RHOD ISLAND'S LISTED FEDERAL ACTIONS

TABLE 1 – FEDERAL AGENCY ACTIVITIES

** Asterisks represent federal agency activities that apply to the GLD.*

Activities taking place within any coastal community

- Filling, removing, or grading of shoreline features
- Residential, commercial, industrial, and recreational structures
- Recreational boating facilities
- Mooring and anchoring of houseboats and floating businesses
- Treatment of sewage and stormwater
- Construction of shoreline protection facilities
- Energy-related activities and structures
- Dredging and dredge material disposal
- Filling in tidal waters
- Aquaculture
- Mosquito Ditching
- Construction of public roadways, bridges, parking lots, railroad lines and airports
- Maintenance of structures
- Alterations to freshwater flows to tidal waters and water bodies and coastal ponds

Activities taking place anywhere within the state

- Power generating plants (excluding facilities of less than a 40-megawatt capacity)
- Petroleum storage facilities (excluding storage facilities of less than 2,400-barrel capacity)
- Chemical or petroleum processing facilities
- Minerals extraction
- Sewage treatment and disposal facilities (excluding individual sewage disposal systems)
- Solid waste disposal facilities
- Desalination plants

Management Plans

- Fisheries Management Plans developed under the Magnuson Fisheries Conservation and Management Act
- Oil Spill Response Plans

Miscellaneous Federal Agency Activities

- Land acquisition, transfer and disposal
- Site selection plans for ocean disposal of dredged materials*
- Revisions to Flood Insurance Study and National Flood Insurance maps

Department of Homeland Security -U.S. Coast Guard

- Approval of plans for the construction and modification of bridges, causeways over navigable waters pursuant to 33 U.S.C. §§ 401, 491 - 507 and 525 – 534*
- Establishment of new or changes to existing anchorages pursuant to 33 U.S.C. 471.*
- Establishment of new or changes to existing vessel traffic services pursuant to 33 U.S.C. § 1223.*

TABLE 2 – FEDERAL LICENSE OR PERMIT ACTIVITIES (FL&P ACTIVITY)

** Asterisks represent federal license or permit activities that apply to the GLD.*

Department of Defense - Army Corp of Engineers

- Permits for the disposal of dredged materials into the waters of the U.S., pursuant to the Federal Water Pollution Control Act ("Clean Water Act"), Section 404 (33 U.S.C. § 1344).
- Permits for the 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).*
- Permits and licenses to regulate transportation of dredged material for the purpose of dumping it in navigable waters pursuant to Sec. 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. §§ 1413, 1414) ("Ocean Dumping Act").
- Permits authorizing artificial islands or fixed structures on the outer continental shelf pursuant to section 4(F) of the Outer Continental Shelf Lands Act and amendment (44 U.S.C. §§ 1333).*
- Permits authorizing the temporary 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).*
- Approvals of plans for improvements made at private expense under Army Corps of Engineers supervision pursuant to the Rivers and Harbors Act of 1899 (33 U.S.C. § 565).*

Department of Homeland Security -U.S. Coast Guard

- Approvals of private aids to navigation pursuant to 14 U.S.C. § 83.

Environmental Protection Agency

- NPDES (National Pollution Discharge Elimination System) permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to §§ 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 ("Clean Water Act") (33 U.S.C. §§ 1341, 1342, 1343, and 1328).*
- Permits and authorization for underground injections pursuant to section 1421 of the Safe Drinking Water Act (42 U.S.C. Chapter 82)
- Permit sources and waivers of compliance allowing extensions of time to meet air quality standards under section 112(c)(1) of the Clean Air Act of 1972, as amended
- Exemptions granted under the Clean Air Act for stationary sources
- Permits required under the Resource Conservation and Recovery Act of 1980 and its amendments for facilities that store, treat or dispose hazardous wastes
- Permits required pursuant to section 405 of Clean Air Act of 1972, as amended
- Permits for the transportation of dumping material other than dredged material in navigable waters pursuant to Sec 102 of the Marine Protection, Research and Sanctuaries Act of 1972
- Aquaculture pursuant to Section 318 of the Marine Protection, Research and Sanctuaries Act of 1972

Department of the Interior

- Permits and licenses for drilling and mining and related facilities on public lands
- Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. § 1334) as well as 43 U.S.C. § 931(c).*
- Permits to drill, rights-of-use, rights-of-way, and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, explorations and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.*
- Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. § 1539)

- Permits related to the taking of marine mammals pursuant to the Marine Mammals Protection Act (16 U.S.C. § 1361-1407)
- Permits for the granting of outer continental shelf corridor rights-of-way (43 U.S.C. § 931(c))
- Issuance or approval of leases, permits, easements, rights-of-way, exploration plans, development plans, production plans, and other authorizations, as appropriate, pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. § 1331 et. seq.) as amended by the Energy Policy Act of 2005 (42 U.S.C. § 15801 et. seq.) for the construction, operation, maintenance and/or support activities related to OCS energy development. *

Nuclear Regulatory Commission

- Permits and approvals related to the construction and operation of commercial nuclear reactors pursuant to the Atomic Energy Act of 1954 (including delicensing activities).

Department of Energy, Federal Energy Regulatory Commission:

- Licenses, renewals, and amendments to 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, and 808).*
- Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (16 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 pipelines under Section 7 (b) of the Natural Gas Act (15 U.S.C. § 717 f (b)).*
- Permits related to the regulation of gas pipelines and the licensing of import or export of gas pursuant to the Natural Gas Act (15 U.S.C. §§ 717, 717(b)).*

Department of Transportation, Maritime Administration

- Permits and licenses for offshore LNG terminals and other deepwater port facilities issued by MARAD pursuant to sections 4 and 5 of the Deepwater Port Act of 1974, as amended (33 U.S.C. § 1501).*

GEOGRAPHIC LOCATION DESCRIPTION

Rhode Island's GLD for federal waters includes the area described and evaluated as part of the Rhode Island Ocean Special Area Management Plan (SAMP). This area includes the federal portions of Block Island Sound and Rhode Island Sound as well as portions of the Atlantic Ocean (*see* Figure 1 below). Specifically, the GLD is a polygon starting from the seaward limit of Rhode Island state jurisdiction at 3 nm from the shoreline and extending seaward to 30nm from the mainland, and approximately 45nm wide between the seaward boundaries with Massachusetts and Connecticut. The western edge of the GLD starts off at a point southeast of Watch Hill Point at [-71.7918916, 41.2730533] and follows the Rhode Island/ Connecticut and Rhode Island/New York waters border South-Southwest to [-71.8053126, 41.0368549], then extends out into federal waters South-Southeast to [-71.7830932, 40.9476722]. The southern edge starts at this point, follows an arc out to [-71.5169896, 40.9122479], and then follows a line East to [-70.8489868, 41.0276451] in federal waters. The eastern edge starts at this point and then follows a line North to the Massachusetts state waters boundary at [-70.8669827, 41.2127751], then follows the Massachusetts state/federal seaward boundary to the seaward extent of the Rhode Island/Massachusetts boundary at [-71.0910046, 41.4370765]. *See* Figure 1 below for a precise map of the GLD. If the precise location of a project within the GLD is of concern, the CRMC has on file the thousands of geographic coordinates that are the basis for the GLD boundary, and can make these available on a project by project basis.

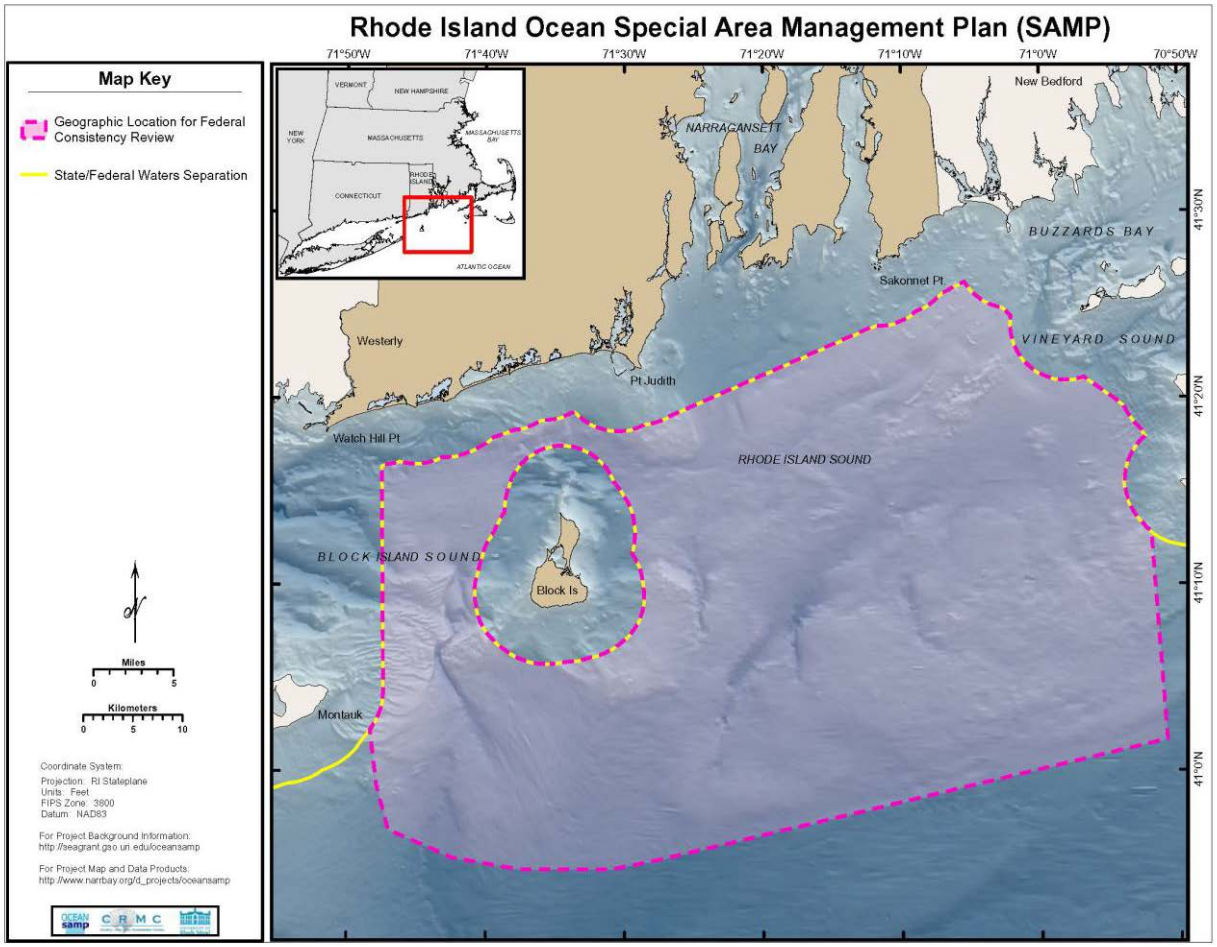

Figure 1. Geographic Location Description Boundary.

Thresholds and Exclusions:

Federal consistency review of federal license or permit activities is *only* sought for the following type of projects proposed for the GLD. The following thresholds apply to all of the licenses and permits listed in Table 2:

i. any offshore wind facilities, wave generation device(s), and tidal or ocean current device(s) of a permanent nature, regardless of size;
ii. offshore LNG platforms (1 or more);
iii. artificial reefs (1/2 acre footprint and at least 4 feet high), except for projects of a public nature whose primary purpose is habitat enhancement
iv. Underwater cables;
v. Mining and extraction of minerals, including sand and gravel;
vi. Aquaculture projects of any size;
vii. Dredged material disposal; and
viii. Meteorological towers deployed in lease blocks within the Area of Mutual Interest (AMI area) between Rhode Island and Massachusetts where mobile gear fishing activity is prevalent (OCS lease blocks 6816, 6817, 6864, 6865, 6866, 6867, 6914, 6915, 6916, 6964, 6965, 6966, 6967, 6968, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071, 7114, 7115, 7116, and 7117; see Figure 2).

In addition, the following types of federal licenses and permits and federal agency activities shall be *excluded* from federal consistency review as having either no reasonably foreseeable coastal effect or insignificant effects not warranting federal consistency review. These exclusions apply to all of the federal licenses and permits and federal agency activities listed in Table 1 and 2:

Excluded federal licenses and permits:

1. Regattas and marine parades pursuant to 33 C.F.R. §100 (USCG)
2. Establishment of private aids to navigation
3. Scientific sampling (benthic, pelagic, and water column)
4. Meteorological towers deployed in lease blocks within the AMI area where mobile gear fishing is not prevalent (OCS lease blocks 6764, 6765, 6766, 6814, 6815, 6917, 6918, 6919, 6969, 6970, and 6971; see Figure 2)

Excluded federal agency activities:

1. Regulated navigation areas pursuant to 33 C.F.R. §110 (USCG), excluding changes to vessel traffic services pursuant to 33 U.S.C. 1223.
2. Drawbridge operation regulations pursuant to 33 C.F.R. §117 (USCG)
3. Establishment and maintenance of public (federal) aids to navigation
4. Surface and submerged military activities
5. Temporary speed zones or navigation modifications due to marine mammals
6. Temporary federal mooring or anchorage areas, excluding permanent such changes pursuant to 33 U.S.C. 471.

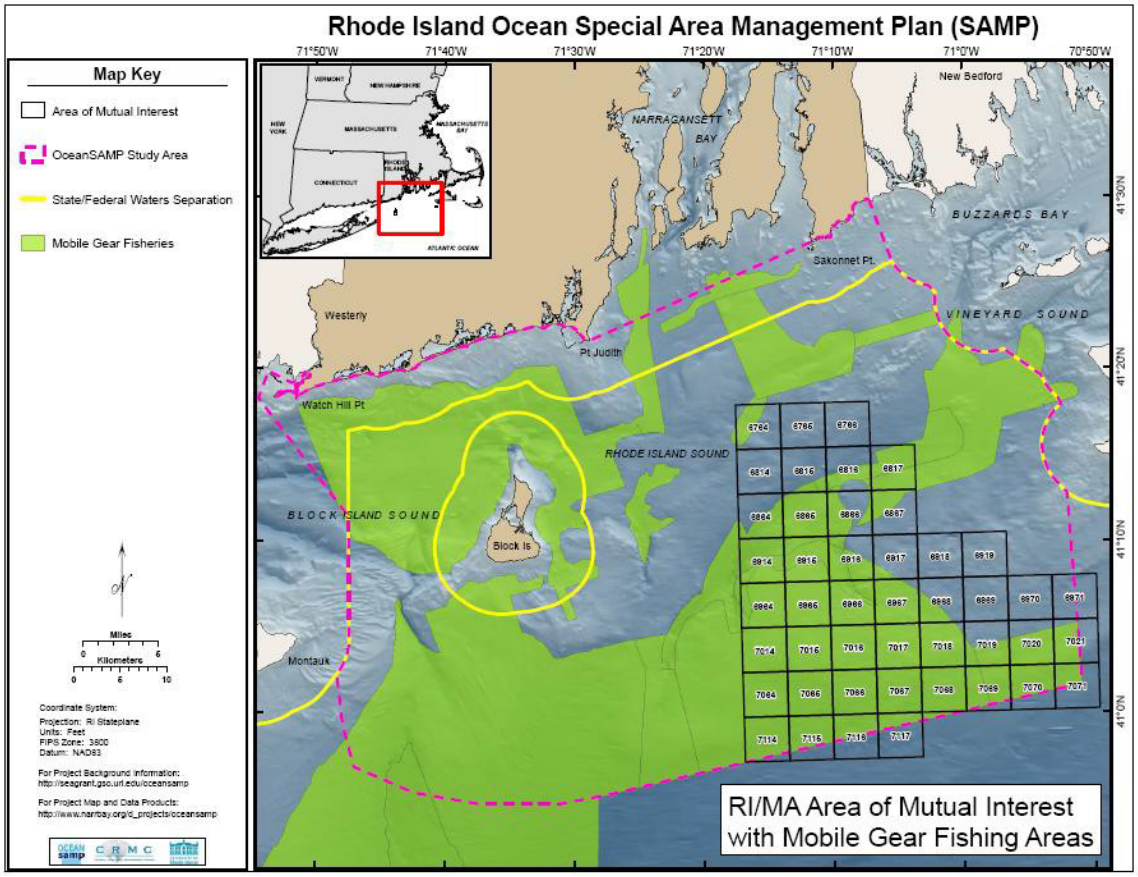

Figure 2. Mobile Gear Fishing Areas in the Area of Mutual Interest Between Rhode Island and Massachusetts.

TABLE 3 – FEDERAL ASSISTANCE

Resource Conservation and Development Loans
Soil and Water Loans
Water and Waste Disposal Systems for Rural Communities
Watershed Protection and Flood Prevention Loans
Industrial Development Grants
Rural Economic Development Loans and Grants
Resource Conservation and Development
Watershed Protection and Flood Prevention
Grants for Public Works and development Facilities
Support for Planning Organizations
Technical Assistance
Public Works Impact Projects
Sudden and Severe Economic Dislocation and Long-term Deterioration
Interjurisdictional Fisheries Act of 1986
Coastal Zone Management Program Administrative Grants
Coastal Zone Management Estuarine Research Reserves
Fisheries Research and Development Grants/Cooperative Agreements
Public Telecommunications Facilities - Construction and Planning
Aquatic Plant Control
Beach Erosion Control
Emergency Rehab of Flood Control, Federally Authorized Coastal Protection Works
Flood Plain Management Services
Protection of Essential Highways, Highway-Bridge Approaches, and Public Works
Flood Control Projects
Navigation Projects
Snagging and Clearing for Flood Control
Protecting, Clearing and Straightening Channels
Planning Assistance to States
Emergency Advanced Measures for Flood Prevention
Joint Military/Community Comprehensive Land Use Plans
Housing Development Grants
Anadromous Fish Conservation
Sport Fish Restoration
Wildlife Restoration
Endangered Species Conservation
National Water Resources Research Program
Historic Preservation Fund Grants-in-Aid
Outdoor Recreation - Acquisition, development and Planning
Disposal of Federal Surplus Real Estate Property for Parks, Recreation and Historic Monuments
Airport Improvement Program
Highway Planning and Construction
Development and Promotion of Ports and Intermodal Transportation
Construction Grants for Wastewater Treatment Works
Water Pollution Control - State and Interstate Program Support
Water Quality Management Planning
Business and Industrial Loans
Emergency Community Water Assistance Grants
Cooperative Forestry Assistance
State and Local Economic Development Planning

Mortgage Insurance, Rental and Cooperative Housing for Moderate Income and Elderly, Market Interest Rate
Mortgage Insurance, Rental Housing for the Elderly, Urban Renewal Areas
Public Indian Housing
Public Indian Housing, Comprehensive Improvement Assistance Program
Urban Mass Transportation Capital Improvement Grants, Capital and Operating Assistance Formula Grants
Public Transportation for Nonurbanized Areas
State Underground Water Source Protection
Water Pollution Control, Lake Restoration Cooperative Agreements
Environmental Protection Consolidated Grants-Program Support
Consolidated Pesticides Compliance Monitoring and Program Cooperative Agreement
Toxic Substance Compliance Monitoring Program
Hazardous Waste Management State Program Support
State Underground Storage Tanks Program
Underground Storage Tanks Trust
Solid Waste Management Assistance
Pollution Prevention Incentives for States
Conservation Reserve Program
Cooperative Extension Service
Sea Grant Support
Marine Sanctuary Program
Military Construction, Army National Guard
Military Base Re-Use Studies and Community Planning
Surplus Property Utilization
Community Development Block Grants/Entitlement Grants and State's Program
Rental Housing Rehabilitation
Indian Loans and Grants-Economic Development
Environmental Contaminants
Boating Safety Financial Assistance
Disposal of Federal Surplus Real Estate Property
Priorities and Allocations for Energy Programs and Projects
Nuclear Waste Disposal Siting
Environmental Restoration