

Connecticut's Proposed Federal Consistency List

Approved July 16, 2010

This list includes items contained in Connecticut's Interstate Federal Consistency List, which was approved by OCRM on June 20, 2006. Those interstate items are included here because they also apply within Connecticut's coastal zone. Any list item that does not include within the proposed text a specific reference to another state applies only within Connecticut's coastal zone. Certain non-interstate activities included in this list also apply throughout Connecticut's geographic area.

Federal Activity

Department of Commerce

National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries (NMFS)

- * Fisheries management plans and implementing mechanisms pursuant to Magnuson-Stevens Act of 1996, as amended; Atlantic Tunas Convention Act of 1975, as amended; Marine Mammals Protection Act of 1972, as amended; and/or the Atlantic Coastal Fisheries Cooperative Management Act of 1993, as amended.
- * Designation of essential fish habitat pursuant to the Magnuson-Stevens Act of 1996, as amended.

National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS)

- * Designation of a marine sanctuary pursuant to Marine Protection, Research and Sanctuaries Act of 1972, as amended.

Department of Defense

Army Corps of Engineers (ACOE)

- * Selection of open water dredged material disposal sites pursuant to the Clean Water Act (33 USC Section 1251 et.seq.), as amended, and/or the Marine Protection, Research and Sanctuaries Act (33 USC Section 1401 et.seq.), as amended.
- * New or changes to existing nationwide, regional, or Connecticut-only general permits issued pursuant to 33 CFR Parts 320 - 330, as amended.
- * Beach erosion control projects conducted pursuant to Section 103 of the Rivers and Harbors Act of 1962, as amended.
- * Flood control projects conducted pursuant to Section 205 of the Flood Control Act of 1948, as amended.
- * Navigation projects conducted pursuant to Section 107 of the Rivers and Harbor Act of 1960, as amended.
- * Snagging and clearing for flood control conducted pursuant to Section 208 of the Flood Control Act of 1937, as amended.
- * Protection, clearing and straightening channels pursuant to Section 3 of the Rivers and Harbors Act, as amended.
- * Dredged material management plans pursuant to Engineering Circular (E. C.) 1165-100 Policy National Harbor Programs Dredged Material Management Plans, as amended.

Federal Activity

- * Acquisition or disposal of land pursuant to 33 USC Chapter 12, as amended, and/or The Property Act (40 USC 101), as amended.

All DOD Agencies other than Army Corps or Engineers (ACOE)

- * Operational plans, procedures, and facilities for handling or storage of hazardous materials.
- * Location, design, 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.
- * Establishment or modification of impact, compatibility, security areas, or other restricted use zones pursuant to 10 U.S.C. § 2802, as amended and regardless of whether on the upland or in the water if the establishment or modification of such an area or zone will restrict existing or future public access to or navigation on or through coastal waters.
- * Acquisition or disposal of land pursuant to 10 USC 2661 et.seq. 10 U.S.C. § 2802, as amended, and/or The Property Act (40 USC 101) 10 U.S.C. § 2802, as amended.

Department of Homeland Security

Coast Guard

- * Establishment or modification of impact, compatibility, security, waterfront safety, or other restricted use zones pursuant to 33 USC sections 1221 et.seq. and which are established by regulation, regardless of whether on the upland or in the water if the establishment or modification of such an area or zone will restrict existing or future public access or navigation on an ongoing basis within the coastal area as defined in Connecticut General Statutes section 22a-93(3). The affected regulations are those that: (1) restrict existing or future access or navigation continuously (i.e., every hour of every day during the year), and (2) are enforceable continuously. They would include, but not be limited to, such regulations that establish 'permanent' safety and/or security zones, and long term regulated navigation areas and anchorages.

Regulations that will restrict navigation or public access to coastal resources or uses on an occasional or temporary basis, and whose implementation and/or enforcement would thus be intermittent, would not be considered to have reasonably foreseeable coastal effects and therefore, will not normally be subject to consistency review. Such occasional or temporary regulations would include, but not be limited to, those that establish safety and security zones for transient vessels while under way, at anchor, or in port, and safety zones or special local regulations associated with marine events. Also included in the category of occasional or temporary regulations are those regulations that may be permanently established but are only enforced on a temporary basis. For example: a permanent safety zone that is only enforced during an annual fireworks display. These occasional or temporary regulations will be reviewed by the Coast Guard on a case by case basis in accordance with its responsibility to review unlisted activities under 15 CFR 930.34(c). If the Coast Guard determines that circumstances associated with any of the occasional or temporary regulations do indicate reasonably foreseeable effects on the resources or uses of the Connecticut coastal zone, a federal consistency determination will be prepared in accordance with 15 CFR 930.36(a).

- * Expansion, abandonment, or designation of anchorages, lightering areas, or shipping lanes pursuant to 33 USC 471 et. seq., as amended.
- * Acquisition or disposal of land pursuant to 14 USC 92, as amended, and/or The Property Act (40 USC 101), as amended.

Federal Activity

- * Construction of Coast Guard shore establishments, pursuant to 14 USC 92, as amended, or reconstruction of such shore establishments or other facilities (e.g., storm water management system components, paved parking and waterfront structures including but not limited to boat launch ramps, boardwalks, docks and piers), and/or installation or rehabilitation of military construction projects and military family housing pursuant to 10 USC 2802, on any Federally owned or leased property abutting or containing tidal or coastal waters, as defined in Connecticut General Statutes section 22a-93(5) or tidal wetlands as defined in Connecticut General Statutes section 22a-29(2) which has potential to affect the quality or resource value of such waters or wetlands on a temporary or long term basis. Reconstruction” does not include maintenance or in-kind replacement of structural components above the waterline at mean high water where no construction related debris or waste would be released to the environment.
- * Rules or regulations or changes thereto, pursuant to 33 USC 499, as amended, affecting the operation of moveable bridges over tidal, coastal, or navigable waters.
- * Area Contingency Plans developed pursuant to 33 USC Section 1321, as amended.
- * Location, placement, or removal of air or sea navigation devices pursuant to 33 USC 472 et. seq., as amended, except when such actions are part of routine maintenance operations or are intended to reset aids that have shifted due to weather or other causes.
- * Location, design, construction or enlargement of Coast Guard stations pursuant to 14 USC 93, as amended.

Federal Emergency Management Agency

- * Development of rules or regulations pursuant to 44 CFR Part 1, as amended, and applicable to construction or reconstruction of buildings or changes in land use.

Department of the Interior

Bureau of Indian Affairs (BIA)

- * Land transfer into trust for native American tribe pursuant to 25 CFR Part 151, as amended.

Fish and Wildlife Service (FWS)

- * Acquisition or disposal of land pursuant to 16 USC Part 742f or 742k, as amended, and/or The Property Act (40 USC 101), as amended.
- * Construction or reconstruction pursuant to 16 U.S.C. § 742f, as amended, and affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking, boardwalks) on any Federally owned or leased property abutting or containing coastal waters or tidal wetlands.
- * Comprehensive Conservation Plans for wildlife refuges and other wildlife areas, including land protection plans, pursuant to The National Wildlife Refuge System Improvement Act of 1997, as amended.

Federal Activity

Bureau of Energy Management, Regulation and Enforcement (BOE) (and any successor agency) (previously the Minerals Management Service)

- * Lease sales on the Outer Continental Shelf (OCS), pursuant to the Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. 1331 et. seq., as amended, for oil and gas development to be conducted in federal waters of the OCS within National Marine Fisheries Service (NMFS) Statistical Areas 613, 615, 616, 622, 623 and/or 525.

National Park Service (NPS)

- * Acquisition or disposal of land pursuant to the Property Act (40 USC 101), as amended.
- * Construction or reconstruction pursuant to 16 U.S.C. §§ 1-460, as amended, and affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking, boardwalks) on any Federally owned or leased property abutting containing coastal waters or tidal wetlands.

Department of Transportation

Federal Aviation Administration (FAA)

- * Acquisition or disposal of land pursuant to 49 USC 106(n), as amended, and/or 49 USC 40110, as amended.
- * Location, placement, construction, expansion, demolition, or removal of, or land clearing for, air navigation facilities, including communications and radar facilities, performed through FAA's Facilities and Equipment Program, pursuant to 49 USC 44502, as amended and 49 USC 106(n), as amended.

Environmental Protection Agency (EPA)

- * Removal and remedial activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.
- * Adoption of new or amendment to existing "new source performance standards" for power plants fueled by oil or coal anywhere in Connecticut pursuant to 40 CFR Part 60, as amended, including Subparts D, Da and Db, as amended.
- * Designation of open water dredged material disposal sites pursuant to the Clean Water Act (33 USC Section 1251 et.seq.), as amended, and/or the Marine Protection, Research and Sanctuaries Act (33 USC Section 1401 et.seq.), as amended.

General Services Administration

- * Acquisition or disposal of land pursuant to the Property Act (40 USC 101), as amended.
- * Construction or reconstruction pursuant to The Public Buildings Act of 1959, as amended, and affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking, boardwalks) on any Federally owned or leased property abutting or containing tidal or coastal waters, as defined in Connecticut General Statutes section 22a-93(5) or tidal wetlands as defined in Connecticut General Statutes section 22a-29(2).

Federal License/permit

Federal Energy Regulatory Commission (FERC)

- * Certificates of public convenience and necessity pursuant to the Natural Gas Act (15 U.S.C. 717), as amended, the Energy Reorganization Act of 1974, as amended, and/or the Energy Policy Act of 2005, as amended, for gas pipelines and authorizations for the import or export of natural gas if such facilities are proposed within the coastal area of the State of Connecticut or outside of the State's coastal zone in Long Island Sound, Fishers Island Sound, the Byram River, Little Narragansett Bay and the Pawcatuck.
- * Orders pursuant to the Federal Power Act (FPA) (16 USC 824a), as amended, directing the interconnection of electric transmission lines, including electric transmission lines associated with hydrokinetic (wave, tidal, current) energy projects, whether permanent or temporary, if such interconnection includes or requires construction of new facilities located within the coastal area of the State of Connecticut or outside of the State's coastal zone in Long Island Sound, Fishers Island Sound, the Byram River, Little Narragansett Bay and the Pawcatuck River.
- * Licenses and permits pursuant to 16 USC 797, as amended, or re-licenses pursuant to 16 USC 808, as amended, for the construction, operation, or maintenance of dams, water conduits, reservoirs, or other projects affecting either watercourses within Connecticut's coastal area, or the main stem of the Connecticut River at or south of the dam at Holyoke, Massachusetts, if the proposed activity will result in an alteration, whether temporary or permanent, of the flow characteristics (rates and/or volumes) of the Connecticut River.

Surface Transportation Board (STB)

- * New construction, expansion, upgrading, curtailment, abandonment, or demolition of railroad facilities or services pursuant to 49 CFR 249, as amended, in or affecting the coastal area, including actions regarding the Northeast Corridor Improvement Project.

Department of Defense

Army Corps or Engineers (ACOE)

- * 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), as amended.
- * Construct structures or conduct activities in navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899, as amended.
- * Licenses or permits pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344), as amended, for the discharge of dredged or fill material into the waters of the United States including such activity outside of the State's coastal zone in Long Island Sound, Fishers Island Sound, the Byram River, Little Narragansett Bay and/or the Pawcatuck River.
- * Licenses or permits pursuant to section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), as amended, within the coastal area of the State of Connecticut or outside of the State's coastal zone in Long Island Sound.
- * Licenses or permits pursuant to Section 10 of the Rivers and Harbors Act of 1899, as amended, for the creation of an obstruction either on watercourses within Connecticut's coastal area, or that alter or modify the course, condition, location or capacity of the main stem of the Connecticut River at or south of the dam at Holyoke, Massachusetts, if the proposed activity will result in an alteration, whether temporary or permanent, of the flow characteristics (rates and/or volumes) of the Connecticut River.

Federal License/permit

- * Licenses or permits pursuant to Section 9 of the River and Harbors Act of 1899 (33 CFR 321), as amended, for the construction of dams or dikes either on watercourses within Connecticut's coastal area, or that alter or modify the course, condition, location or capacity of the main stem of the Connecticut River at or south of the dam at Holyoke, Massachusetts if the proposed activity will result in an alteration, whether temporary or permanent, of the flow characteristics (rates and/or volumes) of the Connecticut River.
- * Licenses or permits pursuant to Section 10 of the River and Harbors Act of 1899, as amended, for dredging, channel improvements, other navigation works, beach replenishment, erosion control structures, dams or flood control works, creation of artificial islands or other structures, dredging or excavation of materials from offshore borrow areas, and/or maintenance dredging within the coastal area of the State of Connecticut or outside of the State's coastal zone in Long Island Sound, Fishers Island Sound, the Byram River, Little Narragansett Bay and the Pawcatuck River.

Department of Energy

Nuclear Regulatory Commission (NRC)

- * Licenses and certificates for the siting, construction, operation, or decommissioning of nuclear power plants anywhere in Connecticut pursuant to Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974 (16 U.S.C. 796 and 797), as amended, and/or the National Environmental Policy Act of 1969, as amended.

Department of Homeland Security

Coast Guard

- * Licenses and permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501 et. seq.), as amended.

Department of the Interior

Fish and Wildlife Service (FWS)

- * Licenses and permits issued pursuant to the Endangered Species Act (16 U.S.C. 1539(a)), as amended.

Department of the Interior

Bureau of Energy Management, Regulation and Enforcement (BOE) (and any successor agency) (previously the Minerals Management Service)

- * Issuance or approval of leases, permits, easements, rights-of-way, exploration plans, development plans, production plans, and other authorizations, as appropriate, pursuant to the Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. 1331 et. seq., as amended, for construction, operational, maintenance and/or support activities related to oil and gas development conducted in federal waters of the Outer Continental Shelf (OCS) within National Marine Fisheries Service (NMFS) Statistical Areas 613, 615, 616, 622, 623 and/or 525, and for alternate uses of existing OCS oil and gas facilities under 43 U.S.C. 1337.

Federal License/permit

Department of Transportation

Federal Aviation Administration (FAA)

- * Approval of Airport Layout Plans pursuant to 49 USC 47107(a)(16), as amended, and/or 49 USC 47101, as amended

Environmental Protection Agency (EPA)

- * Licenses and permits pursuant to the underground injection control program under Section 1424 of the Safe Drinking Water Act (42 U.S.C. 300h-c), as amended.
- * Licenses and permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857), as amended.

Federal Assistance

Department of Agriculture

- * Water and Waste Disposal Systems for Rural Communities.
- * Resource Conservation and Development (construction only).

Department of Transportation

- * Highway Research, Planning and Construction (construction only).
- * Urban Mass Transportation Demonstration Grants.

Federal Aviation Administration (FAA)

- * Expansion, land clearing, new construction, reconstruction, safety improvements and other activities pursuant to 49 USC 106(n), as amended, 49 USC 47107(a)(16), as amended, and/or 49 USC 47101, as amended, and/or in accordance with Airport Layout Plans or associated documentation, that affect the overall size or configuration of buildings or other facilities (including, but not limited to, runways, taxiways, lighting systems, stormwater management system components and paved parking), at both existing and proposed airports, and that are funded by FAA through the Airport Improvement Program.

Geographic Location Descriptions

1. Long Island Sound and its associated areas including New York waters encompassing the Bryam River to the Route 1 Bridge, Long Island Sound and Fishers Island Sound to the 20-foot contour closest to the opposing state, and Rhode Island waters in Little Narraganset Bay and the Pawcatuck River to the Route 1 Bridge
2. Connecticut River at or below the dam at Holyoke, Massachusetts