Environmental Compliance Questionnaire

INSTRUCTIONS

Projects and activities that receive federal funds must comply with environmental laws and regulations that apply across multiple federal programs. IFA is using this form to collect information relating to these laws and regulations. Detailed instructions are located beginning on Page 6. IFA has added comments to assist applicants in navigating compliance requirements, marked in grey. Applicants are required to:

1. complete and take actions required in this questionnaire;
2. provide written evidence to the IFA of the actions taken as required in the questionnaire.

The information presented in this document does not constitute legal advice and the applicants are solely responsible for their compliance with all applicable federal and state laws and regulations. Applicants are encouraged to consult their attorneys on the applicability of environmental requirements to their projects.

_____

APPLICANT CERTIFICATION

I, the undersigned, certify that I have reviewed and completed this document on behalf of the Applicant and performed due diligence to assure that all the information provided below is accurate, complete and not misrepresented in any way.

Signature_____ Date _____

Name _____

Position_____

Company/Organization _____

I. Project Information

Please answer the questions below about each project location. Project location includes where on-site activities will occur, as well as those areas where materials, tools, equipment, and vehicles are staged or stored.

Please provide a location for each project component or subproject. Create additional tables for all components/subprojects. Attach documentation as required. Attachments to this questionnaire should be clearly labeled.

#	Question	Answer
1	Project Description:	
2	Project Location:	*Street address or nearest intersection*
3	Site coordinates:	*Latitude/Longitude, or Decimal Degrees*
4	Describe the current site use, landcover, and/or vegetation:	
5	Select all of the checkbox(es) that best describe the project:	☐ Within an existing facility, easement or right(s)-of-way. ☐ Outside of an existing facility, easement or right(s)-of-way. ☐ Site previously undisturbed ☐ Site previously disturbed
6	When are on-site activities anticipated to commence? (Month-Yr)	*Please include any sampling, test borehole drilling, or similar design-related activities as well as site preparations that may occur before construction.*
☐	Please attach a construction schedule if available.	

II. Compliance Checklist

If you answered "Yes" to any of the below questions, please provide detailed description in the "Comments" section and attach required documents. Attachments to this questionnaire should be clearly labeled. **Applicants that are awarded grants under this Program should work with IFA Staff to identify next steps before any IFA-funded construction begins.**

#	Section	Question
1	Endangered Species Act, Section 7	Have you identified any endangered or threatened species or their habitats at this site as specified in Section 1 below?
	Yes / No	*Comments:*
☐	*If "No", certify and sign the following:* The proposed activity does not affect any endangered or threatened species or their habitats. Beneficial practices to avoid and minimize the incidental take of endangered or threatened species, including best management practices and conservation measures will be implemented when necessary; therefore, this project would not be in conflict with this act. Applicant's Signature _____	
2	Bald & Golden Eagle Protection Act	Have you identified any golden or bald eagle nests within ¼ mile of your site as specified in Section 2 below?
	Yes / No	*Comments:*
☐	*If "No", certify and sign the following:* The proposed activity does not involve capture, transport, exhibition, collection, control or disturbance of eagles or eagle parts, nests, or eggs. Additionally, no construction is expected to occur in close proximity to eagle nests; therefore, the requirements of this act do not apply. Applicant's Signature _____	
3	Migratory Bird Treaty Act	Have you identified any protected migratory birds on your site as specified in Section 3 below?
	Yes / No	*Comments:*
☐	*If "No", certify and sign the following:* This project does not involve the taking, killing, possession, transportation, or importation of migratory birds, their eggs, parts, or nests. Beneficial practices to avoid and minimize the incidental take of migratory birds, including best management practices and conservation measures will be implemented when necessary; therefore, this project would not be in conflict with this act. Applicant's Signature _____	

4	Wilderness Act	Is the project located on any federally managed land as specified in Section 4 below?
Yes / No		*Comments:*
5	Coastal Zone Management Act	Is the site within the Illinois Coastal Zone Boundary as specified in Section 5 below?
Yes / No		*Comments:*
6	Safe Drinking Water Act, Sole Source Aquifer	Is the site within the Mahomet Aquifer System as specified in Section 6 below?
Yes / No		*Comments:*
7	Farmland Protection Policy Act	Is the site currently used for agricultural purposes as specified in Section 7 below?
Yes / No		*Comments:*
8	National Historic Preservation Act, Section 106	Have you identified any properties listed or eligible to be listed on the National Register of Historic Places as specified in Section 8 below?
Yes / No		*Comments:*
9	Archaeological & Historic Preservation Act	Have you identified any scientific, prehistorical, historical, or archeological data that can be affected by the project as specified in Section 9 below?
Yes / No		*Comments:*
10	Native American Graves Protection & Repatriation Act	Have you found any human remains or cultural items at the project site as specified in Section 10 below?
Yes / No		*Comments:*
11	Archaeological Resources Protection Act	Have you found any archeological resources at the project site as specified in Section 11 below?
Yes / No		*Comments:*

12	Wild & Scenic Rivers Act	Is the site within ½ mile of the Middle Fork of the Vermilion River as specified in Section 12 below?
	Yes / No	*Comments:*
13	Flood Plain Management	Is the site designated as a FEMA Flood Hazard Area as specified in Section 13 below?
	Yes / No	*Comments:*
14	Protection of Wetlands	Is the site designated as a wetland by U.S. FWS as specified in Section 14 below?
	Yes / No	*Comments:*

Instructions

There are several environmental cross-cutter acts that are designed to protect the nation's wildlife, biological, historic and archeological resources. Each are briefly described below. **Where appropriate, consultation requirements for specific cross-cutter acts may be combined into a single consultation process.**

1. Endangered Species Act, Section 7

The Endangered Species Act (ESA) requires that projects receiving Federal assistance must assure that the activities associated with the project, including during construction, will not likely jeopardize, destroy, or adversely modify listed or proposed endangered and threatened species, or the designed critical habitat upon which such species depend; and no 'taking' (harming) including habitat modification, harassing, and killing such species without proper authorization. ***The ESA requires consultation with the United States Fish and Wildlife Service (USFWS) and/ or National Oceanic and Atmospheric Administration (NOAA) Fisheries when there is a potential for impact.*** The appropriate federal agency is responsible for ensuring consultation occurs with the appropriate agency. **If a non-federal entity, such as a consultant or state agency, is consulting with the appropriate agency in either an informal or formal basis, the federal agency providing the funding must designate such non-federal representatives in writing.** If not designated by the federal agency providing funding, it is recommended that non-federal representatives provide a complete record of their evaluation so a determination of effect and, if necessary, consult, with the appropriate agency. See links to additional resources at the end of this section. Attach documentation as necessary.

Note: The Department of Interior issued a memo on July 15, 2025, which affects DOI internal processes regarding decisions, actions, consultations, and other undertakings related to wind and solar facilities. These changes to DOI processes may impact USFWS staff responsiveness and/or concurrence on informal consultations with EPA on grant projects relating to wind and solar.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Is there a potential for species listed or proposed to be listed as endangered or threatened species to be present at the project location?** Please save generated species lists from IPaC in the grant file as appropriate. For marine species listed/proposed to be listed, refer to the NOAA Fisheries ESA species site.).

   If no, consultation is not required.

Note: Applicants may want to complete the IPaC analysis and plan for consultations that it recommends, if any.

Note: This is a link to US Fish and Wildife Service's IPaC webpage, which helps project developers determine if there will be impacts on endangered or threatened species. There are a number of short videos at the bottom of the page.

2. **Are there critical habitats for species listed, or proposed to be listed as endangered or threatened species present at the project location?**

   If no, consultation is not required.

3. **If yes to either of the two previous questions, what is the appropriate determination with respect to whether the project will or will not have an effect on listed species or critical habitat?**

   Please attach documentation of how you arrived at the determination. Please provide a description of the status of consultation with USFWS and/or NOAA Fisheries, as well as a description of mitigation measures to be taken.
   Please attach any information from consultation and supporting documentation such as a biological assessment if one was required and all planned mitigation measures.

4. **If yes to either of the two previous questions, what is the appropriate determination with respect to whether the project will or will not have an effect on listed species or critical habitat?**

   Please identify the species and habitats in your comments above. Please attach documentation of how you arrived at the determination.
   Consultation is not required if the answer to this question is "no effect." Informal consultation is required is affect is not likely to be adversary. A formal consultation is required if the project is likely to adversely affect on species or habitats.

Please note that under 50 CFR 402.12(e), the accuracy of the species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information.

For assistance, refer to the following resources:

- NEPAssist | US EPA
- IPaC: Home
- ESA Section 7 Consultation | U.S. Fish & Wildlife Service
- Section 7 Frequently Asked Questions
- Endangered Species Action Consultations | NOAA Fisheries

- Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities

2. Bald and Golden Eagle Protection Act

In 2007, bald eagles were delisted from the Endangered Species List. However, the eagles are still protected by the Bald and Golden Eagle Protection Act (BGEPA) that prohibits pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting or disturbing eagles. The BGEPA defines disturbing to include any activity that agitates or bothers eagles to a degree that causes injury, decreased productivity, or nest abandonment. Projects that may result in eagle take (disturbance, nest removal, incidental harm) typically require a permit from the USFWS. In these cases, early informal consultation is recommended. Examples of projects that require a permit include wind energy and power line infrastructure.

While the BGEPA does not have a formal consultation process like the ESA, early coordination with the USFWS District Office is strongly encouraged if there is a chance of affecting eagles or their nests. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"?** (The term "take" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.).

   If no, no further action is required.

   Note: From USFWS Permit Guidelines (linked below): How do I know where eagle nests are located? The U.S. Fish and Wildlife Service does not keep records of the locations of bald eagle nests; you are responsible for determining if there are eagle nest(s) near your project. The state, tribe(s) or others may have records of bald eagle nests in your area. Please use caution when querying any eagle nest databases. Information in these databases is often out of date - bald eagle nests may no longer exist, and or, new eagle nests may not be in the

database. If you suspect there may be eagle nest(s) in your area, the best approach may be to survey the area for nests. You can start by familiarizing yourself with what bald eagle nests look like and examining the area. It may also help to ask neighbors in the area, and or, hire a biological consultant to determine this for you.

Note: To assist in identifying eagle nests: Eagle nests are constructed with large sticks and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4 to 6 feet in diameter and 3 feet deep, although larger nests exist. https://www.fws.gov/Alaska-eagle-nesting#:~:text=Eagle%20nests%20are%20constructed%20with,Courtship%20and%20nest%20building

Note: According to IL DNR the golden eagle does not typically nest in IL (that is, it migrates through and lives here in winter) while the bald eagle does occasionally nest in IL.

2. **If yes, please identify the species in your comments above. Can the action(s) be modified to avoid the adverse effect?** Refer to the National Bald Eagle Management Guidelines and USFWS Permit Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

   Note: The USFWS Permit Guidelines link includes a chart of activities that may require an Eagle Take permit.

   If it cannot be modified, work with USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.

3. **If it can be modified, what mitigation measures will be taken to avoid and minimize impacts that could result in take?**

   If a take is not avoidable, a permit is required from the USFWS.

If the Act does not apply to your project, certify to IFA the following:

> "The proposed activity does not involve capture, transport, exhibition, collection, control or disturbance of eagles or eagle parts, nests, or eggs. Additionally, no construction is expected to occur in close proximity to eagle nests; therefore, the requirements of this act do not apply."

For assistance, refer to the following resources:

- Eagle Management | U.S. Fish & Wildlife Service
- IPaC: Home
- Updated Eagle Nest Survey Protocol | FWS.gov

3. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects migratory birds, along with their nests and eggs, by making it unlawful without a proper permit to pursue, hunt, take, capture, kill or possess migratory birds as well as import, export, transport, sell, or barter birds (including nests, eggs, feathers, etc.). ***While formal consultation with the USFWS is not required, E.O. 13186 requires federal agencies to evaluate effects on migratory birds and work with USFWS on conservation measures.*** See links to additional resources at the end of this section. Attach documentation as necessary. Unlike the Endangered Species Act and the Bald and Golden Eagle Protection Act, the MBTA is currently interpreted to not prohibit incidental take. Please refer to the following memos: 1) Trump-Era Memo: Withdrawal of Solicitor Opinion M-37065 - Permanent Withdrawal of Solicitor Opinion M-37050 - The MBTA Does Not Prohibit Incidental Take and 2) Authoritative Memo Regarding Incidental Take. Therefore, if the only potential impact is anticipated to be incidental, the MBTA would not apply.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, occupied nest or egg?** The term "take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

   If no, no further action is required.

   Note: MBTA's definition of "migratory bird" does not include common introduced species such as the House Sparrow, European Starling, or Rock Dove (i.e., pigeon). A list of 122 species and species' families that are NOT covered by the MBTA is available at: https://www.federalregister.gov/documents/2020/04/16/2020-06782/list-of-bird-species-to-which-the-migratory-bird-treaty-act-does-not-apply. Canada geese and red-winged blackbirds are not on this list, and so likely fall under the MBTA definition of migratory bird.

2. **If yes, have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?**

   If yes, document mitigation measures in your comments above.

If no, no further action is required

3. **Will unintentional take of migratory birds result in a measurable negative effect on a migratory bird species' population?**

If yes, additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take.

If no, no further action is required.

Document below the finding, rationale, and information sources used.

If the Act does not apply to your project, certify to IFA the following:

"This project does not involve the taking, killing, possession, transportation, or importation of migratory birds, their eggs, parts, or nests. Beneficial practices to avoid and minimize the incidental take of migratory birds, including best management practices and conservation measures will be implemented when necessary; therefore, this project would not be in conflict with this act."

For assistance, refer to the following resources:

- Migratory Bird Treaty Act of 1918 | U.S. Fish & Wildlife Service
- IPaC: Home
- Nationwide Avoidance & Minimization Measures for Birds | FWS.gov
- Evaluating Impacts of Actions to Migratory Birds | U.S. Fish & Wildlife Service
- Trump-Era Memo: Withdrawal of Solicitor Opinion M-37065 - Permanent Withdrawal of Solicitor Opinion M-37050 - The MBTA Does Not Prohibit Incidental Take
- Authoritative Memo Regarding Incidental Take

4. Wilderness Act

The purpose of the Wilderness Act is to preserve the country's wilderness areas and requires Federal land management agencies to manage designated areas in a way that preserves their wilderness character. The Wilderness Act sets strict limits on roads, structures, motorized or mechanized vehicles (including aircraft landings) and commercial activities. Cutting or removing timber or trees is also not allowed, except for minimal administrative or emergency needs. It is unlikely a project will be permitted within a wilderness area and the grantee may need to consider alternate locations. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Does the project occur in a designated wilderness area?**

   Note: The link is to a map of US wilderness areas. There are several in IL, in the far southern part of the state.

   If no, no further action required.

2. **If yes, has a consultation been initiated with the local conservation service office?**

   If no, please contact the local forest service prior to proceeding.
   Please describe the status of the consultation in your comments. Attach any relevant reports or correspondence.

For assistance, refer to the following resource:

- Wilderness Areas of the United States

5. Coastal Zone Management Act

The purpose of the Coastal Zone Management Act (CZMA) is to preserve, protect, develop, and where possible store or enhance the nation's coastal resources. Administered by NOAA, the CZMA provides a framework for states and territories to manage coastal areas in partnership with the federal government. The CZMA requires that federal actions affecting coastal zones be consistent with the enforceable policies of state coastal management programs, to assure that federal activities align with state-defined coastal priorities.

When a federal action (e.g., permit, license, financial assistance) has a reasonably foreseeable effect on a coastal use or resource, it triggers the federal consistency requirement under CZMA § 307. ***The federal agency (or grantee/applicant) must submit a consistency determination or certification to the appropriate state coastal management program agency before proceeding.*** The submission must include an evaluation of how the proposed action aligns with or affects the state's enforceable policies within its federally-approved Coastal Management Program (CMP). ***State coastal management program agencies typically have up to 6 months to review the submission.*** See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Is the project planned to be located within an area protected under a federally-approved Coastal Management Program?**

   If no, no further action required.

Note: Illinois' Coastal Management Program boundaries are described in this document: https://coast.noaa.gov/data/czm/media/StateCZBoundaries.pdf and in more detail by IDNR here: https://dnr.illinois.gov/cmp/boundaries.html

If Yes, in your comments please identify the state program(s) (for areas in Alaska, list NOAA's Office for Coastal Management) in your comments above. Provide a narrative description of the evaluation conducted of how the proposed project aligns with or affects the state's enforceable policies within its federally-approved CMP. Attach documentation of the evaluation.

2. **Has consultation occurred with the appropriate CMP agency?**

If Yes, attach results of consultation from the CMP agency

For assistance, refer to the following resources:

- The National Coastal Zone Management Program
- Coastal Zone Management Act: Federal Consistency Requirements
- The Coastal Zone Management Act (CZMA) defines the coastal zones wherein development must be managed to protect areas of natural resources unique to coastal regions
- The National Coastal Zone Management Program
- US Coastal Zone Management Act Boundary - Overview
- Federal Consistency Lists by State
- State Coastal Zone Boundaries

6. Safe Drinking Water Act (Sole Source Aquifer (SSA))

The primary purpose of the Safe Drinking Water Act is to protect public health by ensuring the quality of drinking water supplied by public water systems. As outlined in 40 CFR Part 149 -- Sole Source Aquifers, the SSA provisions aim to protect critical groundwater resources that serve as the primary or sole source of drinking water for specific areas. The EPA designates aquifers as "sole source" based on factors such as: the aquifer supplies at least 50% of the drinking water for the overlying service area, no reasonably available alternative drinking water source exists, the hydrogeologic vulnerability of the aquifer to contamination, the likelihood of contamination, and the economic, social, and environmental costs of contamination, including replacement water infrastructure costs. Once an aquifer is designated, the EPA reviews proposed projects within the designated area that receive federal financial assistance. The goal is to ensure that these projects do not contaminate the aquifer through its recharge zone, thereby safeguarding public health.

The responsibility for review lies with the EPA Regional Administrator for all projects located in the recharge or streamflow source zone of the aquifer for which a draft or final Environmental Impact

Statement (EIS) is submitted which may have an impact on groundwater quality and/or which involve Federal financial assistance. Information pertinent to the review may be requested from the applicant, appropriate State and local agencies, and other appropriate persons or entities. There is a requirement for providing opportunity for public input. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Will the project be located within a** Sole Source Aquifer area?

   If no, no further action required.

   Note: The linked map is behind a security wall, but this map of sole source aquifers from US EPA shows the Mahomet aquifer and its recharge zone. https://experience.arcgis.com/experience/1bfab371d71e4b868fc9ae7df62a16fe

2. **If yes, does the project have a significant potential to contaminate the SSA?** (e.g., subsurface injection, waste/agriculture spreading, disturb/alter surface-infiltration zones via construction, handling of solvents or other chemicals)

   If yes, please provide a narrative description of actions taken to protect the SSA. Please attach evaluations done.

For assistance, refer to the following resources:

- Sole Source Aquifers
- Sole Source Aquifer Project Review | US EPA

7. Farmland Protection Policy Act

The purpose of the Farmland Protection Policy Act (FPPA) is to protect the nation's farmland from unnecessary and irreversible conversion to non-agricultural uses. Its key objectives include a) minimizing the federal government's contributions to the conversion of important farmland to non-agricultural uses, b) ensuring federal programs consider alternative actions that would lessen adverse effects on important farmland, and c) ensuring federal actions are administered in a manner compatible with local and state farmland protection policies. In accordance with 7 CFR Part 658, projects are subject to FPPA requirements if they may irreversibly convert farmland to non-agricultural use and are completed by a Federal Agency or with assistance from a Federal Agency (including providing financing). The FPPA is administered by the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA).

The EPA is responsible for evaluating federally funded projects that have the potential to convert important farmland to non-farm use. NRCS uses a land evaluation and site assessment system to establish a farmland conversion impact rating score. If the potential adverse impacts of the project

exceed the recommended allowable level, the project sponsor should consider alternative sites. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Will the project be converting farmland to non-agricultural use?**
   If no, no further action required.
2. **If yes, has a Farmland Conversion Impact Rating Form been filed with the local NRCS office or USDA service center?**
   If yes, in your comments provide a description of the findings and attach the completed Farmland Conversion Impact Rating form.
   If no, in your comments provide a status of the consultations with NRCS.
   Note: the NRCS office link connects to contact information for specific staff at the appropriate offices.

For assistance, please refer to the following resources:

- Farmland Protection Policy Act | Natural Resources Conservation Service
- HUD Environmental Training: Farmland Protection Policy Act
- USDA Webinar - Farmland Protection Policy Act (FPPA) Overview (10/2020)

8. National Historic Preservation Act, Section 106

The National Historic Preservation Act (NHPA) establishes policies aimed at preserving the historical and cultural heritage of the U.S. through cooperative efforts among federal, state, local governments, Tribes, and private organizations. Its aim is to ensure that historic properties are identified, evaluated, and preserved adequately throughout the country.

Section 106 of the NHPA requires that each federal agency identify and assess the effects of its actions on historic buildings and consider public views and concerns about historic preservation issues when making final project decisions.

The EPA is responsible for consulting with the appropriate parties and mitigating any adverse effects a proposed project has on historic properties. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Are there any properties listed or eligible to be listed on the National Register of Historic Places?**

If no, no further action is required.

2. **Will the project affect (directly and/or indirectly) any properties listed on or eligible to be listed on the National Register of Historic Places?**

   If no, no further action is required.

3. **If yes, has a consultation or offers for consultation been initiated between appropriate parties (including the State and/or Tribal Historic Preservation Officer, local governments, and members of the public with an economic, social, or cultural interest in the project)? Has the Advisory Council on Historic Preservation been engaged, if needed?**

   If no, please initiate a consultation between the appropriate parties prior to proceeding. In your comments please describe the status of the consultations including a determination of any adverse effects and mitigation plan. If available, attach a copy of the Memorandum of Agreement or Programmatic Agreement detailing the project's compliance with Section 106.

   Note: If needed, IFA can assist applicants in connecting with the staff at Illinois' State Historic Preservation Office, who can assist with determining if consultation is needed, and with the consultation itself.

For assistance, please refer to the following resources:

- National Historic Preservation Act Overview
- Section 106: National Historic Preservation Act of 1966 | GSA
- Contact information for historic preservation | GSA
- National Register of Historic Places (U.S. National Park Service)
- Frequently Asked Questions | Indian Affairs
- Consultation Handbook with Indian Tribes

9. Archaeological and Historic Preservation Act

The Archaeological & Historic Preservation Act (AHPA) seeks to protect historical and archaeological data from being lost or destroyed due to federally funded or licensed projects. In accordance with Public Law P.L. 113 - 287, if a federal agency, in conjunction with the Secretary of the Interior, determines that a project funded by the agency may cause significant scientific, prehistorical, historical, or archeological data to be irrevocably lost or destroyed, the agency can transfer up to 1% of the allocated project funding to the Secretary of the Interior to conduct a survey and recover the data. The program is administered by the National Parks Service.

Note: In practice, this "data" may include fossils, artifacts, historical documents or other items. If needed, IFA can assist applicants in contacting relevant state and federal agency staff.

The EPA is responsible for consulting with the Secretary of the Interior through the Interagency Archeological Services Division to determine if significant data may be lost by the grant projects. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Will the project irrevocably destroy scientific, prehistorical, historical, or archeological data?**

   If no, no further action is required.

2. **If yes, has a consultation been initiated with the Interagency Archeological Services Division or a survey of the data been conducted?**

   If no, please initiate a consultation with the Interagency Archeological Services Division prior to proceeding.

   Please describe the status of the consultation and/or data survey. Attach any relevant reports or correspondence.

For assistance, please refer to the following resource:

- Archeological and Historic Preservation Act of 1974 - Archeology (U.S. National Park Service)

10. Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) provides a legal framework for the return of Native American human remains and cultural items to their respective Tribes and descendants. It requires federal agencies and institutions that receive federal funds (including museums, universities, state agencies, and local governments) to return human remains and other cultural items to the appropriate parties.

Note: This section does not require action at this time, but please incorporate the need to take action if human remains or other cultural items are found during excavation into your plans.

Projects on Federal or Tribal lands must follow a specific process for discoveries or excavations of human remains or cultural items. Projects on state or private land are governed first by state or local laws, but human remains or cultural items are subject to repatriation depending on who controls them.

The following steps must be followed should human remains or cultural items be found.

- Consult with lineal descendants and/or Tribal organizations
- Evaluate requests for repatriation or disposition of the remains
- Give public notice prior to disposition or repatriation.

No prior evaluation is required for NAGPRA; however, if human remains or cultural items are found on Federal or Tribal Lands, the actions described in this link should be followed: Discovery and Excavation on Federal or Tribal Lands - Native American Graves Protection and Repatriation Act (U.S. National Park Service)

Additional resources:

- Native American Graves Protection and Repatriation Act | Indian Affairs
- Native American Graves Protection and Repatriation Act (U.S. National Park Service)

11. Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) aims to protect archaeological resources on public lands and Indian lands from unauthorized removal, damage, or destruction, and to promote the stewardship and preservation of these resources for future generations.

> **Note:** This section does not require action at this time, but please incorporate the need to take action if archeological resources are discovered during excavations into your plans.

ARPA authorizes the enforcement of violations relating to archeological preservation and can be used in conjunction with the above cross-cutter acts (NHPA, AHPA, and NAGPRA). ***No prior evaluation is required for ARPA; however, if archaeological resources are discovered during project excavations, the EPA and the grantee should ensure requirements of other applicable cross-cutter acts are met.***

Additional Resources:

- Archaeological Resources Protection Act of 1979 - Archeology (U.S. National Park Service)

12. Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act's (WSRA) purpose is to balance the construction of dams and other developments at appropriate sections of rivers with permanent protection for some of the country's most outstanding free-flowing rivers. This ensures that these rivers are preserved in their natural state, maintaining their ecological integrity and providing recreational opportunities for future generations.

The Act prohibits federal assistance for actions such as the construction of dams or other instream activities that would harm the river's free-flowing condition, water quality, or outstanding resource

values. It also provides strong protection against bank and channel alterations that adversely affect river values, protects riverfront public lands from oil, gas, and mineral development, and creates a federal reserved water right to protect flow-dependent values.

Under the WSRA, consultation is required when a proposed water resources project may have a direct and adverse effect on a designated river or on a congressionally authorized river study pursuant to Section 5(d)(1). Consultation occurs with the river-administering agency (e.g., National Park Service (NPS), United States Forest Service (USFS), United States Fish and Wildlife Service (USFWS) or Bureau of Land Management (BLM)). While the federal lead agency is legally responsible for managing formal consultation, early coordination by the project owner to flag potential impacts streamlines the process. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Is the project located near (less than 0.5 miles) a wild or scenic river?**

   If no, no further action is required.

   If yes, consult the National Wild and Scenic Rivers Map to determine whether the project is above or below the ordinary high-water mark.

   Note: The map shows that the only designated river in IL is the Middle Fork of the Vermilion River.

2. **Is the project on or below the ordinary high-water mark within a designated corridor?**

   If no, consultation is not required.

   If yes, the appropriate river-administering agency must issue a formal determination on whether the project will have a direct and adverse effect.

3. **If yes, has coordination occurred with the National Park Service or designee?**

   If no, please provide explanation of status of the consultation process.

   If yes, please attach a copy of determinations, including mitigation steps, made by the appropriate authority

For assistance, refer to the following resources:

- National Wild and Scenic Rivers Mapper
- Managing The System | Rivers.gov
- Wild and Scenic Rivers | U.S. Fish & Wildlife Service

13. Floodplain Management (E.O. 11988, as amended)

In 1977, the President issued Executive Order (E.O.)11988 requiring each federal agency to take action to reduce the risk of loss due to floods, to minimize impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. If the proposed project will be located in or will affect a floodplain, the proponent (project owner) must prepare a floodplain assessment. If there are no practicable alternatives to the proposed site, the project owner must document the mitigating measures or design modifications that will be taken to reduce the threats from locating the project in the floodplain.

> **Note**: If needed, IFA can assist applicants in contacting state or federal floodplain management staff to discuss your project.

When evaluating potential floodplain impacts, the 100-year floodplain is most often used. However, projects that involve critical infrastructure (e.g., hospitals, facilities storing hazardous materials, and energy infrastructure) where flooding could have catastrophic consequences, must be evaluated using the 500-year floodplain. A 100-year flood signifies a flood event that has a 1% chance of being equaled or exceeded, whereas a 500-year flood is one with a 0.2% chance. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Is the project considered critical infrastructure where flooding could have catastrophic consequences?**
   If no, evaluation may use the 100-year floodplain.
   If yes, evaluation must use the 500-year floodplain.
2. **According to** FEMA's National Flood Hazard Layer (NFHL) Viewer, **is the project located within a 100-year or 500-year floodplain?**
   If no, no further action is required. Please attach a copy of the appropriate floodplain map with project location.
3. **If yes, has an evaluation (44 CFR Part 9) been completed, including public notice requirements?** (Evaluations should be completed using the version of the rule in place at the time of construction)
   If yes, please attach a copy.
   If no, in your comments please provide a description of the status of the evaluation.

For assistance, refer to the following resources:

- Federal Register: Updates to Floodplain Management and Protection of Wetlands Regulations To Implement the Federal Flood Risk Management Standard

- Floodplain Management | FEMA.gov
- FEMA's National Flood Hazard Layer (NFHL) Viewer

14. Wetlands Protection (E.O. 11990, as amended)

Executive Order 11990, titled "Protection of Wetlands," was issued by the President in 1977. Its primary objective is to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance their natural and beneficial values.

All federal agencies are required to avoid undertaking or providing assistance for new construction located in wetlands unless there is no practicable alternative. If such construction is necessary, agencies must ensure that all practicable measures are taken to minimize harm to wetlands. Agencies must provide opportunities for early public review of any plans or proposals for new construction in wetlands. Federal agencies often follow an evaluation process to assess potential impacts on wetlands and explore alternatives. For instance, some agencies employ an 8-step decision-making process for projects involving wetlands, similar to what is done for floodplains. This process includes determining whether a project is located in a wetland, notifying the public, evaluating alternatives, and implementing measures to minimize harm. Agencies may use permits issued under Section 404 of the Clean Water Act in in lieu of some steps in the evaluation process, provided that these permits address the necessary considerations for wetland protection. See links to additional resources at the end of this section. Attach documentation as necessary.

As you evaluate your site, please analyze the following questions:
(provide required comments in the applicable comment section of the Compliance Checklist)

1. **Is the project planned to be located within a wetland area?**

   Note: This links to a detailed map showing the locations of wetland areas.

   If no, no further action is necessary. Please provide a copy of a map detailing the location of the project in relation to area wetlands

2. **If yes, does the project involve discharge of dredged or fill material into a wetland connected to a WOTUS?**

   If yes, a Section 404 permit is necessary. Please attach a copy of the permit. If a permit has not yet been obtained, please provide an explanation of the permitting status.

   If no, please attach the mitigation plan detailing what measures are planned. If a mitigation plan has not been developed, please provide an explanation of the plan status.

For assistance, refer to the following resources:

- Wetlands Mapper | U.S. Fish & Wildlife Service
- Federal Guidance for the Establishment, Use and Operation of Mitigation Banks | US EPA
- site_protection_instrument_handbook_august_2016.pdf