# NEW YORK’S LISTED FEDERAL ACTIONS

## TABLE 2

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE**

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities requiring: 1) the submission of consistency determinations by federal agencies; 2) the submission of consistency certifications by entities other than federal agencies; and 3) the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

### I. Activities Undertaken Directly By or On Behalf of Federal Agencies

The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

**Department of Commerce, National Marine Fisheries Service:**

-- Fisheries Management Plans

**Department of Defense, Army Corps of Engineers:**

-- Proposed authorizations for dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with the potential to impact coastal lands and waters.

-- Land acquisition for spoil disposal or other purposes.

-- Selection of open water disposal sites.

**Department of Defense, Air Force, Army and Navy:**

-- Location, design, and 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 use zones.

-- Establishment of impact, compatibility or restricted use zones.

**Department of Energy:**

-- Prohibition orders.

**General Services Administration:**

-- Acquisition, location and design of proposed Federal government property or buildings, whether leased or owned by the Federal government.

**Department of Interior, Fish and Wildlife Service:**

-- Management of National Wildlife refuges and proposed acquisitions.

**Department of Interior, National Park Service:**

-- National Park and Seashore management and proposed acquisitions.

**Department of Interior, Minerals Management Service:**

-- OCS lease sale activities including tract selection, lease sale stipulations, etc.

**Department of Transportation, Coast Guard:**

-- Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

-- Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

-- Expansion, abandonment, designation of anchorages, lightering areas or shipping lanes and ice management practices and activities.

**Department of Transportation, Federal Aviation Administration**

-- Location and design, construction, maintenance, and demolition of Federal aids to air navigation.
Department of Transportation, St. Lawrence Seaway Development Corporation:

-- Acquisition, location, design, improvement, and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

Department of Transportation, Federal Highway Administration:

-- Highway construction

II. Federal Licenses, Permits and Other Forms of Approval or Authorization

The following activities, requiring permits, licenses, or other forms of authorization or approval from Federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

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 Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 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 seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. 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 Harbors Act of 1902 (33 U.S.C. 565).

-- Disposal of dredged materials into the waters of the U.S., 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 structures in Long Island Sound pursuant to Section 4 (f) of the Rivers and Harbors Act of 1912 (33 U.S.C.).
Department of Energy, Federal Energy Regulatory Commission:

-- Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e) and 15 of the Federal Power Act (16 U.S.C. 796 (11), 797 (11) and 808).

-- Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (15 U.S.C. 824 a (b)).

-- Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c)).

-- Permission and approval for the abandonment of natural gas pipelines and Section 7 (b) of the Natural Gas Act (15 U.S.C. 717 f (b)).

Department of Energy, Economic Regulatory Commission:


-- Exemptions from prohibition orders.

Environmental Protection Agency:

-- NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits 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 underground injection Control Program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300 h-c).


Department of Interior, Fish and Wildlife Service:

-- Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).
Department of Interior, Minerals Management Service:

-- 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, explorations and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production 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) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

Interstate Commerce Commission:

-- Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

Nuclear Regulatory Commission:


Department of Transportation:

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


Department of Transportation, Federal Aviation Administration:

-- Permits and licenses for construction, operation or alteration of airports.

III. Federal Financial Assistance to State and Local Governments

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.
Department of Agriculture

10.068  Rural Clean Water Program
10.409  Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410  Low to Moderate Income Housing Loans
10.411  Rural Housing Site Loans
10.413  Recreation Facility Loans
10.414  Resource Conservation and Development Loans
10.415  Rural Rental Housing Loans
10.416  Soil and Water Loans
10.418  Water and Waste Disposal Systems for Rural Communities
10.419  Watershed Protection and Flood Prevention Loans
10.422  Business and Industrial Loans
10.423  Community Facilities Loans
10.424  Industrial Development Grants
10.426  Area Development Assistance Planning Grants
10.429  Above Moderate Income Housing Loans
10.430  Energy Impacted Area Development Assistance Program
10.901  Resource Conservation and Development
10.902  Soil and Water Conservation
10.904  Watershed Protection and Flood Prevention
10.906  River Basin Surveys and Investigations

Department of Commerce

11.300  Economic Development - Grants and Loans for Public Works and Development Facilities
11.301  Economic Development - Business Development Assistance
11.302  Economic Development - Support for Planning Organizations
11.304  Economic Development - State and Local Economic Development Planning
11.305  Economic Development - State and Local Economic Development Planning
11.307  Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
11.308  Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
11.405  Anadromous and Great Lakes Fisheries Conservation
11.407  Commercial Fisheries Research and Development
11.417  Sea Grant Support
11.427  Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
11.501  Development and Promotion of Ports and Intermodal Transportation
11.509 Development and Promotion of Domestic Waterborne Transport Systems

Department of Housing and Urban Development

14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
14.115 Mortgage Insurance - Development of Sales Types Cooperative Agreements
14.117 Mortgage Insurance - Homes
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
14.218 Community Development Block Grants/Entitlement Grants
14.219 Community Development Block Grants/Small Cities Program
14.221 Urban Development Action Grants
14.223 Indian Community Development Block Grant Program

Department of the Interior

15.400 Outdoor Recreation - Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
15.411 Historic Preservation Grants-In-Aid
15.417 Urban Park and Recreation Recovery Program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife restoration
15.613 Marine Mammal Grant Program
15.802 Mineral Discovery Loan Program
15.950 National Water Research and Development Program
15.951 Water Resources Research and Technology - Assistance to State Institutes
15.592 Water Research and Technology-Matching Funds to State Institutes

Department of Transportation

20.102 Airport Development Aid Program
20.103 Airport Planning Grant Program
20.205 Highway Research, Planning, and Construction
20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
20.310  Railroad Rehabilitation and Improvement - Redeemable Preference Shares
20.506  Urban Mass Transportation Demonstration Grants
20.509  Public Transportation for Rural and Small Urban Areas

General Services Administration

39.002  Disposal of Federal Surplus Real Property

Community Services Administration

49.002  Community Action
49.011  Community Economic Development
49.013  State Economic Opportunity Offices
49.017  Rural Development Loan Fund
49.018  Housing and Community Development (Rural Housing)

Small Business Administration

59.012  Small Business Loans
59.013  State and Local Development Company Loans
59.024  Water Pollution Control Loans
59.025  Air Pollution Control Loans
59.031  Small Business Pollution Control Financing Guarantee

Environmental Protection Agency

66.001  Air Pollution Control Program Grants
66.418  Construction Grants for Wastewater Treatment Works
66.426  Water Pollution Control - State and Areawide Water Quality Management Planning Agency
66.451  Solid and Hazardous Waste Management Program Support Grants
66.542  Solid Waste Management Demonstration Grants
66.600  Environmental Protection Consolidated Grants Program Support
66.800  Comprehensive Environmental Response, Compensation and Liability (Super fund)

Note: Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.
Table 2A

Interstate Activities

The following activities in coastal areas of another state are listed and are routinely subject to review for consistency with applicable enforceable policies of the New York CMP in accordance with 15 CFR Part 930, Subpart I and other applicable Parts of 15 CFR Part 930.

1. In the State of Connecticut:

   Department of Defense, Army Corps of Engineers

   -- Construction of structures (e.g. bulkheads, revetments, groins, jetties, piers, docks, islands, etc.) or conduct of activities such as the mooring of vessels in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), in the Byram River within 50' of the Federal navigation channel in the Byram River or, where there is no Federal navigation channel in the Byram River, within the Byram River within 50' of the border of New York and Connecticut upstream to the US Route 1 bridge.

   -- Discharge of dredged and fill materials and other activities in the waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) in Long Island Sound and Fishers Island Sound from the New York and Connecticut state line to the 20' bathymetric contour closest to the Connecticut shoreline.

   -- Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) in Long Island Sound and Fishers Island Sound from the New York and Connecticut state line to the 20' bathymetric contour closest to the Connecticut shoreline.