

MARYLAND'S LISTED FEDERAL ACTIONS

FEDERAL ACTIVITIES

Maryland offers the following list of the types of activities which will, generally, directly affect its coastal zone and which thus require a consistency determination and notification to the State. This list is intended to guide federal agencies, and is subject to refinement and modification based on federal - state consultation during the program review process.

Actions on Excluded Federal Lands (see Chapter II and Appendix A for identification of Excluded Federal Lands):

- any activity which would cause a discharge as defined by Art. NR, Section B-1401 air pollution as defined by Art. 43, section 69 1(a), involve a hazardous substance as defined by Art. NR, section B-1413. 2(a)(2), or exceed noise standards pursuant to Art. 43 section 825, of the Annotated Code of Maryland.
- any activity which would lead to a significant non-point source of pollution to the State's coastal waters.
- the construction of any major facility as defined by the Coastal Zone Management Program (see Chapter III).
- plans which would cause construction or other activities as described above, or which would cause a significant change in population patterns, and thus require new major facilities within the coastal zone.
- any activity, such as dredging or building of structures in the flood plain, which would significantly change drainage patterns, and/or lead to a significant change in the natural or presently established fresh water flow regime entering the coastal zone from the federal property.
- the granting of any easements, rights-of-way, or rights-of-use across excluded federal lands, for any activity integrally related to the federal use of that land.
- Acquisition or disposition of land, and
- Conducting inventories and making designations of lands for the National Landmark Program to the National Historic Register.
- Aquatic Plant Control

Actions Outside (Landward) of the Coastal Zone:

Relatively few actions outside the coastal zone would have significant impacts on the coastal zone. Some projects, however, would have such an impact if they involved or would lead to:

- a significant change in the quality, quantity, or temporal pattern of fresh water entering the coastal zone, (e.g., dams on major tributaries to tidal waters), or
- a major facility in close proximity to the coastal zone which could result in significant impact on land or water use patterns or air quality in the coastal zone, and/or cause the construction of other new facilities within the coastal zone.

Actions Seaward of the Coastal Zone:

- Outer Continental Shelf leases and pre-lease activities¹
- Designations of Marine Sanctuaries pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972
- Fisheries Management Plans

¹Whether or not Outer Continental Shelf leases are actions subject to federal consistency is still under consideration by NOAA. Maryland reserves the right to review OCS leases and prelease activities if NOAA determines that these actions are subject to consistency.

Actions in the Coastal Zone:

- All development projects, including, but not limited to construction of buildings, reclamation projects, channel dredging, beach erosion control, flood control projects, and navigation projects
- Major research projects, management studies, or inventories conducted by the federal agency, that will be used in management decisions concerning Maryland's coastal resources.
- Actions which may significantly alter use patterns and the Chesapeake Bay or ocean tidal waters, (e.g. designations of special anchorage areas by the Coast Guard)

PERMIT, LICENSES, AND ACTIVITIES

Several permits, licenses, or authorizations granted by federal agencies are not practicable for the State to review on a case-by-case basis. For this reason, these permits, licenses or regulatory activities are listed as activities which are subject to consistency on a generic basis. The State may request pertinent federal agencies to provide the State with a determination on whether these activities are carried out in a manner consistent to the maximum extent practicable with the Program. The procedures outlined in Chapter I, "Program Review", could be used to resolve inconsistencies between federal and state programs. The State reserves the right to review any of the permits, licenses or authorizations listed below which would fall within the definition of section 307(c)(3)(A) (denoted by an asterisk) in the manner set out under unlisted licenses and permits.

Federal Agency	Permit or Activity	Citation
U.S. Coast Guard	<ul style="list-style-type: none"> • authorization for handling of dangerous cargo by vessels in U.S. ports* • authorization for handling of flammable or combustible liquids by bulk in U.S. ports.* • authorization for barges to tow over 100 tons.* 	<ul style="list-style-type: none"> • 46 U.S.C. 170 • 46 U.S.C. 391(a) • 46 U.S.C. 395
U.S. Fish & Wildlife Service	<ul style="list-style-type: none"> • endangered species permits* 	<ul style="list-style-type: none"> • 16 U.S.C. 153a
National Marine Fisheries Service	<ul style="list-style-type: none"> • permits for taking of marine mammals* 	<ul style="list-style-type: none"> • 16 U.S.C. 1361-1407
Energy Regulatory Administration	<ul style="list-style-type: none"> • allocation of liquid petroleum feedstock (including naphtha, propane, butane and natural gasoline) for SNG production • prohibition and conversion orders regarding use of coal¹ 	<ul style="list-style-type: none"> • 15 U.S.C. 751 et. seq. • Energy Supply and Environmental Coordination Act
Environmental Protection Agency	<ul style="list-style-type: none"> • Ocean incineration activities 	<ul style="list-style-type: none"> • Marine Protection, Research, and Sanctuaries Act of 1972

Maryland will consider all of the federal permits and licenses listed on Table VI-5, for activities occurring in the coastal counties to “significantly affect the coastal zone.” In addition, listed permits and licenses for activities outside the coastal zone will “significantly affect the coastal zone,” if:

- they apply to activities related to Outer Continental Shelf (OCS) exploration, development, or production,²
- they apply to any other type of development activity on the OCS,²
- they apply to a significant change in the quality, quantity or temporal pattern of fresh water entering the coastal zone, in air quality, or involve hazardous substances or,

- they apply to activities occurring in close proximity to the coastal zone and would lead to significant impact on land and water use pattern or on air quality within the coastal zone, or would lead to requirements for new major facilities within the coastal zone.

¹ Federal legislation presently being considered by Congress may effect the nature of this regulatory activity. If permits are required for exemption from prohibition and construction orders in the future, these permits will be subject to review as permits.

² If reviewed together with an Outer Continental Shelf plan submitted to the Secretary of Interior, separate review will not be required.

FEDERAL FINANCIAL ASSISTANCE

U.S. DEPARTMENT OF AGRICULTURE

- 10.409 Irrigation, Drainage, and other Soil and Water Conservation Loans
- 10.411 Rural Housing Site 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
- 10.655 Assistance to States for Tree Planting and Reforestation
- 10.657 Cooperation in Forest Management and Processing
- 10.658 Cooperative Forest Insect and Disease Management
- 10.659 Cooperative Production and Distribution of Forest Tree Planting Stock
- 10.660 General Forestry Assistance
- 10.901 Resource Conservation and Development
- 10.904 Watershed Protection and Flood Prevention

DEPARTMENT OF COMMERCE

- 11.300 Economic Development-Grants and Loans for Public Works and Development Facilities
- 11.303 Economic Development-Technical Assistance
- 11.304 Economic Development-Public Works Impact Projects
- 11.305 Economic Development-State and Local Economic Development Planning
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, and IV Activities
- 11.405 Anadromous and Great Lakes Fisheries conservation
- 11.406 Commercial Fisheries Disaster Assistance
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.500 Construction-Differential Subsidies

U.S. 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-Nursing Homes and Related Care Facilities

- 14.129 Mortgage Insurance-Hospitals
- 14.203 Comprehensive Planning Assistance
- 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

U.S. DEPARTMENT OF THE INTERIOR

- 15.400 Outdoor Recreation-Acquisition, Development and Planning
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.612 Rare and Endangered Species Conservation
- 15.904 Historic Preservation
- 15.950 Additional Water Resources Research

U.S. DEPARTMENT OF TRANSPORTATION¹

- 20.004 Boating Safety-Financial Assistance
- 20.102 Airport Development Aid Program
- 20.205 Highway Research, Planning and Construction
- 20.214 Highway Beautification-Control of Outdoor Advertising, Control of Junk yards, Landscaping and scenic enhancement
- 20.306 Rail Property Acquisition and Modernization Grant Assistance
- 20.505 Urban Mass Transportation Technical Studies Grants
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.600 State and Community Highway Safety
- 20.700 Gas Pipeline Safety

¹ The necessity for making consistency determinations or federally funded transportation projects will be further defined in the Memorandum of Understanding between the Department of Natural Resources and the Maryland Department of Transportation. Projects of a minor nature will generally not require consistency decisions: the MOU will spell out precisely the review method for each type of project.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

- 80.041 Grants to States for Energy Conservation Plans
- 80.043 Supplemental State Energy Conservation Grant Program

NATIONAL SCIENCE FOUNDATION

- 47.036 Intergovernmental Program

WATER RESOURCES COUNCIL

- 65.001 Water Resources Planning

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.005 Air Pollution Control Survey and Demonstration Grants
- 66.027 Solid Waste Disposal Planning Grants
- 66.028 Solid Waste Disposal Demonstration Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.419 Water Pollution Control-State and Interstate Program Grants
- 66.426 Water Pollution Control-Areawide Waste Treatment Management Planning Grants

66.433 Underground Water Source Protection-Consolidated Research Grants
66.500 Environmental Protection-Consolidated Research Grants
66.501 Air Pollution Control Research Grants
66.502 Pesticides Control Research Grants
66.504 Solid Waste Disposal Research Grants
66.505 Water Pollution control-Research, Development, and Demonstration Grants
66.506 Safe Drinking Water Research and Demonstration Grants
66.600 Environmental Protection Consolidated Grants-Program Support
66.602 Environmental Protection consolidated Grants-Special Purpose