

## Federal License or Permit Activities

A Coastal Zone Management Consistency Certification<sup>1</sup> is required for all projects with potential effects on Washington's coastal zone<sup>2</sup> resources or uses requiring a federal license or permit,<sup>3</sup> including:

1. **Environmental Protection Agency (EPA)**
  - a. NPDES Permits for any discharges of material into contiguous zones and ocean waters (e.g., sludge runoff permits, aquaculture activities, and agricultural waste disposal), unless the NPDES Permit was reviewed under Subpart C 930.31(d) as a federal agency activity. [Federal Water Pollution Control Act of 1972 §§ 401-403 and 405, 33 U.S.C. §§ 1341-1343 and 1345]
2. **Nuclear Regulatory Commission (NRC)**
  - a. Licenses for the siting, construction and operation of nuclear power plants; the production, transfer, import, and export of fissionable materials; and the disposal of radioactive waste. [42 U.S.C. §§ 2011 et. seq., and 10 CFR Part 10]
3. **Surface Transportation Board (STB)**
  - a. New construction or expansion of railroad facilities or services. [49 U.S.C. §10901]
4. **U.S. Department of Commerce**
  - a. **National Oceanic and Atmospheric Administration (NOAA)**
    - i. **National Marine Fisheries Service (NMFS)**
      - a) Incidental Harassment Authorizations, and Letters of Authorization required for takings pursuant to the Marine Mammal Protection Act, as amended. [16 U.S.C. §§ 1371(a)(5)(A) and (D)]
5. **U.S. Department of Defense**
  - a. **U.S. Army Corps of Engineers (Corps)**
    - i. Permits for discharges of dredged or fill material in waters of the United States and their associated wetlands required under Section 404 of the Clean Water Act. [33 U.S.C §1344]
    - ii. Permits for structures or work in or affecting navigable waters of the United States required under Section 10 of the Rivers and Harbors Act.

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<sup>1</sup> Federal approval cannot be issued until the State concurs that the proposed activity is consistent with the enforceable policies of Washington's Coastal Zone Management Program.

<sup>2</sup> Washington's coastal zone is comprised of the following fifteen counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom. The coastal zone includes all lands and waters from the coastline seaward for 3 nautical miles.

<sup>3</sup> The term "federal license or permit" includes other forms of federal approval, certification, or authorization as listed in Section A of this document.

- iii. Outer Continental Shelf (OCS) Lands Act Section 4(f) permits for artificial islands, installations, or other devices permanently or temporarily attached to the seabed of the OCS. [43 U.S.C §1333]
- iv. Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act for ocean dumping of dredged material. [33 U.S.C §1411]

## **6. U.S. Department of Energy**

### **a. Federal Energy Regulatory Commission (FERC)**

- i. Licenses required for construction, operation, modification, and decommissioning of non-federal hydroelectric projects (e.g., conventional, pumped storage, and marine and hydrokinetic) and associated transmission lines under the Federal Power Act. [16 U.S.C. § 797]
- ii. Orders and Certificates authorizing construction, extension, acquisition, operation, and abandonment of pipelines, terminals or facilities for transportation or storage of interstate natural gas for interstate commerce under the Natural Gas Act. [15 U.S.C. §717b (Section 3) or §717f (Section 7)]
- iii. Orders authorizing the siting and construction of onshore and nearshore liquid natural gas import or export facilities under the Natural Gas Act. [15 U.S.C. §717b]

## **7. U.S. Department of Homeland Security**

### **a. U.S. Coast Guard**

- i. Permits for construction or modification of a bridge<sup>4</sup> or causeway across a navigable waterway of the United States under Section 9 of the Rivers and Harbors Act [33 U.S.C §401], as amended, the General Bridge Act [33 U.S.C §525], as amended.
- ii. Permits under section 1503 of the Deepwater Port Act for the location, ownership, construction, and operation of deepwater ports. [Deepwater Ports Act of 1974, 33 U.S.C § 1503]
- iii. Nominations for anchorages under the Ports and Waterways Safety Act. [33 CFR Part 110]

## **8. U.S. Department of the Interior**

### **a. Bureau of Land Management (BLM)**

- i. Permits and licenses required for drilling and mining, oil and gas pipelines, or renewable energy production (e.g., wind or solar energy facilities), on public lands. [43 U.S.C § 1761 and 30 USC § 185]

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<sup>4</sup> Includes temporary bridges for construction access or detour.

**b. Bureau of Ocean Energy Management (BOEM)**

- i. Geological and geophysical exploration for mineral resources or scientific research on the Outer Continental Shelf that are not conducted pursuant to a lease or exploration plan. [43 U.S.C. 1340(a)]
- ii. Oil and gas exploration plans pursuant to a lease issued under the Outer Continental Shelf Lands Act. [43 U.S.C. 1340(c)]
- iii. Oil and gas development and production plans pursuant to a lease issued under the Outer Continental Shelf Lands Act. [43 U.S.C. 1351]
- iv. Leases and agreements for any mineral other than oil, gas and Sulphur in any area of the Outer Continental Shelf. [43 U.S.C 1337(k)]
- v. A lease, easement or right of way on the Outer Continental Shelf for activities that produce or support production, transportation, storage, or transmission or energy from sources other than oil and gas [43 U.S.C 1337(p)(1)(c)]; (construction and operation plans). [30 CFR part 585.620-638]

**c. U.S. Fish and Wildlife Service (USFWS)**

- i. Incidental Harassment Authorizations and Letters of Authorization required for the taking of sea otters pursuant to the Marine Mammal Protection Act, as amended. [16 U.S.C. §§ 1371(a)(5)(A) and (D)]