

APPENDIX A

NORTHERN MARIANA ISLANDS' LISTED FEDERAL ACTIONS

I. FEDERAL ACTIVITIES

DEPT. OF DEFENSE

All Branches (Excluding U.S. Army
Corps of Engineers)

Operational plans, procedures, or facilities for the handling, storage, or cleanup of hazardous materials.
Location, design, or acquisition of new or expanded defense installations pursuant to 10 U.S.C. § 2802, as amended, regardless of the facility's active or reserve status, and including associated housing, transportation, or other facilities on properties.

Disposal or realignment of Defense property and/or disposal and reuse plans for military base closures pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act.

Establishment or modification of impact, compatibility, security, or other restricted use zones pursuant to 10 U.S.C. § 2802, as amended, if the establishment or modification of such an area or zone will restrict existing or future public access.

Construction or expansion of buildings or erosion control structures; or the acquisition or disposal of land pursuant to 10 USC § 2661 et.seq. 10 U.S.C. § 2802, as amended, and/or 40 USC § 101, 10 U.S.C. § 2802, as amended.

Installation, removal, or maintenance of submarine cables.

Defense exercises and the establishment of resource management plans occurring in, over, or adjacent to non-federal lands and waters.

DEPT. OF HOMELAND SECURITY

Federal Emergency Management
Agency (FEMA)

Construction or reconstruction of permanent or semi-permanent housing under the Individuals and Households Program (IHP).

DEPT. OF THE INTERIOR

National Park Service (NPS)

Authorization to manage and general management including master plans of national parks.

DEPT. OF TRANSPORTATION

Federal Aviation Administration
(FAA)

Acquisition or disposal of land.

Location, design, construction, or disposal of airports or other air navigation facilities, including communications and radar facilities.

Federal Highway Administration
(FHWA)

Highway construction or modification.

II. FEDERAL LICENSES AND PERMITS

| <u>Federal Agency</u> | <u>Permit Description</u> | <u>Citation</u> |
|---|--|--|
| DEPT. OF COMMERCE | | |
| National Marine Fisheries Service (NMFS) | Take of marine mammals. | Marine Mammal Protection Act; 16 U.S.C. §§ 1361-1407 |
| | Take of endangered species (marine species). | Endangered Species Act; 16 U.S.C. §§ 1538-1543 |
| DEPT. OF DEFENSE | | |
| U.S. Army Corps of Engineers (USACE) | Construction of dams or ditches across navigable waters. | River and Harbors Act of 1899 § 9; 33 U.S.C. § 401 |
| | Construction or alteration of navigable waters. | <i>Id.</i> §10; 33 U.S.C. § 403 |
| | Establishment of harbor lines. | <i>Id.</i> §§ 11, 33; U.S.C. §§ 404-405 |
| | Temporary occupation of sea wall, bulkhead, jetty, dike, level, wharf, pier or other work built by the U.S. | <i>Id.</i> § 14; 33 U.S.C. § 408 |
| | Discharge of dredged spoil into waters of the U.S. | Federal Water Pollution Control Act of 1972 § 404; 33 U.S.C. § 1344 |
| | Approval of plans for improvements made under Corps supervision at private expense. | River and Harbors Act of 1899; 33 U.S.C. § 565 |
| | Transportation of dredged spoil for the purpose of dumping it in ocean waters. | Marine Protection, Research, and Sanctuaries Act of 1972 § 103; 33 U.S.C. § 1413 |
| | | |
| DEPT. OF ENERGY | | |
| All Offices | Prohibition and construction orders. | Energy Supply and Environmental Coordination Act; 15 U.S.C. §§ 791-798 |
| Federal Energy Regulatory Commission (FERC) | Licenses, renewals, or amendments to licenses for non-federal hydroelectric projects and primary transmission lines. | 16 U.S.C. § 779 |
| | Threshold: All projects that fall in or within 150 ft of a designated Area of Particular Concern (APC), result in permanent loss of APC resources, fall seaward of a line 150 ft inland of the high hazard (V/VE) floodplain, or when proposed project costs equal to or exceed \$1 million. | |

**DEPT. OF THE
INTERIOR**

| | | |
|---------------------------------|---|--|
| Fish and Wildlife Service (FWS) | Take of endangered species (terrestrial species). | Endangered Species Act; 16 U.S.C. §§ 1531-1543 |
|---------------------------------|---|--|

| | | |
|-----------------------------|--|---------------|
| National Park Service (NPS) | Construction of visitor centers on NPS managed land. | 16 U.S.C. § 3 |
|-----------------------------|--|---------------|

| | | |
|--|---|---------------|
| | Construction of electric and communication lines across NPS managed land. | 16 U.S.C. § 5 |
|--|---|---------------|

**DEPT. OF
TRANSPORTATION**

| | | |
|---------------------------------------|---|--------------------|
| Federal Aviation Administration (FAA) | Approval of airport development project applications. | 49 U.S.C. § 171(b) |
|---------------------------------------|---|--------------------|

| | | |
|------------------|---|----------------------------|
| U.S. Coast Guard | Permits for private aids to navigation. | 14 U.S.C. § 83 |
| | Permits for construction or modification of bridges or causeways in navigable waters. | 33 U.S.C. §§ 401, 491, 625 |

| | | |
|--|---|--------------------|
| | Authorization for handling of flammable or combustible liquids by bulk in U.S. ports. | 46 U.S.C. § 391(a) |
|--|---|--------------------|

| | | |
|--|-------------------------|---|
| | Deepwater port permits. | Deepwater Ports Act of 1974; 33 U.S.C. § 1501 |
|--|-------------------------|---|

**ENVIRONMENTAL
PROTECTION
AGENCY**

| | | |
|--|------------------------------------|---|
| | Permits for underground injection. | State Drinking Water Act § 1421(c)(1); 42 U.S.C. § 300(h) |
|--|------------------------------------|---|

| | | |
|--|--|---|
| | Permit to operate underground injection wells in designated areas. | Resources Recovery and Conservation Act of 1976; 42 U.S.C. § 3257 |
|--|--|---|

| | | |
|--|--|---|
| | Approvals under preservation of significant deterioration (PSD) regulations. | Clean Air Act of 1976 § 110; 42 U.S.C. § 7410 |
|--|--|---|

| | | |
|--|---|------------------------------------|
| | New sources construction/operation permits. | <i>Id.</i> § 111; 42 U.S.C. § 7411 |
|--|---|------------------------------------|

| | | |
|--|---|------------------------------------|
| | Approvals under National Emission Standards for Hazardous Air Pollutants (NESHAPS) Regulations. | <i>Id.</i> § 112; 42 U.S.C. § 7412 |
|--|---|------------------------------------|

| | | |
|--|--|--|
| | NPDES permits for federal installations. | Federal Water Pollution Control Act of 1972 §§ 401-402; 33 U.S.C. §§ 1341-1342 |
|--|--|--|

| | | |
|--|---|--|
| | NPDES permits for discharges into the contiguous zone and ocean | <i>Id.</i> § 402-403; 33 U.S.C. §§ 1342-1343 |
|--|---|--|

| | | |
|--|------------------------|------------------------------------|
| | Sludge runoff permits. | <i>Id.</i> § 405; 33 U.S.C. § 1345 |
|--|------------------------|------------------------------------|

III. FEDERAL FINANCIAL ASSISTANCE

| <u>Assistance Description</u> | <u>Threshold</u> |
|---|---|
| Highway Planning and Construction (20.205) | <p>All land acquisition or projects that fall in or within 150 feet of a designated Area of Particular Concern (APC), result in permanent loss of APC resources, fall seaward of a line 150 feet inland of the high hazard (V/VE) floodplain, or when assistance is equal to or exceeds \$1 million.</p> <p>Exemption: Activities required to provide disaster or emergency relief in response to a proclamation issued by the Office of the Governor provided that activities do not include in-water work or result in the permanent loss of APC resources.</p> |
| Beach Erosion Control Projects (12.101) | <p>All land acquisition or projects that fall in or within 150 feet of a designated Area of Particular Concern (APC), result in permanent loss of APC resources, fall seaward of a line 150 feet inland of the high hazard (V/VE) floodplain, or when assistance is equal to or exceeds \$1 million.</p> |
| Airport Improvement Program (20.106) | <p>All land acquisition or projects that fall in or within 150 feet of a designated Area of Particular Concern (APC), result in permanent loss of APC resources, fall seaward of a line 150 feet inland of the high hazard (V/VE) floodplain, or when assistance is equal to or exceeds \$1 million.</p> |