



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

---

January 7, 2015

Ron Bertram, Supervisor, Town of Hammond  
17 North Main St.  
Hammond, NY 13646

Dear Ron,

The New York State (NYS) Department of State Office of Planning and Development (DOS) has prepared this memo to provide information to the municipalities involved in the Thousand Islands Regional Assessment Project (TIRAP).

As you know, the TIRAP project is a local initiative, originating when the Town of Hammond partnered with the Town and Village of Cape Vincent, the Town of Orleans, the Town and Village of Clayton, the Town of Alexandria and Village of Alexandria Bay, and the Town and Village of Morristown to apply for a grant through the NYS Environmental Protection Fund. Awarded in 2012, the purpose of the TIRAP project is to promote scenic resources, enhance tourism, and to propose a SASS in the Thousand Islands region.

The Project Advisory Board and their consultant are currently preparing a report that will be the product of the TIRAP grant. Four public meetings have already taken place to hear what local residents feel are the important scenic resources to highlight in the report, and a fifth public meeting is planned for April 2015.

TIRAP Report Purpose and Utility

The TIRAP report will be comprised of an inventory of visual, physical and cultural characteristics of the landscape in the study area; delineation of visual districts and sub-units; results of a community-based visual survey; evaluation of scenic quality and areas proposed for SASS designation; narrative description of each proposed SASS area; and suggested implementation techniques for the ten municipalities in the study area to consider for their town. The report is being prepared by Dodson & Flinker Associates with input and guidance from the Advisory Board, residents of the Thousand Islands communities, local organizations, and DOS.

The TIRAP final report will outline the historic, cultural, natural, and economic resources that are important components of the unique scenic areas in the Thousand Islands region. The report reflects considerable input from local leaders, residents, and organizations. Completion of the TIRAP report will provide a comprehensive source of information on the unique scenic resources of the Thousand Islands region. This information will be an invaluable resource for marketing and promotion of the region as a tourism destination. The report contents also meet the visual and inventory assessment step to designate the scenic resources as a SASS, which would be added to the State Coastal Management Program and function as an inventory and tool for consistency determinations at the federal, state, and local levels.

### SASS Designation Process

If the municipalities decide to pursue a SASS designation, the steps for amending the State's coastal boundary to include the SASS are:

1. Conduct a visual inventory and assessment, and then prepare a draft final report that describes the physical and cultural character, views, landscape composition, and public accessibility of the proposed SASS and includes public input on what is locally important. The final TIRAP report would satisfy this step.
2. DOS initiates the formal SASS designation process by holding a public hearing in the SASS area. The SASS report will then be revised based on the public comments and to reflect the municipalities that wish to include SASS within their borders.
3. DOS will then circulate the report to state agencies, incorporate state agency comments and submit the final report to the Secretary of State. The Secretary of State will prepare a written determination with findings in support of each area to be designated and make the appropriate significant area identifications on the coastal area map.
4. Copies of the amended coastal boundary maps will be filed with the clerks of each county and local government within whose jurisdictions the identified areas are situated. The designation of significant areas takes effect on the 15th day of the month following the month during which the amended maps are filed in the office of the town or village clerk.

There is no formal resolution required from local governments in the SASS. However, after they have reviewed the draft final report, it would be helpful if the municipalities indicate by resolution whether they do or do not wish to have a designated SASS within their borders.

### SASS Implementation and Benefits to the Municipalities

Once a SASS is designated, it does not result in or require the attainment of any new or additional permits. Instead, the SASS designation introduces a set of review criteria and guidelines focused on scenic quality for projects associated with a proposed federal or state permit process, funding, or direct action by a government agency. If it is determined that a proposed project would affect scenic quality, these guidelines are recommendations for modifying a proposed project to make it more compatible with the SASS.

The SASS designation does not have any effect on minor activities which do not normally require a permit requiring consistency review, such as repairing or painting of a home, maintaining the property, or maintaining waterfront improvements.

While a SASS provides an additional tool to examine scenic resources, local land use laws and ordinances (site plan review, subdivision review) are always the most important and effective way for a municipality to manage land use changes in its community. It is important to note that whether or not a SASS exists, the evaluation of scenic resources is a component of a consistency review process. Rather than relying on generic scenic values, the SASS provides a detailed characterization of the scenic resources identified by the community along with guidance on how changes, alterations, or the introduction of new structures to the landscape might add to or detract from those resources.

While there is no specific grant program that applies to SASS-designated areas, SASS designation may allow a grant application in a SASS-designated area to score higher than an application in a non-SASS-designated area due to the regional impact and the characteristics that led to the area's statewide recognition. Also, the partnership effort that the ten municipalities have put into the TIRAP project demonstrates that you can work together as a region to accomplish goals. This background is beneficial

for NYS Department of State grants, NYSDEC Water Quality Improvement grants, and Federal Coastal and Estuarine Land Conservation Program grants (CELCP).

Next steps

After the TIRAP plan has undergone a thorough public review and is finalized, the participating communities should consider whether they wish to pursue the formal SASS designation. DOS would not advance designation without a clear indication of local support.

Whether or not all or some of the municipalities decide to move forward with the SASS designation, the products of the TIRAP grant project will be invaluable resources for community leaders that are interested in expanding the reach of tourism marketing and business promotion. DOS encourages the utilization of the valuable information included in the TIRAP to build a strategy for sustainable economic development and community revitalization by promoting the region's rich array of scenic resources.

Thank you for the opportunity to provide information related to scenic areas of statewide significance and coastal consistency. In addition to this memo we are also providing information in a separate document to answer various questions that have arisen about SASS and coastal consistency. We look forward to working with you and the involved municipalities on completion of the TIRAP grant project.

Sincerely,



Stephen Ridler  
Coastal Program Assistant Manager

## **Answers to Questions from December 6, 2014 Town of Hammond Town Board Meeting**

The questions and answers seek to explain the purpose and meaning of the designation of a Scenic Area of Statewide Significance (SASS). Please note that these explanations are intended for general information only, and do not represent official opinions, binding decisions or legal advice on any particular projects or hypothetical situations.

### **1. Will these regulations impact repairs to old island homes?**

No. The SASS designation will only be considered as part of coastal consistency review, which will be conducted for some State and Federal government activities (see Question #3 below), and some local government activities in communities with a federally-approved Local Waterfront Revitalization Program (LWRP). Routine repairs and maintenance of homes will usually not require governmental approvals and consistency review is not likely to be conducted. A SASS would not usually apply to such actions.

### **2. Do these regulations issue standards about how repairs to homes will be done?**

No; see Question #1 above.

### **3. Who has the final say if a project will be done or not?**

The SASS designation is not a stand-alone action. It does not impose any new permit or approval process or have any role in determining which agency is the final decision-maker on a given project. The SASS designation comes into effect during the consistency review process. Like the State Environmental Quality Review Act (SEQRA), coastal consistency reviews piggy-back on the applicable federal, state or local agency action.

Once designated, the SASS is identified on the Coastal Area Map. Each SASS is broken down into discrete subunits. Individual subunits are described in a narrative, which is used to aid government agencies and applicants to make appropriate land use and consistency decisions. The narrative contains the SASS's location, its salient visual characteristics and a summary of scenic components to be used in evaluating the effect of future development on scenic quality. Subsequent to the adoption of the SASS designations at the state and federal levels, consistency reviews of development projects will be conducted using the program methodology.

When considering proposed actions, agencies must first determine whether an action could affect an identified SASS and second, determine if the proposed activities would impair scenic quality. The policy contains siting and facility related guidelines which are to be used to evaluate the impact of the proposed development in the particular landscape. Such measures may include appropriate siting and buffering of development to preserve open space and views, maintaining vegetative cover and landforms, and using appropriate materials and scale to ensure that structures are compatible with the landscape.

For local activities, such as a site plan or subdivision approval, the local government decides whether to approve the site plan, subdivision, or other local permit. If the local government has a federally-approved LWRP, it would conduct its own local coastal consistency review as part of deciding whether to issue the local approval or permit. In conducting the local coastal consistency review, the municipality will consider the effect of the action on the visual

standards and criteria in the SASS designation and its overall effect on the SASS policy.

For federal agency activities that affect coastal resources in the municipality, such as a dredging or filling permit from the Army Corps of Engineers, the NYS Department of State (DOS) conducts a federal coastal consistency review and provides findings to the federal agency. The federal agency then uses that review in making a determination whether to issue the permit or not. In conducting the federal coastal consistency review, DOS will consider the effect of the action on the visual standards and criteria in the SASS designation and its overall effect on the SASS policy.

For State activities, such as a NYS Department of Environmental Conservation (DEC) wetland permit, the NYS agency issuing that permit does their own state coastal consistency review of their own agency action and uses it in making their determination whether to issue the permit or not. In conducting the state coastal consistency review, the state agency will consider the effect of the action on the visual standards and criteria in the SASS designation and its overall effect on the SASS policy.

#### **4. What is definition of viewscape as it would pertain to wanting to clear cut 10 acres or more?**

The term “viewscape” is not used in the SASS program. Where the clear-cutting is undertaken in a SASS, and where clear-cutting is a regulated activity and requires coastal consistency review, the government undertaking the review (see Question #3 above) would consider the effect of clear-cutting on the visual standards and criteria in the SASS designation and its overall effect on the SASS policy.

#### **5. Describe more clearly “consistency” in coastal management.**

An activity that is subject to review under federal or state laws will be judged for its consistency with the State Coastal Policies. Once a determination is made that the proposed action is subject to consistency review, all relevant policies of the Coastal Management Program are used in the review. Federal agencies must comply with the policies listed in the State CMP document, or in an approved LWRP. State agencies are bound to comply with the State Coastal policies through the provisions of the Waterfront Act and regulations, as well as other pertinent state laws. Local governments with a State approved LWRP are required to adopt local laws to ensure that before a local government action (including permit actions) is taken, local consistency review takes place.

The principal aims of consistency reviews are to ensure that coastal management concerns are incorporated into project designs and into the decision-making processes of public agencies, to increase coordination among such agencies in the review of projects affecting coastal resources and to increase public awareness of the importance of the State's coastal resources.

Consistency review is not a separate permitting process. Rather, it requires governments wishing to take an action (such as issuing a permit or approval) in the State's coastal zone to consider the action's consistency with the NYS CMP. (See Question #3 above for a discussion of which agency is responsible for conducting consistency review.) With some limited exceptions, agencies cannot take actions that have been found inconsistent with the NYS CMP.

For more information regarding consistency, see:

- Federal Agency Actions: See the federal [Coastal Zone Management Act \(CZMA\)](#) and the federal consistency regulations found at [15 CFR part 930](#). DOS's website discusses federal consistency [here](#).
- State Agency Actions: In New York State, the [Waterfront Revitalization of Coastal Areas and Inland Waterways Act](#) – Article 42 of the New York State Executive Law – includes provisions to assure consistency of State actions with the enforceable policies of the CMP. DOS's website discusses state consistency [here](#).
- Local consistency (for municipal decision-making only): Local governments with approved [Local Waterfront Revitalization Programs](#) (LWRP) enact local consistency provisions. [Click here](#) for a list of federally-approved LWRPs.

**6. If a farmer is participating in a state or federal agricultural cost share plan, would having a SASS nearby affect the ability to receive money?**

If the land involved in the cost share plan is not in the SASS, it is very unlikely that coastal consistency review would be required for the farmer to receive the money. If the land involved in the cost share plan is in the coastal zone and in a designated SASS area, it may be subject to coastal consistency review, and therefore would be reviewed for impacts to the coastal area, including visual impacts. Note, however, that visual impacts of agricultural activity are often minor, and in the Thousand Islands region, agriculture tends to enhance rather than harm the area's scenic quality.

**7. Can you leave the project if you find it is not working for you?**

19 NYCRR Section 602.4(f) provides that the Secretary of State may repeal or modify a SASS designation in some instances.

**8. Outline more clearly the process of the application for designation.**

See #8A below.

**8.A Will a resolution be required from each community to formally adopt the SASS? There were questions about the adoption/endorsement process.**

DOS is responsible for designating SASSs. ~~Local resolutions are not required for designation.~~ (Revised in 2015) DOS requests that municipalities indicate by resolution whether they do or do not wish to have a designated SASS within their borders. The designation process is as follows:

1. Conduct a visual inventory and assessment of the proposed SASS. Because the Thousand Islands Regional Assessment project was funded through a NYS EPF grant, this step included extensive public involvement from the beginning.
2. Prepare a report that describes the assessment method used and provides a detailed description of the proposed SASS.
3. Comply with the State Environmental Quality Review Act: Prepare a full Environmental Assessment form, Determination of Significance, and Coastal Assessment Form.
4. Schedule a public hearing and advertise it in the Environmental Notice Bulletin (ENB),

- local paper(s), and local government websites as applicable.
5. Hold the public hearing and record public comments. ~~There is no formal resolution required from local governments in the SASS. However, a~~ (Revised in 2015) At this stage if a municipality does or does not wish to have a designated SASS within their borders the local board should indicate that by resolution and ask for the resolution to be included in the public comments.
  6. Revise the SASS report based on the public comments.
  7. Circulate the Final SASS document to state agencies.
  8. Incorporate state agency comments and submit the final report to the Secretary of State.
  9. The Secretary of State prepares a written determination with findings in support of each area to be designated.
  10. The Secretary of State (through the Department of State Office of Planning and Development) makes the appropriate significant area identifications on the coastal area map.
  11. Copies of the amended coastal boundary maps are filed with the clerks of each county and local government within whose jurisdictions the identified areas are situated
  12. The designation of significant areas takes effect on the 15<sup>th</sup> day of the month following the month during which the amended maps are filed in the office of the town or village clerk.
  13. The SASS can then be submitted to the federal agency responsible for administering the federal Coastal Zone Management Act (U.S. Department of Commerce) for approval and inclusion in the State CMP for use in federal coastal consistency decisionmaking.

## **9. What is the “scenic protection plan” as a product?**

The “scenic protection plan” was used in the DOS Work Program for the grant awarded to the Town of Hammond on behalf of ten municipalities for this project, #C1000223 (Thousand Islands Regional Assessment Project). The product will be a report comprised of an inventory of visual, physical and cultural characteristics of the landscape in the study area; delineation of visual districts and sub-units; results of a community-based visual survey; evaluation of scenic quality and areas proposed for Scenic Areas of Statewide Significance; narrative description of each proposed SASS area; and suggested implementation techniques for the ten municipalities in the study area. The report is being prepared by Dodson & Flinker Associates with input and guidance from the Project Advisory Committee, residents of the ten Thousand Islands communities, local organizations, and the DOS.

## **10. Do SASS areas have the ability to get grant money that will be used for land trust purchases?**

There is no specific grant program that applies to SASS-designated areas. However, the SASS designation may allow a grant application for land purchase in a SASS-designated area to score higher than an application for purchase in a non- SASS-designated area due to the visual, physical, and cultural characteristics that led to the area’s statewide recognition.

## **11. How much SASS designated land is now in land trusts?**

Because SASS is not a land acquisition tool, we have not collected this information.

## **12. How does the organization “Scenic Hudson” have ties with SASS areas?**

There is no formal connection between Scenic Hudson, which is a private not-for-profit organization, and the SASS program, which is administered by DOS.

## **13. Be more specific about what policy 24 means.**

Policy 24 provides that actions should not “Prevent impairment of scenic resources of statewide significance.” Policy 24 consists of three focus areas:

1. Criteria to be used in determining scenic resources of statewide significance: quality, uniqueness, public accessibility and public recognition.
2. Steps to follow to determine whether a proposed action could affect a designated scenic area of statewide significance:
  - a. Review of the coastal area map to determine the location of the project in relation to the SASS;
  - b. Review of the type of activity proposed to determine if it would be likely to impair the scenic beauty of the SASS. The policy lists activities that would be considered an impairment.
3. Guidelines that can be applied, where applicable, when reviewing a proposed project in the coastal boundary in a SASS. The guidelines include siting and design principles that could modify a project to potentially make it compatible with the SASS.

## **14. Question about an Article 51 – Acquisition. Allowing land trusts to buy land in SASS areas.**

This law, N.Y. Environmental Conservation Law § 51-0701, refers to the 1972 Environmental Quality Bond Act. The funding from this Bond Act has been exhausted and so it is no longer available to make acquisitions.

## **15. Does the word “scenic” change things under policy 24 if we become as SASS area.**

We are not sure what this question is asking.

## **16. What has been tourism dollar increase in other SASS areas?**

We are not aware of any studies that have been done specifically on tourism dollars in SASS areas.

## **17. What grants could we get that we don’t not already get?**

There are no specific grants for SASS areas. However, a SASS designation’s official recognition may allow grant applications in a SASS-designated area to score higher due to the visual, physical, and cultural characteristics that led to the area’s designation. This may help with NYS Department of State grants, NYS DEC Water Quality Improvement grants, and Federal Coastal and Estuarine Land Conservation Program grants (CELCP).

## **18. What are the implications on development when having a SASS designation?**

As discussed in Question #5 above, the SASS designation does not introduce any new permits. The SASS designation introduces an additional set of review criteria and guidelines focused on scenic quality when consistency review is conducted for some types of government actions. If it is determined that a proposed project would affect scenic quality, the guidelines are suggestions for siting and design that could potentially make a proposed project compatible with the SASS.

**19. What are property rights implications when having a SASS designation?**

None. See Question #18 above.

**20. Can we ask other communities what their experience has been?**

Yes, definitely. Here are some contacts:

Marguerite Wolffsohn, Planning Director, Town of East Hampton [mwolffsohn@EHamptonNY.Gov](mailto:mwolffsohn@EHamptonNY.Gov) 631-324-2178

Michael Trimble, Former Chairman, Town of Rhinebeck Planning Board 845-876-3543 [pmtrimb@frontiernet.net](mailto:pmtrimb@frontiernet.net) Melodye Moore, Acting Chair, Town of Rhinebeck Planning Board - for contact information call Joan Winne, Planning Board Secretary 845-876-3409 .

Fran Dunwell, Coordinator of the Hudson River Estuary Program [frances.dunwell@dec.ny.gov](mailto:frances.dunwell@dec.ny.gov) (845) 256-3016

**21. Won't this designation just open the door for needing new permits? Where does it end?**

No. The SASS designation does not introduce any new permits. See Questions #5 and #18 above.

**22. Will DOS also look at "medium" size projects? What size project would require review?**

DOS's review of a project depends on which agency is taking an action, not the size of the action. See Question #3 above. If no federal agency activity is required for a project, DOS will not conduct consistency review.

**23. As an example, what if Singer Castle [on Dark Island in the Town of Hammond] was proposed as a project today? Would there be any objections there?**

Depending on which government approvals would be needed for construction, coastal consistency review (including SASS review, if the construction would affect a SASS) may be conducted as part of the government's decisionmaking process. See Question #3 above. The draft Thousand Island Regional Assessment Project (TIRAP) report emphasizes that historic architecture is seen as especially important in enhancing the scenery of the region. Assuming this is reflected in the final TIRAP report, which would be used as the reference for the SASS designation, an agency's consistency review would consider certain architectural styles as having a positive impact on the visual quality of the SASS.

**24. Will people on islands have a problem with their individual house?**

No. See Questions #1, #5 and #18 above.

**25. What is difference of designation vs law vs statute?**

With respect to a SASS, a designation marks out a specific geographic area where a special resource has been recognized for its important scenic and visual qualities. The designation provides government agencies scenic review criteria to consider when assessing potential impacts to the resource from a proposed project.

“Law” refers to any of the statutes, regulations, judicial precedents, and other binding rules and standards that govern society. Statutes are laws enacted by a legislature.

**Questions from Town of Hammond Planning Board:**

**26. What permit requests and to which agency would trigger a “yes” answer to C1b involving alteration to more than two acres of shoreline property and how would that be impacted by SASS?**

A project involving alteration of more than two acres of shoreline property may require a Rivers and Harbors Section 403 or Clean Water Act Section 404 permit from the Federal Army Corps of Engineers, and/or a Protection of Waters Article 15 and/or Freshwater Wetlands Article 24 permit from the NYS DEC. In such an instance, DOS would conduct the federal consistency review based upon the coastal assessment form submitted by the Army Corps, and NYS DEC would conduct its own state agency consistency review of its permitting action.

**27. There are a multitude of Federal and State regulations and programs that have some type of jurisdiction over some or all of Hammond. (Wet lands, Pure Water, Marine Protection etc.) Which ones, if any will be impacted by SASS and in what way?**

See Question #3 above.

**28. What other Federal or State programs exist that would result in some SASS like scenic review or evaluation? If any, how are they administered and applied?**

See Question #32 below.

**29. What is the criteria used by the DOS and/or permitting department in their evaluation of any request? Can we have access to the Power Point Slides used in training the DOS and/or permitting department staff that are responsible for this evaluation? Is there any written handbook or guideline pertaining to the review process?**

Information on consistency review is available on the DOS website at the following links:

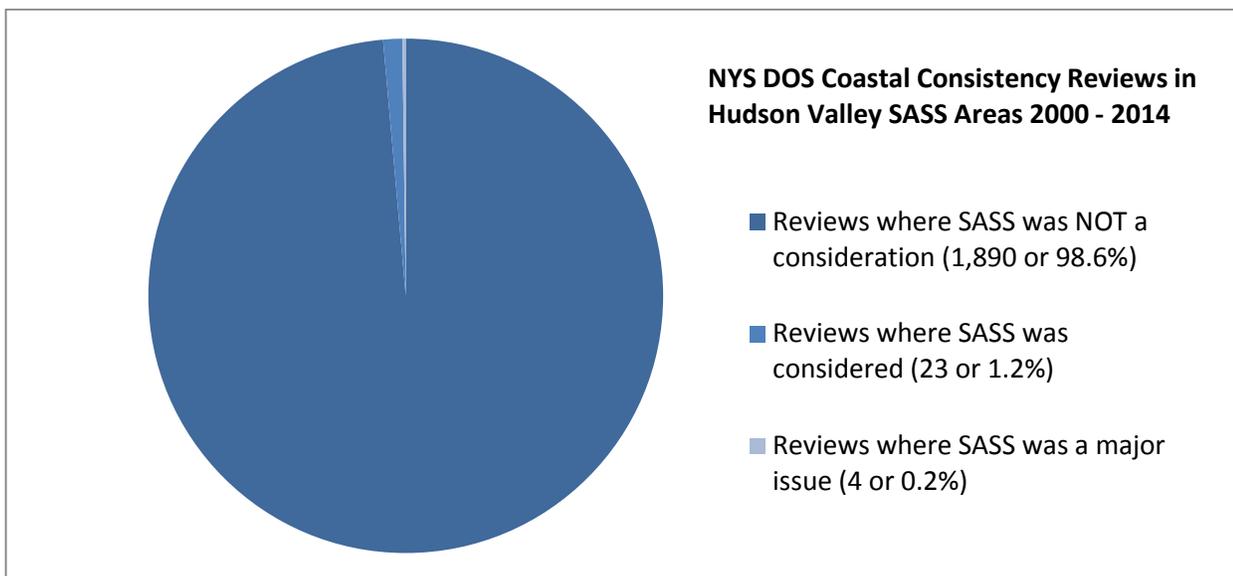
<http://www.dos.ny.gov/opd/programs/consistency/federal.html>

<http://www.dos.ny.gov/opd/programs/consistency/consistencyfaq.html>

**30. Over the past ten years, how many Assessment Forms have been completed with C2d checked "yes"; source, reason, outcome?**

A preliminary analysis of the DOS Coastal Consistency Reviews database, from the year 2000 to 2014 identifies 1,917 coastal consistency reviews which could potentially affect a designated SASS area in the Hudson Valley. Out of the 1,917 (summarized in the pie chart below):

- Coastal consistency reviews where SASS was NOT a consideration = 1,890 (98.6 %)
- Coastal consistency reviews where SASS was a consideration = 23 (1.2% of the total)
- Coastal consistency reviews where SASS was a significant issue = 4 (0.2% of the total)



**31. What Federal or State agencies/departments issue permits that would require the Assessment Form to be completed?**

See the attached list of Federal actions excerpted from the NYS CMP. State agency direct actions and state permits that are Type 1 or Unlisted under the State Environmental Quality Review Act (SEQR) would require completion of the coastal assessment form.

**31A. What Federal or State permit is required for any land side construction, improvements, alterations or any other modification to private property as long as it is not altering the shoreline or creating any discharge into the river? If the answer is none, then any concern about Policy 24 and/or SASS is moot. I think that I am hearing mostly that people's fears are of the vagueness of policy 24 and the process by which a coastal checklist is reviewed. If those are clarified in writing that will go a long way.**

The permits required for a given project vary widely based on the specific characteristics of the project. If a residential or commercial project is proposing to alter a wetland, disturb the bed or banks of a stream, discharge wastewater, solid or hazardous waste, or discharge pollutants into the air, one or more government issued permits may be required. However, even some wetland activities are exempt from permitting (see the attached Nationwide Permits document).

### **32. Are there any other Assessment Forms that have a C2d type question?**

The current (as of January 2015) versions of these State Environmental Quality Review Act (SEQRA) forms have similar questions:

- Full Environmental Assessment Form, Part 1, Question E.3.h: "Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?"
- Full Environmental Assessment Form, Part 2, Question 9: "Impact on Aesthetic Resources. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
*If "Yes", answer questions a - g. If "No", go to Section 10. "*

For more information on the SEQRA forms go to: <http://www.dec.ny.gov/permits/6191.html>

Note, in response to a question from the Town of Hammond, that Hudson Valley municipalities, agencies and projects are already subject to SEQRA, and have been since the law's inception in 1978.

# NEW YORK STATE COASTAL MANAGEMENT PROGRAM

## Section II-9

**Table 2<sup>1</sup>: 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 requiring: **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.

### **I. Activities Undertaken Directly By or On Behalf of Federal Agencies**

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 D, and the New York Coastal Management Program.

#### 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.

#### Department of Defense, 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.

---

<sup>1</sup> Amended in 2006

Department of Interior, National Park Service:

National Park and Seashore management and proposed acquisitions.

Department of Interior, Minerals Management Service:

OCS lease sale activities including tract selection, lease sale stipulations, etc.

Department of Transportation, 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.

Department of Transportation, 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.

Department of Transportation, 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).

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.).

**\*\*See additional list of ACOE permits that are NOT subject to consistency review.\*\***

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)).

Department of Energy, 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 Services:

Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).

Department of Interior, Mineral Management Service:

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.

Interstate Commerce Commission:

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).

Department of Transportation, 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
- 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
- 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. 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

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*