

## Reviewable Federal License and Permit Activities

[Excerpt from 2011 DCMP Program Document]

### 3.2.8 Applicability

Federal license and permit activities requiring federal consistency certification:

#### 3.2.8.1 Department of Defense - Army Corps of Engineers

3.2.8.1.1 Construction of dams or ditches across navigable waters, or obstruction of navigable waters required under Section 9 and 10 of the Rivers and Harbors Act of 1899 (33 USC 401, 403).

3.2.8.1.2 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 USC 4004, 405).

3.2.8.1.3 Occupation of sea wall, bulkhead, jetty, dike, levee, wharf, pier or other work built by the United States pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408).

3.2.8.1.4 Approval of plans for improvements made at private expense under USCOE supervision pursuant to the Rivers and Harbors Act of 1899 (33 USC 565)

3.2.8.1.5 Discharge of fill into the waters of the United States pursuant to the Clean Water Act of 1987, Section 404.

3.2.8.1.6 All actions for which permits are required pursuant to Section 103 of the Marine Sanctuaries Act of 1972 (33 USC 1413).

3.2.8.1.7 Construction of Artificial islands and fixed structures on the Outer Continental Shelf pursuant to Section 4(f) or the Outer Continental Lands (43 USC) not otherwise covered in an OCS plan.

3.2.8.1.8 Port Access Routes pursuant to 43 USC 1333(F)

#### 3.2.8.2 Department of Transportation – U.S. Coast Guard

3.2.8.2.1 Construction or modification of bridges, causeways or pipelines over navigable water pursuant to 49 USC 1455.

#### 3.2.8.3 Environmental Protection Agency

3.2.8.3.1 NPDES Permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff permits and agricultural waste disposal pursuant to Sections 401, 402, 403, 405, and 318 of the Clean Water Act of 1987.

3.2.8.3.2 Permits pursuant to the Resource Recovery and Conservation Act of 1976.

3.2.8.3.3 Permits pursuant to the Clean Air Act of 1990.

#### 3.2.8.4 Federal Energy Regulatory Commission

3.2.8.4.1 Licenses and permits ordering interconnection of electric transmission lines; issuing certificates of public convenience and necessity for interstate natural gas transmission and terminals including approval of LNG sites; approvals for abandonment of natural gas pipelines; and licenses required for non-federal hydroelectric projects and associated transmission lines.

3.2.8.4.2 Licenses of outer continental shelf (OCS) construction and operations and other authorizations and exemptions by the Federal Energy Regulatory Commission under the Federal Power Act 16 U.S.C 792-823, as amended, for OCS activities including hydrokinetic energy activities.

#### 3.2.8.5 Nuclear Regulatory Commission

3.2.8.5.1 Licensing and certification of the construction and operation of nuclear power plants and possession and use of by-products, source and special nuclear material, pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

#### 3.2.8.6 Department of Energy

3.2.8.6.1 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 USC 717) and the Energy Reorganization Act of 1974.

3.2.8.6.2 Siting, construction and operation of non-nuclear power plants.

#### 3.2.8.7 Department of Interior – Bureau of Ocean Energy Management, Regulation and Enforcement

3.2.8.7.1 Leases, permits, approval of outer continental shelf (OCS) exploration and development and production plans, and other authorizations by the Bureau of Ocean Energy Management, Regulation and Enforcement under the Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. 1331 et. seq., as amended, for OCS activities including oil and gas activities, alternative energy activities, and alternate uses of existing facilities.

#### 3.2.8.8 Federal Aviation Administration

3.2.8.8.1 Airport Layout Plans (FAA Order 5050.4A, paragraph 22(8)(d))