

APPENDIX G
CHECKLIST OF ENVIRONMENTAL LAWS

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ENVIRONMENTAL CHECKLIST
FORT PECK MINI TEST
January, 2002

Clean Air Act, as amended, 42 U.S.C 1857h-7, et seq. In compliance. Because of the limited scope of the proposed activity, individual and cumulative effects on air quality will be insignificant.

Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. In compliance. Dam operations are considered "natural" with regard to temperature alterations. No Section 404 or 401 permit is needed for the mini test.

Comprehensive Environmental Response, Compensation, and Liability Act. In compliance. The potential to disturb or encounter hazardous and toxic materials is unlikely.

Endangered Species Act, as amended, 16 U.S.C. 1531, et seq. In compliance. The mini test action would be an implementation of a Biological Opinion task which would result in compliance with the Endangered Species Act. Potential adverse effects to other federally listed species would be avoided.

Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661, et seq. Not applicable. The mini test is not a construction action involving water resources.

National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq. In compliance. This environmental assessment (EA) has been prepared for the proposed action. An Environmental Impact Statement is not required.

National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq. Ongoing coordination. The State Historical Society of Montana has been contacted with regard to the proposed mini test. We are awaiting a response, and will coordinate further with the SHPO as additional information on cultural resource sites becomes available from the ongoing survey information. If significant cultural sites are found, and if those sites are located in areas with increased risk of erosion, then those sites would be monitored during the mini test.

Protection of Wetlands (E.O.11990). In compliance. The project would not affect any special aquatic sites or wetlands.

Floodplain Management (E.O. 11988). In compliance. The project will not significantly affect the flow carrying capacity of the channel and implementation of these measures would not cause a violation of this executive order. The project action, a spillway discharge, must be located in the floodplain to fulfill its purpose.

Watershed Protection and Flood Prevention Act, 16 U.S.C. 1101, et seq. Not applicable. This act does not impose requirements on Corps projects.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), et seq. Not applicable. No coordinated use with existing or planned Federal, state or local public recreation development has been considered for this project and recreational use will neither increase nor decrease with these temporary actions.

Land and Water Conservation Fund Act (LWCFA), as amended, 16 U.S.C. 4601-4601-11, et seq. In compliance. The mini test would not affect any property or lands developed for recreational use or wildlife areas funded under the Land and Water Conservation Fund.

Farmland Protection Policy Act (Subtitle I of Title XV of the Agriculture and Food Act of 1981), effective 6 August 1984. In compliance. The potential erosion of up to 5 acres of lands across from the spillway would not be regionally significant. Compliance with this act will also satisfy the requirements set forth in CEQ Memorandum of 11 August 1980, Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA.

CEQ Memorandum, August 10, 1980, Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory. In compliance. The activities undertaken will not preclude a wild, scenic, or recreational river designation and, as such, will not adversely affect this river.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-income Populations. In compliance. The mini test would not disproportionately affect minority or low-income populations downstream from the spillway.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, et seq. Not applicable. The area in which the project will occur has not been designated as a wild, scenic, or recreational river.