

## *Appendix E -*

# **List of Federal Activities, Licences, and Permits Subject to Federal Consistency Review**

The following is the list of federally related activities, licenses, and permits subject to federal consistency requirements in Washington State under the U.S. Coastal Zone Management Act of 1972. The Department of Ecology will review these activities for consistency with the Washington State Coastal Program:

### **A. FEDERAL ACTIVITIES AND DEVELOPMENTS**

1. Resource use and development plans (e.g., Regional Economic Development Plan by the Pacific Northwest Regional Commission).
2. Planning, construction, modification, or removal of public works, facilities, or other structures (e.g., Corps dredging projects).
3. Acquisition, utilization, or disposal of land or water resources (e.g., purchase of a refuge by the Fish and Wildlife Service).
4. Federal agency activities requiring a federal license or permit from another federal agency.
5. Regulation or guidelines affecting the priority, siting, placement, design, or permissibility of uses.
6. Operation or conduct of new or existing uses when such operation would result in physical changes in the coastal zone such as air and water pollution, covering of water surface, removal of vegetation or new construction (e.g., timber harvest and related activities on federal forest lands).
7. Federal assistance to entities other than state or local governments, such as Indian tribes and individuals proposing activities in the coastal zone.
8. DOI pre-lease sale activities for OCS exploration and development.

In addition, the Department may review any of the above activities outside of the coastal zone, but which affect coastal resources. This includes federal activities on all federal lands excluded from the coastal zone including Indian reservations, federal research facilities, federal leaseholds, etc.

### **B. FEDERAL LICENSES AND PERMITS**

1. U.S. Army Corps of Engineers
  - a. *Permits under sections 10 and 11 of the River and Harbor Act of 1899.*

- b. *Permits for discharge of dredged or fill material under section 404 of the Federal Water Pollution Control Act.*
  - c. *Permits for ocean dumping of dredged material under section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.*
  - d. *Approvals of artificial islands and fixed structures on the OCS under section 4(f) of the Outer Continental Shelf Act.*
2. Department of Transportation - U.S. Coast Guard
- a. *Permits establishing the location and clearances for construction of bridges and causeways over navigable waters under the Ports and Waterways Safety Act.*
  - b. *Permits under section 1503 of the Deepwater Port Act of 1974 for the location, ownership, construction, and operation of deepwater ports.*
  - c. *Nominations for anchorages, including layups, under the Ports and Waterways Safety Act.*
3. Federal Aviation Administration  
*Certification for operation of airports.*
4. Nuclear Regulatory Commission

Licenses for the siting, construction and operation of nuclear power plants; the production, transfer, import and export of fissionable materials; and the disposal of radioactive waste.

5. Federal Energy Regulatory Commission
- a. *Permits for the construction and operation of interstate gas pipelines and storage facilities under section 717 (f) of the Natural Gas Act.*
  - b. *Permits for the construction and operation of power facilities and transmission lines required under section 4 (e) of the Federal Power Act.*
  - c. *Permits for the abandonment of natural gas pipeline facilities under section 717 (f) of Natural Gas Act.*
6. Economic Regulatory Administration permits which are required to develop facilities for the import and export of petroleum products, which are mainly for LNG facilities.
7. Environmental Protection Agency
- a. *Permits for ocean dumping of material (except dredged material) under the Ocean Dumping Act.*
  - b. *NPDES permits issued under the Federal Water Pollution Control Act unless NPDES administration remains delegated to the state.*

- c. Waivers from compliance, allowing an extension of the time for meeting the national primary and secondary ambient air quality standards, under the Clean Air Act.*
  - d. Exemptions for stationary sources under the Clean Air Act.*
  - e. Waivers from compliance from secondary treatment requirements under the Federal Water Pollution Control Act.*
- 8. Office of Coastal Zone Management
  - Certification that all activities in marine sanctuaries are consistent with the Marine Protection, Research and Sanctuaries Act of 1972.*
- 9. National Marine Fisheries Service
  - Permits for the taking or importing of marine animals except for walruses, sea otters and polar bears under the Marine Mammal Protection Act of 1972.*
- 10. Bureau of Land Management
  - a. Approvals for rights of way for oil and natural gas pipelines and pumping plant sites.*
  - b. All federal land leases with the exception of leases issued pursuant to the Outer Continental Shelf Lands Act.*
  - c. Approvals for OCS pipeline rights of way.*
- 11. U.S. Department of the Interior, Minerals Management Service
  - a. Permits for geological and geophysical exploration in the OCS approved under Section 1340(a) of the OCSLA (43 USC 1340)*
  - b. Plans for exploration, development and productions of the OCS which describe in detail federal licenses and permits and which affect the coastal zone.*
  - c. Permits and licenses for offshore drilling, mining, and development.*
- 12. U.S. Fish and Wildlife Service
  - a. Permits for taking or importing sea otters, walruses, and polar bears under the Marine Mammal Protection Act.*

For more information on requirements relative to federal consistency with state programs under the U.S. Coastal Zone Management Act of 1972, contact the Department of Ecology, Shoreland and Environmental Assistance Program (360) 407-6527.