

## **TEXAS'S LISTED FEDERAL ACTIONS**

### **31 TAC §506.12 Federal Agency Actions, Federal Agency Activities and Development Projects, and Outer Continental Shelf Plans Subject to the Coastal Management Program**

- (a) For purposes of this section, the following federal actions within the CMP boundary may adversely affect coastal natural resource areas (CNRAs):
- (1) Federal Agency Activities and Development Projects:
- (A) United States Department of the Interior. Modifications to the boundaries of the Coastal Barrier Resource System under 16 United States Code Annotated, §3503(c);
  - (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 or suspension of a community's eligibility to sell flood insurance 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 Agency Actions:
- (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 under 42 United States Code Annotated, §6924(d); and
  - (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 33 United States Code Annotated, §401;
  - (iv) permits under 33 United States Code Annotated, §403; and
  - (v) Memoranda of Agreement for mitigation banking;
- (C) United States Department of Transportation:
- (i) approvals under 23 United States Code Annotated, §106; and
  - (ii) approvals under 33 United States Code Annotated, §525;
- (D) Federal Aviation Administration. Certificates under 49 United States Code Annotated, §1432;
- (E) Federal Energy Regulatory Commission:
- (i) certificates under 15 United States Code Annotated, §717f;
  - (ii) licenses under 16 United States Code Annotated, §797(e); and
  - (iii) exemptions under 16 United States Code Annotated, §2705(d);
- (F) Nuclear Regulatory Commission. Licenses under 42 United States Code Annotated, §2133.
- (3) State and Local Government Applications for Federal Assistance. Federal assistance for state and local government activities that may adversely affect CNRAs. Federal assistance does not include applications from local governments and subdivisions to the Texas Water Development Board for financial assistance through the State Water Pollution Control Revolving Fund or the Colonia Wastewater Treatment Assistance Program.
- (b) For purposes of this section, the following are federal actions outside the CMP boundary but within OCS waters, or on excluded federal land located within the coastal zone, that may adversely affect CNRAs
- (1) Federal Activities and Development Projects: All federal agencies. Activities in OCS waters or within the coastal zone occurring within federal lands excluded from the CMP boundary but which may adversely affect CNRAs.
- (2) Federal Agency Actions:
- (A) United States Department of the Interior:
- (i) permits under 43 United States Code Annotated, §1340, in OCS waters; and
  - (ii) rights-of-way under 43 United States Code Annotated, §1334(e), in OCS waters;
- (B) Environmental Protection Agency:
- (i) NPDES permits under 33 United States Code Annotated, §1342, in OCS waters;
  - (ii) ocean dumping permits under 33 United States Code Annotated, §1412, in OCS waters;
- (C) United States Army Corps of Engineers. Ocean dumping permits under 33 United States Code Annotated, §1413, in OCS waters;

(D) United States Department of Transportation: Deep water port licenses under 33 United States Code Annotated, §1503, in OCS waters.

3) OCS Exploration, Development, and Production Activities. United States Department of the Interior:

(A) Federal agency actions described in detail in OCS plans, including pipeline activities, that may adversely affect CNRAs;

(B) OCS lease sales within the western and central Gulf of Mexico under 43 United States Code Annotated, §1337.