documentation applicable and attach: <ul style="list-style-type: none"> <li><input type="checkbox"/> FWS Map(s)</li> <li><input type="checkbox"/> Maps from other qualified agencies</li> <li><input type="checkbox"/> Consultation correspondence (letters, e-mails, faxes, documented phone calls)</li> <li><input type="checkbox"/> HUD 8-Step Decision Making documentation</li> <li><input type="checkbox"/> FWS Clearance</li> <li><input type="checkbox"/> Other qualified agency clearance(s):</li> <li><input type="checkbox"/> 404 Permitting Information</li> </ul>		
Additional information on Wetlands issues may be found at the following:			
<a href="http://www.nwk.usace.army.mil/regulatory/permitap.htm#general">http://www.nwk.usace.army.mil/regulatory/permitap.htm#general</a> (USACE Regulatory Program)			
<a href="http://www.epa.gov/owow/wetlands/">http://www.epa.gov/owow/wetlands/</a> - (EPA)			

## **Coastal Zone Management**

- (a) The Coastal Barriers Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et seq.).
- (b) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended.

**Arkansas has no coastal zones and these regulations are not applicable. The Statutory Checklist has been pre-filled for you to indicate such.**

## **Water Quality**

- (a) The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349), as amended.
- (b) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.
- (c) U.S. EPA Implementing Regulations, 40 CFR Parts 100-149.

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply and protecting its sources. Originally, the SDWA focused primarily on treatment as the means of providing safe drinking water at the tap. Amendments greatly enhanced the existing law by recognizing source water protection, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap.

When performing an environmental evaluation, there are two basic water quality concerns: whether the project will result in the degradation of surface water quality, and whether the project might contribute to the contamination of ground water in a sole source aquifer.

Wastewater effluent from treatment facilities is a known source of pollution affecting streams and surface bodies of water. National Pollutant Discharge Elimination Systems (NPDES) permits are issued and regulated by ADEQ and limit the kind and amount of pollutants that may be discharged by publicly owned treatment facilities.

The introduction of dredging or fill materials is also a source of surface water quality degradation. A permit must be obtained from the USACE before dredging or introducing fill materials into navigable surface waters. Pre-approved "general" or "nationwide" permits may be available from the USACE for minor activities, but major activities will require mitigation and should be avoided whenever possible.

Section 1424(e) of the SDWA authorizes the Sole Source Aquifer (SSA) Protection Program. The SSA Protection Program requires protection of drinking water systems that are the sole or principal drinking water source of an area and which, if contaminated, would create a significant hazard to public health. **At the time of this Guide Book's preparation, there were no SSAs in Arkansas, but you must check to make sure that situation has not changed.**

# Arkansas Economic Development Commission

## Water Quality Protection

<b>Water Supply and Groundwater Quality Protection Form (Safe Drinking Water Act of 1974, Clean Water Act)</b>			
Name of Project			
Grant Control Number			
<p>The Safe Drinking Water Act (SDWA) protects public health by regulating the nation’s public drinking water supply. The law requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. The SDWA applies to every public water system in the U.S., but does not regulate private wells which serve fewer than 25 individuals.</p>			
1.	Is there an existing municipal or public water supply adequate to serve the project?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
2.	Is the water supply safe and free of contamination?  Attach the most recent DHHS inspection report for the Public Water Supply.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
3.	Will any waterways be affected by the project?  Explain and identify on a map any rivers, lakes, streams or other bodies of water that may receive effluent discharges from the project site that could impact potable water. Attach any other documentation from qualified sources.	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
4.	Will the project affect a Sole Source Aquifer?  Print and attach supporting documentation. EPA-designated sole source aquifers are listed at: <a href="http://www.epa.gov/region6/water/swp/ssa/maps.htm">http://www.epa.gov/region6/water/swp/ssa/maps.htm</a>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
5.	Will the project involve drilling a well?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
6.	If <b>YES</b> , is the location subject to rapid water withdrawal problems that will change the depth of the water table?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
7.	If <b>YES</b> , are there septic systems present on or around the project site and have they been properly installed and maintained?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
Additional water supply and groundwater information may be found at the following:			
<a href="http://www.adeq.state.ar.us/water/branch_planning/default.htm">http://www.adeq.state.ar.us/water/branch_planning/default.htm</a> - (ADEQ, Water Quality Planning)			
<a href="http://www.adeq.state.ar.us/water/branch_npdes/default.htm">http://www.adeq.state.ar.us/water/branch_npdes/default.htm</a> - (ADEQ, NPDES Branch)			
<a href="http://www.adeq.state.ar.us/water/branch_permits/default.htm">http://www.adeq.state.ar.us/water/branch_permits/default.htm</a> - (ADEQ, State Permits Branch)			



## **Endangered Species, Fish and Wildlife**

- (a) Endangered Species Act of 1973 as Amended (16 U.S.C. 1531-1543).
- (b) Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

Your project must not adversely affect the habitat of any plant or animal listed, or proposed for listing, on the endangered species list. If the project may affect listed endangered or threatened species or critical habitats, you must consult with Arkansas Heritage Program (AHP). The AHP is the research arm of the Arkansas Natural Heritage Commission, and strives to conserve the Arkansas' natural diversity by identifying ecologically important areas and setting priorities to protect them and the species that inhabit them. To that end, the Arkansas Heritage Program maintains the Natural Heritage Inventory. The Inventory is a comprehensive and dynamic database that tracks the location and status of rare species and natural communities in Arkansas.

Arkansas Natural Heritage Commission  
An Agency of the Department of Arkansas Heritage  
1500 Tower Building, 323 Center Street  
Little Rock, Arkansas 72201

Phone: (501) 324-9619

But, the AHP can't give the entire clearance needed. You must also contact the U.S. Fish and Wildlife Service, a Bureau of the Department of Interior, to comply with the procedure of Section 7 of the Endangered Species Act.

The Arkansas Ecological Services Field Office of the U.S. Fish and Wildlife Service may be contacted at:

U.S. Fish and Wildlife Service  
Arkansas Ecological Services Field Office  
Field Supervisor  
110 South Amity Rd., Suite 300  
Conway, AR 72032

Phone: (501) 513-4470

A self-explanatory form appears on the following page.

# Arkansas Economic Development Commission

## Endangered Species Protection

Endangered Species Protection Form			
(Endangered Species Act (ESA), Section 7 - 50 CFR Part 402)			
Name of Project			
Grant Control Number			
<p>The ESA mandates that Federally-assisted activities not jeopardize the existence of plants and animals that are listed or proposed for listing on the endangered species list. Activities proposed for areas harboring such species must avoid adversely modifying or destroying their habitat.</p>			
1.	<p>All projects involving acquisition, new construction, site clearance, or public infrastructure improvements must contact the following agency for review and clearance, and <b>attach all related documentation</b>.</p> <p style="text-align: center;"><b>U.S. Fish and Wildlife Service</b>            Arkansas Ecological Services Field Office            Field Supervisor            110 South Amity Rd., Suite 300            Conway, AR 72032            Phone:(501) 513-4470            E-mail: FW4_ES_Conway@fws.govR4</p>		
2.	Are mitigation measures required by any agency?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
3.	<p><b>If YES:</b></p> <p>(a) Describe the required mitigation measures.            (b) Explain whether such measures are feasible in relation to project goals and completion.            (c) Describe the mitigation plan to address all issues.            (d) Are mitigation measures are required to be completed prior to commencing any physical activity?</p> <p style="text-align: center;"><i>(Attach additional pages as necessary.)</i></p>		
4.	<b>Compliance has been achieved.</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<p>Additional Endangered Species Act information may be found at the following:</p>			
<p><a href="http://www.fws.gov/endangered/esaall.pdf">http://www.fws.gov/endangered/esaall.pdf</a> - (US Fish &amp; Wildlife Service, Endangered Species Act)</p>			
<p><a href="http://www.agfc.state.ar.us/critters/endangered_species_p3.html">http://www.agfc.state.ar.us/critters/endangered_species_p3.html</a> - (Arkansas Game &amp; Fish Commission)</p>			
<p><a href="http://www.naturalheritage.com/program/element-search/">http://www.naturalheritage.com/program/element-search/</a> - (Arkansas Natural Heritage Commission)</p>			

## **Wild and Scenic Rivers**

(a) Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.), as amended, particularly sections 7(b) and 7(c), and 16 U.S.C. 1278 (b) and (c).

The National Wild and Scenic River System was established to conserve the scenic, recreational and fish and wildlife values of certain rivers. The Act applies to rivers or segments of rivers designated by Congress or States.

Arkansas has eight Federally Recognized Wild and Scenic Rivers:

- Big Piney Creek
- The Buffalo River
- The Cossatot River
- Hurricane Creek
- The Little Missouri River
- The Mulberry River
- North Sylamore Creek
- Richland Creek

The State has also identified free-flowing river segments believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. These locations are listed in the Nationwide Rivers Inventory (NRI). The NRI is a source of information for statewide river assessments and the use of Federal funding on stream-related projects.

New construction and the acquisition of undeveloped land for water resources projects (i.e., water and sewer lines, water retention ponds, etc.), which are proposed in areas within one mile of a listed wild and scenic river have the potential to impact these natural resources. Under a 1979 Presidential directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect NRI segments.

You must comply with the requirements of the Wild and Scenic Rivers Act both for Federally Recognized Wild and Scenic Rivers, and also for State designated Wild and Scenic Rivers. The following form will assist you in gathering the appropriate information and is divided into a Federal section and a State section.

# Arkansas Economic Development Commission

## Wild and Scenic Rivers Protection

Wild and Scenic Rivers Protection Form			
(Wild and Scenic Rivers Act of 1968, 36 CFR Part 297)			
Name of Project			
Grant Control Number			
<b>Section I : Federally Recognized Wild and Scenic Rivers</b>			
<p>The National Wild and Scenic River System was established to conserve the scenic, recreational, and fish and wildlife values of certain rivers. The Wild and Scenic Rivers Act applies to rivers or segments of rivers designated by Congress or States.</p> <p>Arkansas has <b><u>eight</u> Federally Recognized Wild and Scenic Rivers:</b></p> <ul style="list-style-type: none"> <li>• Big Piney Creek</li> <li>• The Buffalo River</li> <li>• The Cossatot River</li> <li>• Hurricane Creek</li> <li>• The Little Missouri River</li> <li>• The Mulberry River</li> <li>• North Sylamore Creek</li> <li>• Richland Creek</li> </ul>			
1.	Is the project site within one mile of <b><u>any</u> Federally Recognized Wild or Scenic River?</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
2.	<p>If project activities occur within one mile of a Federally Recognized Wild or Scenic River and may have the potential to adversely impact the river, contact the following <b>and attach all related documentation:</b></p> <p style="text-align: center;"><b>U.S. Fish and Wildlife Service</b>            Arkansas Ecological Services Field Office            Field Supervisor            110 South Amity Rd., Suite 300            Conway, AR 72032            Phone:(501) 513-4470            E-mail: FW4_ES_Conway@fws.govR4</p>		
3.	Are mitigation measures required by the U.S. Fish and Wildlife Service?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
4.	<p><b>If YES:</b></p> <p>(a) Describe the required mitigation measures.</p> <p>(b) Explain whether such measures are feasible in relation to project goals and completion.</p> <p>(c) Describe the mitigation plan to address all issues.</p> <p>(d) Are mitigation measures are required to be completed prior to commencing any physical activity?</p> <p style="text-align: center;"><i>(Attach additional pages as necessary.)</i></p>		

## WILD AND SCENIC RIVERS PROTECTION FORM (continued)

### Section II : State Wild and Scenic Rivers

**The Nationwide Rivers Inventory (NRI)** is a list of free-flowing river segments in the United States believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential directive, and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. The NRI is a source of information for statewide river assessments and federal agencies involved with stream-related projects.

<http://www.nps.gov/nrcr/programs/rtca/nri/states/ar.html> - National River Inventory, AR segments

5.	Is the project site within one mile of <b>a State Designated Wild or Scenic River?</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
6.	<p>If project activities occur within one mile of a State Designated Wild or Scenic River and may have the potential to adversely impact the river, contact the following <b>and attach all related documentation:</b></p> <p style="text-align: center;">                     Environmental Compliance Contact  <b>National Park Service</b>                      Midwest Regional Office                      601 Riverside Drive                      Omaha, Nebraska 68102                      Phone: (402) 661-1848                 </p>		
7.	Are mitigation measures required by the National Park Service?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
8.	<p><b>If YES:</b></p> <ul style="list-style-type: none"> <li>(a) Describe the required mitigation measures.</li> <li>(b) Explain whether such measures are feasible in relation to project goals and completion.</li> <li>(c) Describe the mitigation plan to address all issues.</li> <li>(d) Are mitigation measures are required to be completed prior to commencing any physical activity?</li> </ul> <p style="text-align: center;"><i>(Attach additional pages as necessary.)</i></p>		
9.	<b>Compliance has been achieved.</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>

## **Air Quality**

Clean Air Act of 1970, as Amended (42 U.S.C. 7401-7642), EPA Regulation 40 CFR Part 50, and Partially 40 CFR Parts 51, 52, and 61.

The Arkansas Department of Environmental Quality has been delegated primary responsibility for air quality issues in Arkansas. For the environmental review, air quality issues focus on whether the proposed project conforms to the air quality State Implementation Plan. In general, air quality issues will not arise on ACEDP projects (an exception would be sandblasting/paint removal on a water tower).

It is remotely possible that the construction process, as water or sewer lines are being installed, for example, could create an airborne dust problem that would be require temporary control measures, but ACEDP projects typically do not require ADEQ Air Division involvement.

## **Farmland Protection**

(b) Farmland Protection Policy Act of 1981 (U.S.C. 4201 et. seq.), as amended.

(c) U.S. Department of Agriculture implementing regulations (7 CFR Part 658).

You must provide documentation which states that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the Department of Agriculture - Natural Resources Conservation Service (NRCS), or that if the project site does include prime farmland, it is located in an area committed to urban development or water storage.

If you cannot provide such documentation, you must request an evaluation of the project area from NRCS using form AD 1006.

NRCS may be contacted at:

Arkansas USDA Natural Resources Conservation Services (NRCS)  
Room 3416, Federal Building  
700 West Capitol Ave.  
Little Rock, AR 72201-3225  
Fax: (501) 301-3194

# Arkansas Economic Development Commission

## Farmland Protection

<b>Farmland Protection Form</b>			
<b>(Farmland Protection Policy Act, 7 CFR 658)</b>			
Name of Project			
Grant Control Number			
<p>The purpose of the Farmland Protection Policy Act is to minimize <i>unnecessary and irreversible conversion</i> of farmland to non-agricultural uses.</p> <p style="padding-left: 40px;">The Farmland Protection Policy Act is NOT applicable to lands already in or committed to water storage.</p> <p style="padding-left: 40px;">The Farmland Protection Policy Act IS applicable to land designated as prime or unique agricultural lands by USDA Natural Resources Conservation Services, including forested land, pasture land and crop land.</p>			
1.	Does the project involve new construction, acquisition or disposition of agricultural land, pasture land or forested land that would result in conversion for non-agricultural use?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<p>If <b>NO</b>, indicate the current zoning classification/land use of the proposed project site.</p> <p>Describe the current land use of the project site and the surrounding or adjacent parcels for the project site. Explain compatibility of project activities with current land use. (Attach support documentation for current zoning classification or land use as necessary.)</p>			
<p>If <b>YES</b>, complete the Farmland Conversion Impact Rating Form (Form AD 1006) located at the following website <a href="http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD1006.PDF">http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD1006.PDF</a> and submit the completed form to:</p> <p style="text-align: center;">Arkansas USDA Natural Resources Conservation Services (NRCS) Room 3416, Federal Building 700 West Capitol Ave. Little Rock, AR 72201-3225 Fax: (501) 301-3194</p>			
2.	Describe the outcome of the NRCS rating, any conditions or mitigation measures required, and the feasibility of these requirements in relation to project goals. Attach all related documentation.		
3.	<b>Compliance has been achieved.</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
Additional farmland protection information may be found at the following:			
<a href="http://www.ar.nrcs.usda.gov/consult.html">http://www.ar.nrcs.usda.gov/consult.html</a> - (NRCS, Information for Consultants)			

## **Environmental Justice**

- (a) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (3 CFR, 1994 Comp., p. 859).

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," applies in low-income or minority neighborhoods where your project will require the acquisition of land for development, and the placement of new construction. You must determine whether the site of your project suffers from disproportionate adverse health and environmental effects relative to the community at large.

For example, if you were to site a new sewage treatment facility in a particular neighborhood not because the location was the best engineering site for the plant, but instead because the residents of that particular neighborhood "would complain less" than other neighborhoods, or because they "were already used to sewage odors" – that could be an environmental justice issue.

You must either document that the project is not likely to raise environmental justice issues, or else consider mitigation or avoidance of adverse impacts from the project to the extent practicable.



# Arkansas Economic Development Commission

## Environmental Justice

Environmental Justice Form			
(E.O. 12898)			
Name of Project			
Grant Control Number			
<p>The purpose of Executive Order 12898 is to direct Federal agencies to identify and appropriately address “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations”. Generally, this applies to ACEDP water and wastewater improvement projects, because they are funded primarily for the benefit of such citizens and necessarily involve acquisition of easements for the placement of water or sewer lines in low-income and minority neighborhoods. Projects also potentially involve the construction of new treatment facilities or wastewater collection centers.</p> <p>At a minimum, Environmental Justice should address the consideration of actual and potential environmental impacts to people of low-income and minority status as a result of the proposed project, as well as mitigation measures to minimize adverse impacts as much as practicable within the principles of the Executive Order.</p>			
1.	Is the proposed project located in or around a low-income or minority neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Indicate the zoning classification(s) of the project site and immediate area. (Acceptable support documentation may include maps and descriptions of the project areas.)		
3.	Explain the opportunities for public involvement in decision making for this project. (Acceptable support documentation may include council/commission meeting or other public meeting minutes from public hearings indicating discussions and decisions throughout the life of the project, newspaper articles describing the project, project alternatives considered, etc.)		
4.	Indicate all potential and actual environmental impacts, both positive and negative, regarding low income and minority persons, as a result of the proposed project.		
5.	Explain all mitigation measures planned to minimize adverse environmental impacts.		
Additional Environmental Justice information may be found at the following sites:			
<a href="http://epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf">http://epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf</a> - (Executive Order 12898O)			
<a href="http://www.epa.gov/compliance/environmentaljustice/">http://www.epa.gov/compliance/environmentaljustice/</a> - (EPA)			
<a href="http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/justice/index.cfm">http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/justice/index.cfm</a> - (HUD)			