

SENSITIVE AREAS AND STATUTORY AUTHORITY

Environmentally sensitive areas have been designated by both state and federal agencies. State designations often overlap federal designations; however, Federal On-Scene Coordinators (OSCs) and facility planners need to be aware of separate state statutes.

Federal classification of environmentally sensitive areas, their administering agencies, and the relevant statutory authority are available in various sources that include, but are not limited to, the following:

- **Critical Areas Under the Clean Lakes Program** [EPA, States, Section 314 Clean Water Act (CWA), (33 *United States Code* (U.S.C.) ' 1324) available at <https://www.govinfo.gov/content/pkg/USCODE-2018-title33/pdf/USCODE-2018-title33-chap26-subchapIII-sec1324.pdf>];
- **Critical Habitats for Federal Designated Endangered or Threatened Species/Federal Designated or Proposed Endangered or Threatened Species** [USFWS, Endangered Species Act, (16 U.S.C. ' 1531, *et seq.*; 50 CFR 424.02) available at <https://www.govinfo.gov/content/pkg/CFR-2016-title50-vol11/pdf/CFR-2016-title50-vol11-part424.pdf>];
- **Designated Federal Wilderness Areas** [BLM, USFS, NPS, USFWS, National Wilderness Preservation Act (16 U.S.C. ' 1131, *et seq.*) available at <https://www.govinfo.gov/content/pkg/USCODE-2011-title16/pdf/USCODE-2011-title16-chap23-sec1131.pdf>];
- **Federal and State Designated Wild and Scenic Rivers** [BLM, USFS, NPS, USFWS, States, National Wild and Scenic Rivers Act, (16 U.S.C. ' ' 1271-1287) available at <https://www.govinfo.gov/content/pkg/USCODE-2012-title16/pdf/USCODE-2012-title16-chap28.pdf>];
- **National Conservation Areas** [USFWS, Refuge Recreation Act, (16 U.S.C. ' 460k, *et seq.*) available at <https://www.govinfo.gov/content/pkg/USCODE-2010-title16/pdf/USCODE-2010-title16-chap1-subchapLXVIII.pdf>];
- **National Wildlife Refuges** [USFWS, National Wildlife Refuge Administration Act of 1966 (16 U.S.C. ' ' 668dd-668ee) available at <https://www.govinfo.gov/content/pkg/USCODE-2010-title16/pdf/USCODE-2010-title16-chap5A-subchapIII.pdf>, or comparable state law];
- National Parks, National Monuments, National Lakeshore Recreational Areas [NPS, Act of August 25, 1916 (16 U.S.C. ' 1, *et seq.*) available at <https://www.govinfo.gov/content/pkg/USCODE-2010-title16/pdf/USCODE-2010-title16-chap1.pdf>];
- **Coordination Areas** are designated wildlife management areas and are designated within the states = **Wildlife Management Areas** (16 U.S.C. ' 661-666c) available at <https://www.govinfo.gov/content/pkg/USCODE-2011-title16/pdf/USCODE-2011-title16-chap5A-subchapI.pdf>];

- **Waterfowl Production Areas** are wetlands and potholes administered by the USFWS and are crucial habitats for waterfowl production [16 U.S.C. ' 718d8] available at <https://www.govinfo.gov/content/pkg/USCODE-1997-title16/pdf/USCODE-1997-title16-chap7-subchapIV.pdf>; and
- **Wetlands** are defined in 40 CFR 230.3 available at https://www.govregs.com/regulations/expand/title40_chapterI_part230_subpartA_section230.3#title40_chapterI_part230_subpartA_section230.3 and by USFWS. These areas include swamps, marshes, bogs, and similar areas.