

NYS Federal Consistency List

Table 3: Federal Activities, Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities regarding: **1)** the submission of consistency determinations by federal agencies; **2)** the submission of consistency certifications by entities other than federal agencies; and **3)** the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE	
<p>I. Activities Undertaken Directly By or On Behalf of Federal Agencies</p> <p>The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.</p>	
Department of Commerce	
National Marine Fisheries Service	Fisheries Management Plans
Department of Defense	
Army Corps of Engineers	Proposed authorizations for dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with the potential to impact coastal lands and waters.
	Land acquisition for spoil disposal or other purposes.
	Selection of open water disposal sites.
Air Force, Army and Navy	Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
	Plans, procedures and facilities for handling or storage use zones.
	Establishment of impact, compatibility or restricted use zones.
Department of Energy	Prohibition orders.
General Services Administration	Acquisition, location and design of proposed federal government property or buildings, whether leased or owned by the federal government.
Department of Interior	
Fish and Wildlife Service	Management of National Wildlife refuges and proposed acquisitions.
National Park Service	National Park and Seashore management and proposed acquisitions.

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

Bureau of Ocean Energy Management	OCS lease sale activities including tract selection, lease sale stipulations, etc.
Department of Homeland Security	
Coast Guard	Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
	Location, placement or removal of navigation devices which are not part of the routine operations under-the Aids to Navigation Program (ATON).
	Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.
Department of Transportation	
Federal Aviation Administration	Location and design, construction, maintenance, and demolition of federal aids to air navigation.
St. Lawrence Seaway Development Corporation	Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.
Federal Highway Administration	Highway construction
II. Federal Licenses and Permits and Other Forms of Approval or Authorization	
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 New York Coastal Management Program.	
Department of Defense	
Army Corps of Engineers	Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
	Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
	Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
	Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
	Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

	All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972(33 U.S.C. 1413).
	Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4 (f) of the River and Harbors Act of 1912 (33 U.S.C.).
Department of Energy	
Federal Energy Regulatory Commission	Licenses for non-federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e) and 15 of the Federal Power Act (16 U.S.C. 796 (11), 797 (11) and 808).
	Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (15 U.S.C. 824 a (b)).
	Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c)).
	Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717 f (b)).
Economic Regulatory Commission	Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
	Exemptions from prohibition orders.
Environmental Protection Agency	NPDES permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Sections 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
	Permits pursuant to the Resources Recovery and Conservation Act of 1976
	Permits pursuant to the underground injection Control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300 h-c).
	Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).
Department of Interior	
Fish and Wildlife Service	Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

Bureau of Ocean Energy Management	Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.	
	Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.	
Surface Transportation Board	Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct slurry pipelines.	
Nuclear Regulatory Commission	Licensing and certification of the siting, construction, and operation of nuclear power plants, pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.	
Department of Transportation	Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.	
	Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).	
Federal Aviation Administration	Permits and licenses for construction, operation or alteration of airports.	
III. Federal Financial Assistance to State and Local Governments		
Department of Agriculture	10.068	Rural Clean Water Program
	10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans
	10.410	Low to Moderate Income Housing Loans
	10.411	Rural Housing Site Loans
	10.413	Recreation Facility Loans
	10.414	Resource Conservation and Development Loans
	10.415	Rural Rental Housing Loans
	10.416	Soil and Water Loans
	10.418	Water and Waste Disposal Systems for Rural Communities
	10.419	Watershed Protection and Flood Prevention Loans
	10.422	Business and Industrial Loans
	10.423	Community Facilities Loans
	10.424	Industrial Development Grants

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

	10.426	Area Development Assistance Planning Grants
	10.429	Above Moderate Income Housing Loans
	10.430	Energy Impacted Area Development Assistance Program
	10.901	Resource Conservation and Development
	10.902	Soil and Water Conservation
	10.904	Watershed Protection and Flood Prevention
	10.906	River Basin Surveys and Investigations
Department of Commerce	11.300	Economic Development - Grants and Loans for Public Works and Development Facilities
	11.301	Economic Development - Business Development Assistance
	11.302	Economic Development - Support for Planning Organizations
	11.304	Economic Development - State and Local Economic Development Planning
	11.305	Economic Development - State and Local Economic Development Planning
	11.307	Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
	11.308	Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
	11.405	Anadromous and Great Lakes Fisheries Conservation
	11.407	Commercial Fisheries Research and Development
	11.417	Sea Grant Support
	11.427	Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program
	11.501	Development and Promotion of Ports and Intermodal Transportation
	11.509	Development and Promotion of Domestic Water-borne Transport Systems
Department of Housing and Urban Development	14. 112	Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
	14. 115	Mortgage Insurance - Development of Sales Type Cooperative Projects
	14. 117	Mortgage Insurance - Homes
	14. 124	Mortgage Insurance - Investor Sponsored Cooperative Housing

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

	14. 125	Mortgage Insurance - Land Development and New Communities
	14. 126	Mortgage Insurance - Manages ant Type Cooperative Projects
	14. 127	Mortgage Insurance - Mobile Home Parks
	14. 218	Community Development Block Grants/Entitlement Grants
	14. 219	Community Development Block Grants/Small Cities Program
	14. 221	Urban Development Action Grants
	14. 223	Indian Community Development Block Grant Program
Department of the Interior	15.400	Outdoor Recreation - Acquisition, Development and Planning
	15.402	Outdoor Recreation - Technical Assistance
	15.403	Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
	15.411	Historic Preservation Grants-In-Aid
	15.417	Urban Park and Recreation Recovery Program
	15.600	Anadromous Fish Conservation
	15.605	Fish Restoration
	15.611	Wildlife Restoration
	15.613	Marine Mammal Grant Program
	15.802	Minerals Discovery Loan Program
	15.950	National Water Research and Development Program
	15.951	Water Resources Research and Technology - Assistance to State Institutes
	15.952	Water Research and Technology-Matching Funds to State Institutes
Department of Transportation	20.102	Airport Development Aid Program
	20.103	Airport Planning Grant Program
	20.205	Highway Research, Planning, and Construction Railroad Rehabilitation and Improvement - Guarantee of Obligations
	20.309	Railroad Rehabilitation and Improvement – Guarantee of Obligations
	20.310	Railroad Rehabilitation and Improvement - Redeemable Preference Shares
	20.506	Urban Mass Transportation Demonstration Grants
	20.509	Public Transportation for Rural and Small Urban Areas
General Services Administration	39.002	Disposal of Federal Surplus Real Property

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND
NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE (cont'd)**

Community Services Administration	49.002	Community Action
	49.011	Community Economic Development
	49.013	State Economic Opportunity Offices
	49.017	Rural Development Loan Fund
	49.018	Housing and Community Development (Rural Housing)
Small Business Administration	59.012	Small Business Loans
	59.013	State and Local Development Company Loans
	59.024	Water Pollution Control Loans
	59.025	Air Pollution Control Loans
	59.031	Small Business Pollution Control Financing Guarantee
Environmental Protection Agency	66.001	Air Pollution Control Program Grants
	66.418	Construction Grants for Wastewater Treatment Works
	66.426	Water Pollution Control - State and Area-wide Water Quality Management Planning Agency
	66.451	Solid and Hazardous Waste Management Program Support Grants
	66.452	Solid Waste Management Demonstration Grants
	66.600	Environmental Protection Consolidated Grants Program Support
	66.800	Comprehensive Environmental Response, Compensation and Liability (Superfund)

Note: Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its subsequent updates.

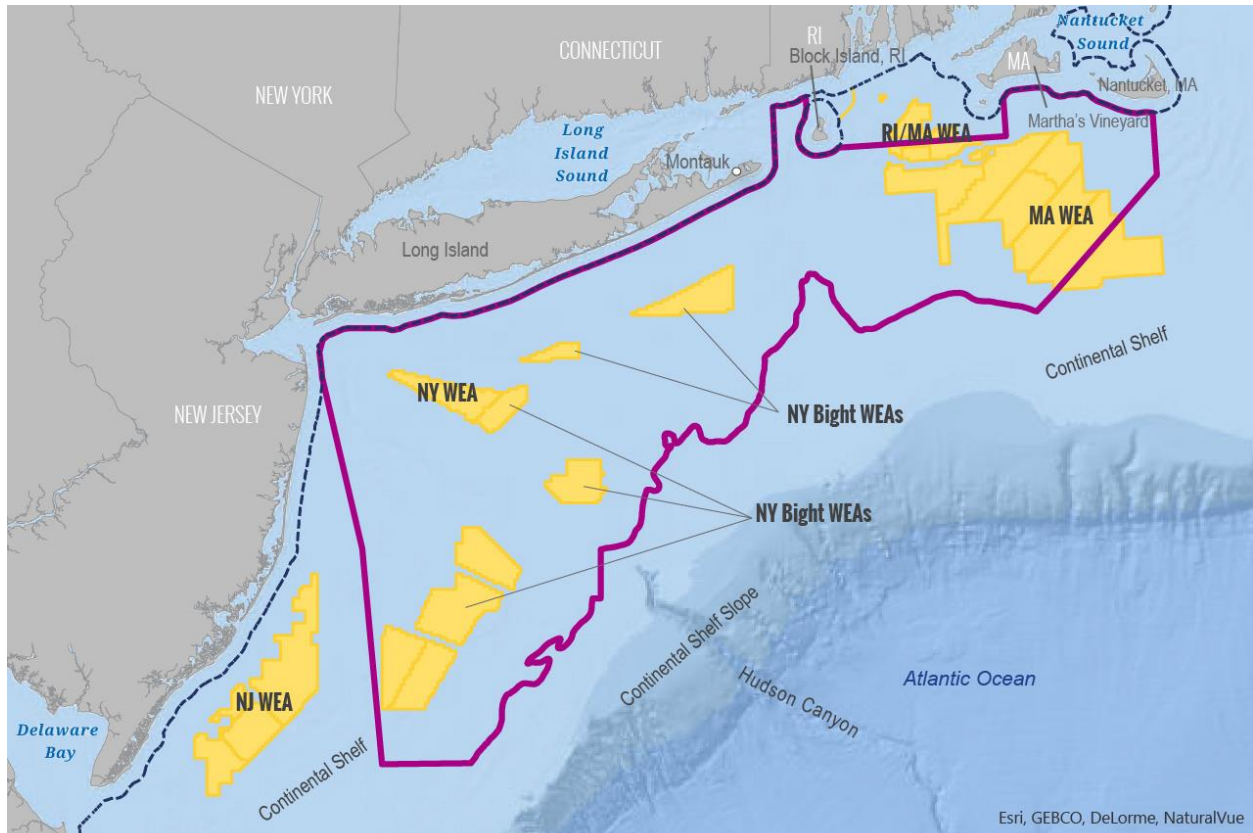
Table 4 - Interstate Activities

The following activities in coastal areas of another state are listed and are routinely subject to review for consistency with applicable enforceable policies of the New York CMP in accordance with 15 CFR Part 930, Subpart I and other applicable Parts of 15 CFR Part 930.

INTERSTATE ACTIVITIES	
1. In the State of Connecticut	
Department of Defense	
Army Corps of Engineers	Construction of structures (e.g. bulkheads, revetments, groins, jetties, piers, docks, islands, etc.) or conduct of activities such as the mooring of vessels in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), in the Byram River within 50’ of the federal navigation channel in the Byram River or, where there is no federal navigation channel in the Byram River, within the Byram River within 50’ of the border of New York and Connecticut upstream to the US Route 1 bridge.
	Discharge of dredged and fill materials and other activities in the waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) in Long Island Sound and Fishers Island Sound waterward of the 20’ bathymetric contour closest to the Connecticut shoreline.
	Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) In Long Island Sound and Fishers Island Sound waterward of the 20’ bathymetric contour closest to the Connecticut shoreline.

Table 5: Renewable Energy Geographic Location Description

The GLD is approximately 12,056 square miles in area, encompassing a portion of the Atlantic Ocean referred to as the New York Bight and adjacent areas of the OCS south of Rhode Island and Martha's Vineyard in the Block Island Sound, Rhode Island Sound, and Atlantic Ocean (Figure 1). Specifically, the GLD is a polygon starting at the intersection of the 3 nm State/Federal jurisdictional boundary and the traffic precautionary area south of New York/New Jersey Harbor at approximately North 40 degrees 20 minutes 10 seconds and West 73 degrees 54 minutes 18 seconds. The boundary continues straight, generally southeasterly, to a point that is the southwest corner of the Barnegat to Ambrose Traffic Lane. The boundary continues in a straight line, generally southeasterly, to its intersection of the southern boundary of NOAA National Marine Fisheries Service (NMFS) statistical area 615, at a point North 39 degrees and West 73 degrees 39 minutes 25 seconds. The boundary continues, following NMFS statistical area 615's southern boundary, easterly to its intersection with the -70m bathymetric contour (General Bathymetric Chart of the Ocean [GEMCO]). The boundary follows the -70m contour generally northeast to its intersection of BOEM lease block number NJ18-03 6422. The boundary follows the southern border of lease block NJ18-03 6422 easterly to the beginning of BOEM lease block NJ18-03 6423. The boundary then follows the western boundaries of the following BOEM lease blocks NJ18-03 6423, NJ18-03 6373, NJ18-03 6323, and NJ18-03 6273 in a northerly direction. The boundary then follows the northern boundary of lease block NJ18-03 6273 in a westerly direction to its intersection with the -70m contour. The boundary continues following the -70m contour first in a northwesterly direction, then a westerly direction to a point approximately North 40 degrees 30 minutes 56 seconds and West 70 degrees 36 minutes 51 seconds. The boundary continues straight, generally in a northeasterly direction to the southwest corner of BOEM lease block NK19-08 7103, the boundary continues in a northerly direction following the western boundaries of the following BOEM lease blocks; NK19-08 7103, NK19-08 7053, NK19-08 7003, NK19-08 6953, NK19-08 6903 and NK19-08 6853 until its intersection with the 3 nm State/Federal jurisdictional boundary. The boundary continues westerly following the 3nm boundary until its intersection with BOEM lease block NK19-07 6773 at a point approximately North 41 degrees 16 minutes 9.6 seconds and West 70 degrees 43 minutes 10 seconds. The boundary continues south following the western boundaries of the following BOEM lease blocks NK19-07 6773, NK19-07 6823, NK19-07 6873 and NK19-07 6923. The boundary then continues west following the southern boundaries of the following BOEM lease blocks NK19-07 6923, NK19-07 6922, NK19-07 6921, NK19-07 6920, NK19-07 6919, NK19-07 6918, NK19-07 6917, NK19-07 6916, NK19-07 6915, NK19-07 6914, NK19-07 6913, NK19-07 6912, NK19-07 6911, NK19-07 6910, until its intersection with the 3nm federal state boundary line at a point approximately North 41 degrees, 7 minutes 17 seconds and West 71 degrees, 29 minutes 42.6 seconds. The boundary continues westerly following the 3 nm boundary, until the beginning point at approximately North 40 degrees 20 minutes 10 seconds and West 73 degrees 54 minutes 18 seconds.



Prepared by the Department of State, Office of Planning, Development and Community Infrastructure, April 2022.

Renewable Energy Geographic Location Description

The following authorizations for research, siting, construction, operations and maintenance, and decommissioning of offshore renewable energy generation infrastructure, and transmission infrastructure, in the Renewable Energy Geographic Location Description are listed activities. These approved activities are subject to review for consistency with applicable enforceable policies of the New York State Coastal Management Program in accordance with 15 CFR Part 930, Subpart D and E and other applicable Parts of 15 CFR Part 930, as described in the NOAA April 2023 decision letter available at <https://coast.noaa.gov/czmprogramchange/#/public/home>.

**FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES
AND NATURAL RESOURCES IN THE
RENEWABLE ENERGY GEOGRAPHIC LOCATION DESCRIPTION**

Department of Defense	
Army Corps of Engineers	Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
	Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
Department of Energy	
Federal Energy Regulatory Commission	Permits and licenses required for marine hydrokinetic projects pursuant to the Federal Power Act. (16 U.S.C. §§ 792 to 823; implementing regulations at 18 C.F.R. Chapter 1, Subchapter B, Parts 4 and 5).
	Permits and licenses for interstate electric transmission facilities under Section 216 of the Federal Power Act (16 U.S.C. § 824p).
Department of Interior	
Bureau of Ocean Energy Management	Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 30 U.S.C. 185.
	Issuance or approval of leases, permits, easements, rights-of-way, research activities, and other authorizations pursuant to the OCS Lands Act (43 U.S.C. §§ 1331 et seq.; 43 U.S.C. § 1337(p); implementing regulations at 30 C.F.R. Part 585), including in response to unsolicited requests, for the planning, construction, operation, maintenance and/or support activities related to OCS renewable energy development.