

EDO Principal Correspondence Control

FROM: DUE: 10/25/02 EDO CONTROL: G20020528
DOC DT: 08/20/02
FINAL REPLY:

Charles H. Evans
State of Connecticut

TO:

Lieberman, OGC

FOR SIGNATURE OF :

** GRN **

CRC NO:

Collins, NRR

DESC:

ROUTING:

Federal Coastal Consistency List Consultation

Travers
Paperiello
Kane
Norry
Craig
Burns
Virgilio, NMSS
Cyr, OGC

DATE: 09/06/02

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



August 20, 2002

Mr. Jim Lieberman
Office of General Counsel
Nuclear Regulatory Commission
Mail Stop 15B-18
Washington, DC 20555

Subject: Federal coastal consistency list consultation

Dear Mr. Lieberman:

Federal regulations implementing the Coastal Zone Management Act make provisions for coastal states to list Federal activities, permits and licenses and assistance programs that, in the opinion of the State, are subject to Federal coastal consistency review in accordance with 15 CFR Part 930. Connecticut is currently updating our existing list. We are required to consult with the affected Federal agencies at least 60 days prior to the finalization of the proposed list. The changes we are contemplating include certain items under the authority of your agency, thus, your comments are requested. I have enclosed copies of both our existing and proposed lists for your information. Please send any comments you may have by November 1, 2002 to Margaret Welch of this Office at either margaret.welch@po.state.ct.us or to her attention at: DEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. Should you have any questions regarding this letter, you may call Ms. Welch at 860.424.3034. Thank you.

Sincerely,

Charles H. Evans
Director
Office Of Long Island Sound Programs

CHE/MLW/w
Enclosures

(Printed on Recycled Paper)

79 Elm Street • Hartford, CT 06106-5127

An Equal Opportunity Employer • <http://dep.state.ct.us>

Celebrating a Century of Forest Conservation Leadership

1901  2001

EDO --G20020528

PROPOSED LISTS OF
FEDERAL ACTIVITIES
PERMITS AND LICENSES
OUTER CONTINENTAL SHELF ACTIVITIES AND
FEDERAL ASSISTANCE PROGRAMS
WITH REASONABLY FORESEEABLE COASTAL EFFECTS
(2002)

FEDERAL ACTIVITY

ALL FEDERAL AGENCIES

- ◇ land acquisition or disposal for any purpose within the State's coastal area unless otherwise specified
- ◇ construction or reconstruction affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking) on any coastal waterfront property
- ◇ activities in Massachusetts, New Hampshire and/or Vermont with the potential to significantly affect water quality and/or flows in the Connecticut River
- ◇ regulations or rules whose implementation would cause or allow to be caused adverse impacts on coastal resources or water-dependent uses

DEPARTMENT OF COMMERCE

- ◇ designation of a marine sanctuary including in areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ designation of an estuarine research reserve including in areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ designation of essential fish habitat including areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline

DEPARTMENT OF DEFENSE

- ◇ dredging, channel improvements, other navigation works, beach replenishment, erosion control structures, dams or flood control works, maintenance dredging including such activities outside of the State's coastal zone in the Byram and Pawcatuck Rivers
- ◇ designation, modification, or deauthorization of existing Federal navigation channels, fairways, and mooring areas including such activities outside of the State's coastal zone in the Byram and Pawcatuck Rivers

- ◇ land acquisition for disposal of dredged material or other purposes
- ◇ designation of open water dredged material disposal sites pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act including designation of disposal sites outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ dredging or excavation of materials from offshore borrow areas, including areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ dredged material management plans including plans for areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ location, design, or acquisition of new or expanded defense installations (active or reserve status), including associated housing, transportation or other facilities
- ◇ plans, procedures, and facilities for handling or storage of hazardous materials
- ◇ establishment of impact, compatibility, security areas, or other restricted use zones
- ◇ new or changes to existing nationwide, regional, or Connecticut-only general permits
- ◇ beach erosion control projects conducted pursuant to Section 103 of the Rivers and Harbors Act of 1962
- ◇ flood control projects conducted pursuant to Section 205 of the Flood Control Act of 1948
- ◇ navigation projects conducted pursuant to Section 107 of the Rivers and Harbor Act of 1960
- ◇ snagging and clearing for flood control conducted pursuant to Section 208 of the Flood Control Act of 1937
- ◇ protection, clearing and straightening channels pursuant to Section 3 of the Rivers and Harbors Act

DEPARTMENT OF TRANSPORTATION

- ◇ location, design, construction or enlargement of Coast Guard stations
- ◇ location, placement, construction, demolition, or removal of air or sea navigation devices
- ◇ establishment of impact, compatibility, security areas, or other restricted use zones
- ◇ expansion, abandonment, designation of anchorages, lightering areas, shipping lanes or pilot areas including such activities outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline

- ◇ rules or regulations or changes thereto affecting the operation of moveable bridges over tidal, coastal, or navigable waters
- ◇ oil and hazardous material pollution response planning and non-emergency response activities including plans that affect areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ expansion, curtailment, new construction, upgrading, demolition, or abandonment of railroad facilities or services in or affecting the coastal area, including actions regarding the Northeast Corridor Improvement Project
- ◇ expansion, land clearing, new construction, safety improvements, and other federal development activities affecting the layout of airports including proposals for new airports
- ◇ land acquisition for airport improvements or other airport activities

DEPARTMENT OF INTERIOR

- ◇ proposed land acquisition by the U.S. Fish and Wildlife Service or the National Park Service
- ◇ management plans for wildlife refuges or other wildlife areas
- ◇ preparation and approval of plans and implementing mechanisms pursuant to management of fisheries within 200 nautical mile extended jurisdiction
- ◇ land transfer into trust for native American tribe
- ◇ development of an OCS plan
- ◇ OCS lease sales and other activities taking place on the Outer Continental Shelf, including but not limited to operating order, etc.

ENVIRONMENTAL PROTECTION AGENCY

- ◇ removal and remedial activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980

FEDERAL EMERGENCY MANAGEMENT AGENCY

- ◇ development of rules or regulations affecting activities within the coastal area

GENERAL SERVICES ADMINISTRATION

- ◇ land acquisition or disposal for any purpose
- ◇ construction or reconstruction affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking) on any coastal waterfront property.

FEDERAL PERMIT OR LICENSE

DEPARTMENT OF DEFENSE

- ◇ construction of structures or conduct of activities in navigable waters, or obstructions or alteration of navigable waters pursuant to Sections 9 and 10 of the River and

Harbors Act of 1899 (33 USC 401 et. seq.) including such activities proposed in Vermont, New Hampshire or Massachusetts that alter water quality or flows in the Connecticut River

- ◇ establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899
- ◇ occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)
- ◇ approval of plans for improvements made at private expense under USACE supervision pursuant to Section 11 of the Rivers and Harbors Act of 1899 including such activities outside of the State's coastal zone in the Byram and Pawcatuck Rivers
- ◇ discharge of dredged material into the waters of the United States pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344) including the discharge of dredged material outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline
- ◇ construction of artificial island and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 including such activities outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline

DEPARTMENT OF TRANSPORTATION

- ◇ permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501 et. seq.)

ENVIRONMENTAL PROTECTION AGENCY

- ◇ NPDES permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff permits and agriculture pursuant to Section 401, 402, 403, 405 and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343 and 1328)
- ◇ permits pursuant to the underground injection control program under Section 1424 of the Safe Drinking Water Act (42 U.S.C. 300h-c)
- ◇ permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857)
- ◇ all actions for which permits are required pursuant to section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.) including such activities outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

- ◇ siting, construction, operation, or decommissioning of non-nuclear power plants anywhere in Connecticut.
- ◇ siting, construction, operation, or decommissioning of power plants fueled by oil or gas in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and/or West Virginia.
- ◇ regulation of gas pipelines and licenses of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- ◇ construction to develop new supplies or to reinforce existing transmission systems within the coastal area of the State of Connecticut and within Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline.

Nuclear Regulatory Commission

- ◇ licensing and certification of the siting, construction, and operation, or decommissioning of nuclear power plants anywhere in Connecticut pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 (16 U.S.C. 796 and 797) and the National Environmental Policy Act of 1969

DEPARTMENT OF INTERIOR

- ◇ endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a))
- ◇ permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans
- ◇ permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334, 43 U.S.C. 931(c), and 20 U.S.C. 185)
- ◇ OCS plans which describe in detail Federal license and permit activities affecting any coastal use or resource (43 U.S.C. 1331 et. seq.)

OUTER CONTINENTAL SHELF

DEPARTMENT OF INTERIOR

- ◇ OCS exploration, development, and production activities

FEDERAL ASSISTANCE

DEPARTMENT OF TRANSPORTATION

- ◇ Highway Research, Planning and Construction (construction only) (20.205)

- ◇ Urban Mass Transportation Demonstration Grants (20.506)

DEPARTMENT OF AGRICULTURE

- ◇ Water and Waste Disposal Systems for Rural Communities (10.418)
- ◇ Resource Conservation and Development (construction only) (10.901)

FEDERAL ACTIVITIES, PERMITS AND LICENSES, AND FINANCIAL ASSISTANCE PROGRAMS

CURRENTLY LISTED IN THE CONNECTICUT COASTAL MANAGEMENT PROGRAM
(Effective 1980)

Pursuant to Federal regulations, the State of Connecticut has individual lists¹ of Federal activities, permits and licenses and financial assistance programs that, in the opinion of the State, have reasonably foreseeable effects on the coastal area and, thus, may require Federal coastal consistency review. The lists are as follows.

FEDERAL ACTIVITIES

Federal Agency

Activity or Development Project

Department of Defense
Army Corps of Engineers

- Proposed authorizations for dredging, channel improvements, other navigation works, beach replenishment, erosion control structures, dams or flood control works, maintenance dredging
- Land acquisition for spoil disposal or other purposes
- Selection of open water disposal sites

Department of Defense
All Other Agencies

- Location, design, acquisition of new or expanded defense installations (active or reserve status), including associated housing, transportation or other facilities
- Plans, procedures and facilities for handling or storage of hazardous materials
- Establishment of impact, compatibility or restricted uses zones.

Department of Transportation

- Location, design, construction or enlargement of Coast Guard Stations
- Location, placement or removal of air or sea navigation devices.
- Expansion, abandonment designation of anchorages, lightering areas, shipping lanes or pilot areas.

Department of Energy

- Prohibition orders

Department of Interior

- Proposed land acquisition by the U.S. Fish and Wildlife Service or the National Park Service
- OCS lease sales and other actions taking place on the Outer Continental Shelf, including but not limited to operating orders, etc.
- Development of federal minerals ownership (FMO) rights

General Services Administration

- Location and design of proposed federal government property or buildings whether leased or owned by the federal government
- Disposal of federal surplus lands and approval

¹ Please note that these lists are currently being revised. We recognize that many of the permits, licenses and assistance programs are no longer valid and/or, in the case of the assistance programs, the program number has changed. We expect to have an up-to-date list shortly.

Federal Agency

Activity or Development Project

National Marine Fisheries Service
(and North Atlantic Fisheries
Management Council)

-Preparation and approval of plans and implementing mechanisms pursuant to management of fisheries within the 200 nautical mile extended jurisdiction

Amtrak, Conrail

-Expansions, curtailments, new construction, upgradings, or abandonments of railroad facilities or services in or affecting the state, including actions regarding the Northeast Corridor Realignment

LICENSES AND PERMITS

Federal Agency

License or Permit and Statutory Citation

Department of Defense,
Army Corps of Engineers

Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Section 9 and 10 of the Rivers and Harbors Act of 1899 (22 U.S.C. 401, 403)

Establishment of harbor lines pursuant to Section 11 of the Rivers and harbors Act of 1899 (33 U.S.C. 404,405)

Occupation of sea wall, bulkhead, Jetty, dike, levee, wharf, pier, Or other work built by the United States pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbor Act of 1902 (33 U.S.C. 565)

Discharge of dredged spoils into the waters of the United States pursuant to the Clean Water Act, Section 404(33 U.S.C. 1344)

All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Construction of artificial islands and fixed Islands and fixed structures in Long Island Sound Pursuant to Section 4(f) of the River And Harbors Act of 1912 (33 U.S.C.)

Department of Transportation
Coast Guard

Construction or modification of Bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455

Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501)

Environmental Protection Agency

NPDES permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff permits and agriculture pursuant to Sections 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343 and 1328)

Permits pursuant to the Resources Recovery And Conservation act of 1976

Permits pursuant to the underground injection Control program under Section 1424 of the Safe Drinking Water Act (42 U.S.C. 300h-c)

Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857)

Nuclear Regulatory Commission Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969

Federal Energy Regulatory Licenses and permits ordering interconnection of electric transmission lines or issuing certificates of public natural gas transmission, including approval LNG sites pursuant to the Federal Power Act, the Energy Reorganization Act of 1974 and the Natural Gas Act
Siting, construction and operation of non-nuclear power plants

Department of Energy Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1994

Department of the Interior²
U.S. Geological Survey Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 13334, exploration and development plans

Bureau of Land Management Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931(c) and 20 U.S.C. 185

Fish and Wildlife Service Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a))

FEDERAL ASSISTANCE PROGRAMS

DEPARTMENT OF AGRICULTURE

- 10.409 Irrigation, Drainage, and other Soil and Conservation Loans
- 10.414 Resource Conservation and Development Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants

² These activities may be covered under review of OCS plans. If the listed permits and licenses are part of such plan no separate review will be required.

- 10.901 Resource Conservation and Development (construction only)
- 10.904 Watershed Protection and Flood Prevention (construction only)

DEPARTMENT OF COMMERCE

- 11.300 Economic Development Grants and Loans for Public Works and Development Facilities
- 11.304 Economic Development - Public Works Impact Projects
- 11.310 Local Public Works Capital Development and Investment Act of 1976 Projects
- 11.407 Commercial Fisheries Research and Development
- 11.501 Development and Promotion of Ports and Intermodal Transportation

DEPARTMENT OF DEFENSE

- 12.101 Beach Erosion Control Projects
- 12.106 Flood Control Projects
- 12.107 Navigation Projects
- 12.108 Snagging and Clearing for Flood Control
- 12.109 Protection, Clearing and Straightening Channels

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.001 Flood Insurance
- 14.112 Mortgage Insurance-Construction or Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance-Development of Sales-Type Cooperative Projects
- 14.124 Mortgage Insurance-Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance-Land Development and New communities
- 14.126 Mortgage Insurance-Management Type Cooperative Projects
- 14.127 Mortgage Insurance-Mobile Home Parks
- 14.128 Mortgage Insurance-Hospitals
- 14.129 Mortgage Insurance-Nursing Homes and Related Care Facilities
- 14.207 New Communities-Loan Guarantees
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Discretionary Grants
- 14.701 Disaster Assistance

DEPARTMENT OF THE INTERIOR

- 15.802 Minerals Discovery Loan program
- 15.950 Additional Water Resources Research
- 20.102 Airport Development Aid Program
- 20.205 Highway Research, Planning and Construction (construction only)
- 20.506 Urban Mass Transportation Demonstration Grants

ENVIRONMENTAL PROTECTION AGENCY

- 66.005 Air Pollution Control Survey and Demonstration Grants (construction projects only)
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.452 Solid Waste Management Demonstration Grants
- 66.505 Water Pollution Control-Research, Development, and Demonstration (construction projects only)
- 66.506 Safe Drinking Water Research and Demonstration Grants (construction projects only)
- _____ Sole Source Aquifer Program Grants