

# Federal Consistency List for the State of Maryland

This list conveys in a succinct format the federal license and permit activities as well as federal financial assistance to state and local governments explicitly identified in the 1978 Maryland Coastal Management Program document as necessitating federal consistency review. For further information and proper citation, please see the 1978 State of Maryland Coastal Management Program and Final Environmental Impact Statement.

<b>I. Federal License and Permit Activities and Other Forms of Approval or Authorization</b>	
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 Maryland Coastal Management Program.	
<b>U.S. DEPARTMENT OF DEFENSE</b>	
<b>U.S. Army Corps of Engineers</b>	Construction of dams or ditches across navigable waters [River and Harbor Act of 1899: Section 9, 33 U.S.C. 401]
	Obstruction or alteration of navigable waters (including structures of the OCS) <sup>1</sup> [Id. Section 10, 33 U.S.C. 403]
	Establishment of harbor lines [Id. Section 11, 33 U.S.C. 404, 405]
	Temporary occupation of sea wall, bulkhead, jetty, dike, levee, wharf, pier or other work built by the U.S. [Id. Section 14, 33 U.S.C. 408]
	Discharge of dredged spoil into waters of the U.S. <sup>1</sup> [Federal Water Pollution Control Act of 1972: Section 404, 33 U.S.C. 1344]
	Approval of plans for improvements made under Corps supervision at private expense [River and Harbor Act of 1902: 33 U.S.C. 565]
	Transportation of dredged spoil for the purpose of dumping it in ocean waters <sup>1</sup> [Marine Protection, Research and Sanctuaries Act of 1972 Section 103, 33 U.S.C. 1413]
	Permit for artificial islands and fixed structures on the OCS <sup>1</sup> [Outer Continental Lands Act Section 4(f), 43 U.S.C. 1331 <i>et seq.</i> ]
<b>U.S. DEPARTMENT OF ENERGY</b>	
<b>Economic Regulatory Administration</b>	Licensing import or export of natural gas [Natural Gas Act: 15 U.S.C. 717, Natural Gas Act: 15 U.S.C. 717b, Department of Energy Organization Act]
<b>Federal Energy Regulatory Commission</b>	Orders interconnection of electric transmission facilities [Federal Power Act, Section 202(b), 16 U.S.C. 824a(b)]
	Licenses for non-Federal hydroelectric projects and associated transmission lines [Federal Power Act, Sections 4(e) and 15, 16 U.S.C. 797(e) and 808]
	Certificates of public convenience and necessity for the construction and operation of natural gas pipeline facilities, including both interstate pipeline and LNG terminal facilities [Natural Gas Act, Section 7(c), 15 U.S.C. 717f(c)]
	Permission and approval for the abandonment of natural gas pipeline facilities [Natural Gas Act, Section 7(b), 15 U.S.C. 7175(b)]
<b>Energy Regulatory Administration</b>	Allocation of liquid petroleum feedstock (including naphtha, propane, butane and natural gasoline) for SNG production [15 U.S.C. 751 <i>et seq.</i> ]
	Prohibition and conversion coal <sup>1</sup> [Energy Supply and Environmental Coordination Act]

<b>U.S. DEPARTMENT OF THE INTERIOR</b>	
<b>Bureau of Land Management</b>	The granting of any easement, right-of-way or rights-of-use across federal lands for any use not integrally related to the federal use of that land. Approval of OCS pipeline corridor rights-of-way <sup>1</sup> [43 U.S.C. 931(c), 20 U.S.C. 185, also OCS Lands Act Section 5, 43 U.S.C. 1334]
<b>U.S. Geological Survey</b>	Permit to drill <sup>1</sup> [43 U.S.C. 1334] Rights-of-use and easements for construction and maintenance of pipelines and associated structures <sup>1</sup> [ <u>Id.</u> ] Rights-of-use and easements for construction and maintenance of gathering and flow lines <sup>1</sup> [ <u>Id.</u> ] Rights-of-use and easements for construction and maintenance of structures and platforms on the OCS License and permit activities which are described in detail in a plan for the exploration, development, or production on the OCS
<b>National Park Service</b>	Construction of electric and communication lines across National Park Service land [16 U.S.C. 5]
<b>U.S. Fish &amp; Wildlife Service</b>	Endangered species permits* [16 U.S.C 153a]
<b>U.S. DEPARTMENT OF TRANSPORTATION</b>	
<b>U.S. Coast Guard</b>	Permits for private aids to navigation [14 U.S.C. 83] Permits for construction or modification of bridges or causeways in navigable waters [33 U.S.C. 401, 491, 525] Deepwater port permits [Deepwater Ports Act of 1974 33 U.S.C. 1501] Authorization for handling of dangerous cargo by vessels in U.S. ports* [46 U.S.C. 170] Authorization for handling of flammable or combustible liquids by bulk in U.S. ports.* [46 U.S.C. 391(a)] Authorization for barges to tow over 100 tons.* [46 U.S.C. 395]
<b>Federal Aviation Administration</b>	Approval of airport development project applications [49 U.S.C. 1716]
<b>ENVIRONMENTAL PROTECTION AGENCY</b>	Permits for underground injection <sup>2</sup> [Safe Drinking Water Act Section 1421(c)(1), 42 U.S.C. 300h] Permit to operate underground injection wells in designated areas <sup>2</sup> [Resources Recovery and Conservation Act of 1976, 42 U.S.C. 300h-3] Permits for handling and disposal of hazardous substances <sup>2</sup> [Resources Recovery and Conservation Act of 1976, 42 U.S.C. 3257] Approvals under prevention of significant deterioration PSD regulation <sup>2</sup> [Clear Air Act of 1976, 42 U.S.C. 1857c-5] New source construction/operations permits <sup>1,2</sup> [ <u>Id.</u> Section III, 42 U.S.C. 1857-6] Approvals under National Emission Standards for Hazardous Air Pollutants (NESHAPS) Regulation [ <u>Id.</u> Section 112, 42 U.S.C. 1857c-7] NPDES permits for discharges into the contiguous zone and ocean waters <sup>1</sup> [Federal Water Pollution Control Act of 1972 Section 402, 403, 33 U.S.C. 1342, 1343] Sludge runoff permits [ <u>Id.</u> Section 405, 33 U.S.C. 1342, 1343] Aquaculture [ <u>Id.</u> Section 318, 33 U.S.C. 1328]

<b>NUCLEAR REGULATORY COMMISSION</b>	Permits and licenses for the construction and operation of nuclear facilities [Atomic Energy Act of 1954, Sections 6, 7, 8 and 10, 42 U.S.C. 2133, 5841]
<b>U.S. DEPARTMENT OF COMMERCE</b>	
<b>National Marine Fisheries Service</b>	Permits for taking of marine mammals* [16 U.S.C. 1361-1407]

\* If permits are required for exemption from prohibition and construction orders, these permits will be subject to review as permits.

<sup>1</sup> If reviewed as part of, or in conjunction with, a plan for exploration, development or production of petroleum resources on the Outer Continental Shelf (OCS), further consistency review will not be necessary.

<sup>2</sup> If the State has assumed or does assume primacy, federal consistency review provisions no longer apply to individual permit applications.

<b>II. Federal Financial Assistance to State and Local Governments</b>		
<b>Department of Agriculture</b>		Irrigation, Drainage, and other Soil and Water Conservation Loans
	10.409	
	10.411	Rural Housing Site Loans
	10.414	Resource Conservation and Development Loans
	10.418	Water and Waste Disposal Systems for Rural Communities
	10.419	Watershed Protection Flood Prevention Loans
	10.422	Business and Industrial Loans
	10.423	Community Facilities Loans
	10.424	Industrial Development Grants
	10.655	Assistance to States for Tree Planting and Reforestation
	10.657	Cooperation in Forest Management and Processing
	10.658	Cooperative Forest Insect and Disease Management
	10.659	Cooperative Production and Distribution of Forest Tree Planting Stock
	10.660	General Forestry Assistance
	10.901	Resource Conservation and Development
	10.904	Watershed Protection and Flood Prevention
<b>U.S Department of Commerce</b>		Economic Development-Grants and Loans for Public Works and Development Facilities
	11.300	
	11.303	Economic Development-Technical Assistance
	11.304	Economic Development-Public Works Impact Projects
	11.305	Economic Development-State and Local Economic Development Planning
	11.308	Grants to States for Supplemental and Basic Funding of Titles I, II, and IV Activities
	11.405	Anadromous and Great Lakes Fisheries conservation
	11.406	Commercial Fisheries Disaster Assistance
	11.407	Commercial Fisheries Research and Development
	11.417	Sea Grant Support
	11.500	Construction-Differential Subsidies

<b>U.S. Department of Housing and Urban Development</b>	14.001	Flood Insurance
	14.112	Mortgage Insurance-Construction or Rehabilitation of Condominium Projects
	14.115	Mortgage Insurance-Development of Sales-Type Cooperative Projects
	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
	14.128	Mortgage Insurance-Nursing Homes and Related Care Facilities
	14.129	Mortgage Insurance-Hospitals
	14.203	Comprehensive Planning Assistance
	14.207	New Communities-Loan Guarantees
	14.218	Community Development Block Grants/Entitlement Grants
	14.219	Community Development Block Grants/Discretionary Grants
	14.701	Disaster Assistance
<b>U.S. Department of the Interior</b>	15.400	Outdoor Recreation-Acquisition, Development and Planning
	15.600	Anadromous Fish Conservation
	15.605	Fish Restoration
	15.611	Wildlife Restoration
	15.612	Rare and Endangered Species Conservation
	15.904	Historic Preservation
	15.950	Additional Water Resources Research
<b>U.S. Department of Transportation<sup>1</sup></b>	20.004	Boating Safety-Financial Assistance
	20.102	Airport Development Aid Program
	20.205	Highway Research, Planning and Construction
	20.214	Highway Beautification-Control of Outdoor Advertising, Control of Junk yards, Landscaping and scenic enhancement
	20.306	Rail Property Acquisition and Modernization Grant Assistance
	20.505	Urban Mass Transportation Technical Studies Grants
	20.506	Urban Mass Transportation Demonstration Grants
	20.600	State and Community Highway Safety
	20.700	Gas Pipeline Safety
<b>Energy Research and Development Administration</b>	80.041	Grants to States for Energy Conservation Plans
	80.043	Supplemental State Energy Conservation Grant Program
<b>National Science Foundation</b>	47.036	Intergovernmental Program
<b>Water Resources Council</b>	65.001	Water Resources Planning

<b>U.S. Environmental Protection Agency</b>	66.001	Air Pollution Control Program Grants
	66.005	Air Pollution Control Survey and Demonstration Grants
	66.027	Solid Waste Disposal Planning Grants
	66.028	Solid Waste Disposal Demonstration Grants
	66.418	Construction Grants for Wastewater Treatment Works
	66.419	Water Pollution Control-State and Interstate Program Grants
	66.426	Water Pollution Control-Areawide Waste Treatment Management Planning Grants
	66.433	Underground Water Source Protection-Consolidated Research Grants
	66.500	Environmental Protection-Consolidated Research Grants
	66.501	Air Pollution Control Research Grants
	66.502	Pesticides Control Research Grants
	66.504	Solid Waste Disposal Research Grants
	66.505	Water Pollution control-Research, Development, and Demonstration Grants
	66.506	Safe Drinking Water Research and Demonstration Grants
	66.600	Environmental Protection Consolidated Grants-Program Support
	66.602	Environmental Protection Consolidated Grants – Special Purpose

<sup>1</sup> The necessity for making consistency determinations or federally funded transportation projects will be further defined in the Memorandum of Understanding between the Department of Natural Resources and the Maryland Department of Transportation. Projects of a minor nature will generally not require consistency decisions; the MOU will spell out precisely the review method for each type of project.