

TEXAS'S LISTED FEDERAL ACTIONS

31 TAC §30.12. Federal Listed Activities Subject to CZMA Review

(a) For purposes of this section, the following federal actions within the CMP boundary may adversely affect coastal natural resource areas (CNRAs) within the coastal zone. This list of federal actions includes federal agency activities, federal license or permit activities, and federal assistance applications that are subject to CZMA federal consistency review by the GLO.

(1) Federal Agency Activities and Development Projects. For all actions proposed by or on behalf of federal agencies that may have reasonably foreseeable effects on CNRAs, a consistency determination or negative determination must be submitted to the GLO pursuant to the requirements of the Federal Consistency regulations found at 15 CFR Part 930, subpart C.

- (A) United States Department of the Interior:
 - (i) modifications to the boundaries of the Coastal Barrier Resource System under 16 United States Code Annotated, §3503(c); and
 - (ii) OCS lease sales within the western and central Gulf of Mexico under 43 United States Code Annotated, §1337;
- (B) United States Environmental Protection Agency. Selection of remedial actions under 42 United States Code Annotated, §9604(c);
- (C) United States Army Corps of Engineers:
 - (i) small river and harbor improvement projects under 33 United States Code Annotated, §577;
 - (ii) water resources development projects under 42 United States Code Annotated, §1962d-5;
 - (iii) small flood control projects under 33 United States Code Annotated, §701s;
 - (iv) small beach erosion control projects under 33 United States Code Annotated, §426g;
 - (v) operation and maintenance of civil works projects under the Code of Federal Regulations, Title 33, Parts 335 and 338;
 - (vi) dredging projects under the Code of Federal Regulations, Title 33, Part 336;
 - (vii) approval for projects for the prevention or mitigation of damages to shore areas attributable to federal navigation projects pursuant to 33 United States Code Annotated, §426i; and
 - (viii) approval for projects for the placement on state beaches of beach-quality sand dredged from federal navigation projects pursuant to 33 United States Code Annotated, §426j;
- (D) Federal Emergency Management Agency:
 - (i) model floodplain ordinances; and
 - (ii) approval of a community's participation in the National Flood Insurance Program (NFIP) under the Code of Federal Regulations, Title 44, Part 59, subpart B;
- (E) General Services Administration:
 - (i) acquisitions under 40 United States Code Annotated, §602 and §603; and
 - (ii) construction under 40 United States Code Annotated, §605;
- (F) All federal agencies:
 - (i) all other development projects; and
 - (ii) natural resource restoration plans developed pursuant to the Oil Pollution Act of 1990 (33 United States Code Annotated §§2701-2761) and the Comprehensive Environmental Response, Compensation and Liability Act (42 United States Code Annotated §§9601-9675).

(2) Federal license or permit activities. For all actions proposed by an applicant a consistency certification must be submitted to the GLO pursuant to the requirements of the Federal Consistency regulations in 15 CFR Part 930, subpart D.

(A) Environmental Protection Agency:

- (i) National Pollution Discharge Elimination System (NPDES) permits under 33 United States Code Annotated, §1342;
- (ii) ocean dumping permits under 33 United States Code Annotated, §1412;
- (iii) approvals of land disposal of wastes under 42 United States Code Annotated, §6924(d);
- (iv) development of total maximum daily loads (TMDLs) and associated federally developed TMDL implementation plans under 33 United States Code Annotated, §1313; and
- (v) approvals of National Estuary Program Comprehensive Conservation Management Plans under 33 United States Code Annotated, §1330f;

(B) United States Army Corps of Engineers:

- (i) ocean dumping permits under 33 United States Code Annotated, §1413;
- (ii) dredge and fill permits under 33 United States Code Annotated, §1344;
- (iii) permits under §9 of the Rivers and Harbor Act of 1899, 33 United States Code Annotated, §401;
- (iv) permits under §10 of the Rivers and Harbor Act of 1899, 33 United States Code Annotated, §403; and
- (v) Memoranda of Agreement for mitigation banking;

(C) United States Department of Transportation:

- (i) approvals under §7(a) of the Federal-Aid Highway Amendments Act of 1963, 23 United States Code Annotated, §106;
- (ii) approvals under §502 of the General Bridge Act of 1946, 33 United States Code Annotated, §525; and
- (iii) Deepwater port licenses under 33 United States Code Annotated, §1503;

(D) Federal Aviation Administration: Airport operating certificates under 49 United States Code Annotated, §44702;

(E) Federal Energy Regulatory Commission:

- (i) certificates under §7 of the Natural Gas Act, 15 United States Code Annotated, §717f;
- (ii) licenses under §4 of the Federal Power Act, 16 United States Code Annotated, §797(e); and
- (iii) exemptions under §403 of the Public Utility Regulatory Policies Act of 1978, 16 United States Code Annotated, §2705(d);

(F) Nuclear Regulatory Commission. Licenses under §103 of the Atomic Energy Act of 1954, 42 United States Code Annotated, §2133.

(3) State and Local Government Applications for Federal Assistance. Federal financial assistance awards may be subject to federal consistency review in accordance with the procedures specified at 15 CFR §§ 930.98 and 930.54 with the approval of the Office for Coastal Management within the National Oceanic and Atmospheric Administration.

(b) OCS Exploration Plans and Development and Production Plans. 43 United States Code, §§1340(c) and 1351. United States Department of the Interior. This includes federal agency actions requiring a license or permit described in detail in OCS plans, including pipeline activities.