

PUBLIC NOTICE
Department of State
Notice of Routine Program Change Implementation
of the
New York Coastal Management Program

STATEWIDE - In accordance with Federal regulations in 15 CFR Part 923.84.(b)(4), the New York State Department of State (DOS) hereby provides notice that on March 28, 2006, the federal Office of Ocean and Coastal Resources Management (OCRM), in the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, concurred with a DOS determination that changes to the list of federal agency activities in Table 2 of the New York Coastal Management Program, that are subject to review by DOS in accordance with 15 CFR Part 930, and the addition of a new Table 2A list of interstate activities subject to DOS review, are Routine Program Changes to Uses Subject to Management and Coordination, Public Involvement and the National Interest, and approved these changes.

Federal consistency provisions in 15 CFR Part 930 apply with the approved change effective on the date of publication of this notice.

For further information contact: Steven C. Resler, Deputy Bureau Chief, Division of Coastal Resources, at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

From: Carleigh Trappe <Carleigh.Trappe@noaa.gov>
To: Steven Resler <SRESLER@dos.state.ny.us>
Date: 3/28/2006 2:57:42 PM
Subject: Interstate RPC approval

Steve,
I tried to fax the approval letter to you this morning, but I don't think it went through. A scanned copy is attached and the original is in the mail.
-Carleigh

--

Carleigh Trappe
Coastal Management Specialist
NOAA/NOS/OCRM
1305 East-West Highway, SSMC4, N/ORM3
Silver Spring, MD 20910
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*Interstate Consistency
RPC approval*



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

Mr. George R. Stafford
Director, Division of Coastal Resources
New York Department of State
41 State Street
Albany, New York 12231

MAR 28 2006

Dear Mr. Stafford,

Thank you for your letter dated February 6, 2006, requesting that the Office of Ocean and Coastal Resource Management (OCRM) approve the incorporation of the changes to the text of Table 2 and the addition of Table 2A into the New York State Coastal Management Program (NYSCMP) as a Routine Program Change (RPC) pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H and OCRM Program Change Guidance (July 1996). We did not receive any comments on your request.

A change to a state's federal consistency list, including interstate activities, is, generally, a change to Uses Subject to Management since a state is either adding new federal license or permit activities to review, or expanding its review of existing uses/federal license or permit activities to new geographic areas. The federal consistency lists are also part of a state's Coordination, Public Involvement and National Interest component.

Based on our review of your submission, we concur that the changes to Table 2 and the addition of Table 2A are RPCs to Uses Subject to Management and Coordination, Public Involvement and the National Interest, and OCRM approves the incorporation of these tables into the NYSCMP. Table 2A, Interstate Activities, was developed in accordance with 15 C.F.R. part 930, subpart I, as described below.

The NYCMP's list of interstate activities in Table 2A includes three activities that require permits, licenses, or other forms of approval by the U.S. Army Corps of Engineers. The activities are pursuant to sections 9 and 10 of the Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (permits for ocean disposal of dredged material). These three activities are currently part of New York's list of federal license or permit activities and subject to federal consistency review by New York. This RPC does not add new activities, but includes an expanded geographic area in Connecticut, as authorized by 15 C.F.R. part 930, subpart I.

The geographic location for these activities includes clearly defined areas in the state of Connecticut. The geographic areas were coordinated with Connecticut and are similar to those proposed by Connecticut, encompassing the Bryam River to the Route 1 Bridge, and Long Island Sound and Fishers Island Sound to the 20-foot contour closest to the opposing state.

New York described effects from activities occurring within these areas of Connecticut as follows. Activities pursuant to sections 9 and 10 of the Rivers and Harbors Act of 1899 affect



the use of New York waters by potentially interfering with navigation. Activities pursuant to section 404 of the Clean Water Act and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 affect New York resources by potentially increasing the load of sediments, which may also include contaminants. The sediments and the possible pollutants have various negative effects on habitats and species, including commercial fisheries. The effects are described in greater detail in New York's RPC submission. OCRM concurs with New York's description of effects since: (1) location of resources and uses in Long Island Sound and circulation of water in the Sound is well known; and 2) New York is limiting its interstate description to those activities that present the most common source of federal permits that would impact New York coastal uses or resources. If New York, or other states, propose reviewing interstate activities farther removed from a state's coastal zone or for areas or activities not as widely understood, the state's effects analysis may need further information.

During the development of the interstate activities list, the NYCMP consulted with Connecticut and relevant Federal agencies. Connecticut indicated in writing that it has no objections to the list.

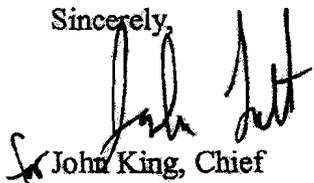
Federal consistency shall apply to the approved changes once you publish notice of the approval, pursuant to 15 C.F.R. § 923.84(b)(4). Please provide this office with a copy of the public notice.

Once you publish notice of OCRM's approval, only the listed federal license or permit activities located within the described geographic areas in Connecticut will be routinely subject to New York's interstate federal consistency review. If New York wants to review other interstate activities, or the listed interstate activities in areas outside of the described geographic areas, New York must either amend its list or seek case-by-case review as an unlisted activity under 15 C.F.R. § 930.54.

In addition, consistent with recent OCRM advice provided to states seeking interstate review, states do not need to describe geographic areas within other states for the review of Federal agency activities under 15 C.F.R. part 930, subpart C in their coastal management programs. This is because, whether listed or whether a geographic location is described, a Federal agency is obligated to determine whether its activity, regardless of location (including within the boundaries of another state) will have reasonably foreseeable effects on a state's coastal uses or resources. NOAA included 15 C.F.R. § 930.155(a) to specifically address this matter; that, while NOAA encourages states to consult with Federal agencies for interstate Federal agency activities, NOAA's interstate regulations do not affect the obligation for Federal agencies to provide consistency determinations to states for activities with coastal effects.

Should you have any questions, please call Carleigh Trappe at (301)-713-3155, extension 165.

Sincerely,



John King, Chief
Coastal Programs Division

Any interested parties and/or agencies desiring to express their views regarding this proposed activity may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or March 8, 2006.

PUBLIC NOTICE

Department of State Notice of Proposed Routine Program Change to the New York Coastal Management Program

Federal regulations require New York State to provide public notice of its routine program change of the State's Coastal Management Program (CMP) to the general public, local governments, other state agencies and regional offices of relevant federal agencies.

Pursuant to 15 CFR 923.84(b), the New York State Department of State (DOS), which administers the CMP, has submitted to the federal Office of Ocean and Coastal Resource Management a routine program change to the CMP. The DOS considers this change to be routine, in accordance with 15 CFR 923.84, and requests OCRM's concurrence with this determination. The change is being made because the list of activities in the CMP, subject to consistency with the CMP and routine review by the DOS, has remained unchanged since initial approval of the CMP more than twenty years ago. The change covered by this request are updated references to the list of: 1) activities undertaken directly by or on behalf of Federal agencies (see 15 CFR Part 930, Subpart C); 2) requiring permits or other forms of authorization from Federal agencies (see 15 CFR Part 930, Subpart D); and 3) activities involving financial assistance from Federal agencies. These activities are subject to and require review by the Department of State in accordance with the consistency provisions of the Federal Coastal Zone Management Act (CZMA), its implementing regulations in 15 CFR Part 930, and the CMP. The updates to the existing list of activities does not change the types of activities subject to review by the Department, nor does it affect procedural or other elements of the CMP.

This program change also includes, in accordance with 15 CFR Part 930, Subpart I, a new listing of interstate activities (activities in states other than New York) that would have reasonably foreseeable effects on coastal resources and uses in New York. The review by DOS of these interstate activities, for consistency with the CMP, would be required.

The DOS has requested concurrence of the Office of Ocean and Coastal Resource Management, in the National Oceanic and Atmospheric Administration, that these actions constitute a routine program change in accordance with 15 CFR Part 923. Copies of the routine program change are available for review in Albany at the NYS Department of State Coastal Management Program offices at 41 State Street, Albany, NY 12231. Any comments on whether the action does or does not constitute a routine program change should be submitted by February 28, 2006 to: John King, Chief, Coastal Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, U.S. Department of Commerce, 1305 East West Highway, Silver Spring, MD 20910

Further information regarding this action may be obtained by contacting: Steven C. Resler, Division of Coastal Resources, Department of State, 41 State St., Albany, NY 12231-0001, (518) 474-5290, e-mail: sresler@dos.state.ny.us

PUBLIC NOTICE

Department of State

A meeting of the New York State Security or Fire Alarm Installer Advisory Committee will be held on Friday, February 17, 2006 at 10:00 a.m. at the Department of State, Division of Licensing Services, 84 Holland Avenue, First Floor Conference Room, Albany, NY.

Should you require further information, please contact: Carol Fansler (cfansler@dos.state.ny.us) at (518) 486-3857

Please always consult the Department of State website (www.dos.state.ny.us) on the day before the meeting to make sure the meeting has not been canceled.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Roy Scott, Codes Division, Department of State, 41 State Street, Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2006-0009 Matter of Akiba Cohen, 959 Westwood Road, Woodmere, NY, for an appeal and/or variances concerning fire-safety requirements, including the need to sprinkle a three-story building.

Involved is the alteration of a one-family dwelling of frame construction, located at 959 Westwood Road, Town of Hempstead, County of Nassau, State of New York.

2006-0053 Matter of Nokia Corp., 102 Corporate Park Drive, Harrison, NY, for a variance concerning egress requirements.

Involved is a proposed new building, located at 102 Corporate Park Drive, Town of Harrison, County of Westchester, State of New York.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

Mr. John King
Chief, Coastal Programs Division
U.S. Department of Commerce
National Ocean Service
Office of Ocean and Coastal Resource Management
Silver Spring, Maryland, 20910

February 6, 2006

Dear Mr. King:

In response to the August 24, 2005 and November 22, 2005 letters to us from the Office of Ocean and Coastal Resources Management (OCRM) regarding proposed routine program changes to the New York Coastal Management Program (NYCMP), we are resubmitting our proposed routine program change. The materials for that resubmission are enclosed.

This routine program change is significantly different than that provided to OCRM last July. It does not involve changes to any of the existing listed activities in the NYCMP that had been and are now subject to routine review by New York in accordance with 15 CFR Part 930. This routine program change instead involves the rewording of descriptions of three categories of activities currently subject to review by New York in accordance with 15 CFR Part 930, Subparts C, D, and F, and the addition of text to identify which of the 15 CFR Part 930 Subparts apply to those categories of activities. These minor explanations involve no substantive change to the NYCMP.

This routine program change also includes a new list of interstate activities. This list is significantly different than that submitted in July 2005, and is limited to those activities in Connecticut likely to have coastal effects of significant concern in New York. Connecticut has indicated in writing that it has no objection to this listing in the NYCMP, and no Federal agency has objected to these activities.

As our Routine Program Change Analysis indicates, New York considers this a routine program change, and we respectfully request OCRM's concurrence with that determination.

If OCRM has any questions or needs any other information or assistance regarding this matter, I may be contacted at OCRM's convenience at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,

Steven C. Resler
Deputy Bureau Chief, Resources Management Bureau
Division of Coastal Resources

SCR/bms

c: Carleigh Trappe - OCRM (w/out enclosure)
David Kaiser - OCRM (w/out enclosure)

New York State Coastal Management Program
Routine Program Change

Request for OCRM Concurrence
February 2006

Text Changes to Table 2 Listing of Activities Subject to Review
in Accordance with 15 CFR Part 930

New Table 2A Listing of Interstate Activities Subject to Routine Review
in Accordance with 15 CFR Part 930

Submitted by:

New York State Department of State
Division of Coastal Resources
41 State Street - 8th Floor
Albany, New York 12231-0001

**New York State Coastal Management Program
Routine Program Change
February 2006**

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I. Introduction

New York's Coastal Management Program (NYCMP) has been implemented successfully for more than two decades. It is and has been implemented successfully in large part through consistency provisions of the Federal Coastal Zone Management Act (CZMA), and implementing regulations in 15 CFR Part 930. These consistency provisions apply to: 1) activities undertaken directly by or on behalf of Federal agencies; 2) activities requiring permits, licenses, or other forms of approval or authorization from Federal agencies; 3) Outer Continental Shelf exploration, development and production activities; and 4) federal assistance to state and local governments.

Since its approval in 1982, the NYCMP has included in it a listing of activities routinely subject to review by New York in accordance with the consistency provisions of the CZMA and 15 CFR Part 930. That listing is Table 2 of the NYCMP document. The activities listed in that Table 2 had always been subject to consistency reviews by New York when they would be undertaken within New York's coastal area, and outside of New York's coastal area and having any reasonably foreseeable effects on any coastal resources or uses of New York's coastal area. When those listed activities were being contemplated in New York's coastal area, Federal agencies, applicants for Federal agency permits or other forms of authorization or approval, and applicants for financial assistance from Federal agencies routinely submitted consistency determinations (for Federal agency activities) or certifications (for activities requiring Federal agency approvals or other forms of authorizations) to New York so that New York could review those activities for consistency with the enforceable policies of the NYCMP. Federal agencies and applicants also submitted consistency determinations and certifications to New York for activities listed in Table 2 of the NYCMP, but in other states, when Federal agencies, applicants, or New York determined that the activities would have reasonably foreseeable effects on coastal resources or uses of New York's coastal area. In accordance with the CZMA and amendments to it in 1991 (Coastal Zone Act Reauthorization Amendments), which strengthened and made clear that its consistency provisions apply to activities outside of a state's coastal area and having any effect in a state's coastal area, and providing clear authority to a state with an approved CMP to review those activities for consistency with the state's approved coastal management program, certain unlisted Federal agency activities, and activities requiring Federal agency authorizations or approvals, were also subjected to review by New York, whether undertaken within New York's coastal area, or outside of New York's coastal area in another state and having reasonably foreseeable effects on coastal resources or uses of New York's coastal area.

The consistency regulations in 15 CFR Part 930 were amended and became effective in January 2001. Amendments to the regulations included new interstate consistency provisions that became effective in 2002. These new interstate consistency provisions require states to include in their coastal management programs a listing of interstate activities, having reasonably foreseeable coastal effects in the state listing the interstate activity, that are routinely subject to review for consistency with the enforceable policies of a state's coastal management program. For example, an applicant for Federal agency authorization would be required to submit a consistency certification to a state listing, in its coastal management program, the activity for which authorization is requested.

On behalf of the New York Secretary of State, the New York Department of State's Division of Coastal Resources is responsible for the overall administration of the NYCMP. In that capacity the Division is responsible for reviewing activities subject to consistency with the NYCMP in accordance with the CZMA and 15 CFR Part 930. In that capacity the Division has also responded to thousands of inquiries regarding activities subject to the 15 CFR Part 930 regulations. Those inquiries include requests for clarification

regarding which Subparts of the 15 CFR Part 930 regulations apply to the categories of activities listed in the NYCMP.

In 2001 the Division submitted a routine program change to OCRM that included several changes to the NYCMP, including a proposed updated listing of activities in Table 2. OCRM concurred with that routine program change, except for the updated Table 2 listing of activities. OCRM did not concur with that proposed change involving the Table 2 listing because the Division had not consulted directly with Federal agencies regarding those proposed changes. The updated Table 2 listing did not include a listing of interstate activities that would be subject to review by New York.

To remedy these shortcomings, the Division initiated direct consultations with Federal agencies and neighboring in early 2002 regarding New York's proposed updating of Table 2, including a proposed new listing of interstate activities in New Jersey, Connecticut, Rhode Island and Pennsylvania, that would be subject to routine review in accordance with 15 CFR Part 930 by New York (see coordination letters and other communications in Sections VIII and IX of this routine program change submission). The Division revised the new proposed listing in response to those consultations with Federal and State agencies, and in July 2005 resubmitted the new listing to OCRM for routine program change concurrence. In August 2005 OCRM indicated that New York's request for OCRM's concurrence was denied because other notice requirements had not been provided to Federal and other State agencies, the general public, and affected parties. The OCRM denial letter indicated OCRM would subsequently provide detailed comments for the Division's consideration, and provided those comments in November 2005.

After consideration of OCRM's comments, New York has decided not to amend its existing listing of Table 2 activities subject to routine review by New York. This decision is in large part to avoid overburdening Federally regulated entities, Federal agency regulatory programs, and the Division with unnecessary burdens involving consistency reviews of the wide range of activities that might not be of or result in effects of great significance in New York's coastal area, or otherwise significantly affecting resources or uses of New York's coastal area. This NYCMP routine program change instead involves two revisions to the NYCMP. They are:

1. changes to the text of Table 2 of the NYCMP. The changes are minor changes to text clarifying three general types of activities that are routinely subject to consistency reviews by New York. No changes are made to the existing listing of activities; and
2. a new Table 2A, containing a listing interstate activities having reasonably foreseeable effects on coastal resources or uses in New York's coastal area. These newly listed interstate activities will be subject to routine review by New York in accordance with the consistency provisions of the CZMA and 15 CFR Part 930. Applicants requesting permits, licenses, or other forms of Federal agency approval or authorization for these activities must submit consistency certifications to New York for these activities in accordance with 15 CFR Part 930.

The new Table 2A interstate listing is limited to certain activities in Connecticut, in much of the Long Island Sound and the Byram River. These activities were included with several others in the proposed interstate listing originally provided to the Connecticut coastal management program. Connecticut and New York had carefully coordinated respective interstate listings, and both states indicated in writing that they had no objections to either state's interstate listings. This routine program change does not include interstate listings for other states.

II. The Text of the Program Change

There are two changes included with this submission:

- 1) The changes to the text of Table 2 are changes to the descriptions of three categories of activities subject to review by New York in accordance with 15 CFR Part 930. Those changes are (strikeout deleted, and underline added):

FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS LIKELY TO DIRECTLY AFFECTING NEW YORK STATE'S COASTAL AREA 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. Direct Federal Activities and Development Projects 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 C, and the New York Coastal Management Program.

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.

III. Federal Financial Assistance to State and Local Governments

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other

than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

- 2) A new Table 2A lists interstate activities (activities in another state) routinely subject to review by New York in accordance with 15 CFR Part 930. The change is:

Table 2A

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.

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.

III. Routine Program Change Analysis

1. Text Changes to Table 2 Listing of Activities Subject to Review

Federal agencies and others often do not submit applicable and relevant consistency determinations, certifications, and other information in accordance with 15 CFR Part 930 and the NYCMP. In many instances Federal agencies submit to New York consistency certifications, rather than consistency statements and determinations, often in the form of a Federal Consistency Assessment Form intended for applicants rather than Federal agencies. This is often and in part because staff in Federal agencies or their consultants do not or are not aware of the differences between the types of activities subject to CZMA consistency provisions and applicable Subparts of the 15 CFR Part 930 regulations. These changes to text help provide relevant information to Federal agencies and others attempting to comply with relevant regulation and processes.

The changes to the text in Table 2 do not effect a change in uses subject to management of the NYCMP, do not involve special management areas or amend the coastal area boundaries or authorities and organization, and effect no change in any other element of the NYCMP other than providing language clarifying which Subparts of the 15 CFR Part 930 regulations are applicable to the categories of activities listed in the NYCMP and subject to review for consistency with the NYCMP.

2. New Table 2A Listing of Interstate Activities

Prior to amendments to 15 CFR Part 930 limiting a state e's review of interstate activities unless the state includes an approved list of interstate activities in its coastal management program, New York reviewed activities in other states, having reasonably foreseeable effects on resources and uses of New York's coastal area, for their consistency with the enforceable policies of the NYCMP. New York's review of certain interstate activities was subsequently limited when new 15 CFR Part 930 interstate activity regulations became effective in 2002. Specifically, interstate consistency regulations in 15 CFR Part 930 precluded New York's review of activities requiring permits, licenses or other forms of authorization or approval from Federal agencies, in another state, without New York having an approved list of interstate activities, subject to routine review by New York, in the NYCMP.

The new Table 2A is a listing of activities in another state, having reasonably foreseeable effects on resources and uses of New York's coastal area, is a listing of activities that New York once reviewed in accordance with the CZMA and 15 CFR Part 930 until amendments to the 15 CFR Part 930 regulations precluded New York's review of those activities. Since the new listing of activities is comprised of activities that had previously been subject to Federal coastal consistency provisions and review by New York, listing those activities in the new Table 2A interstate listing reestablishes New York's ability to review those activities in accordance with the CZMA and 15 CFR Part 930. This does not effect a change in uses originally subject to management in or by the NYCMP, does not establish or otherwise create new special management areas or effect any changes in boundaries, authorities, or organization of the NYCMP, and does not involve any other substantial changes to the NYCMP.

Based on the foregoing, New York considers these two changes routine program changes in accordance with 15 CFR Part 923.

IV. Table 2 with Text Changes and Explanations

**PROPOSED ROUTINE PROGRAM CHANGE
NEW YORK COASTAL MANAGEMENT PROGRAM**

The following text changes are made to New York's existing approved Coastal Management Program (CMP). New text is in underline, except underlines below the names of Federal agencies. Underlines below the names of Federal agencies is existing underlined text of the existing approved CMP, for example, Department of Commerce, except where noted or explained otherwise by text in [brackets]. Deletions are in ~~strikeout~~, and will not be included in the final document. Text in [brackets] is for explanations or notes regarding changes, and will not be included in the final document.

TABLE 2

[Text changes to the following heading describing this Table 2, the paragraph following it, and to the headers for I, II, and III and paragraphs immediately following those headers are made to: 1) better reflect language in and purposes of the Federal Coastal Zone Management Act (CZMA) and its implementing regulations; 2) distinguish between the types of activities subject to the consistency provisions of the CZMA; and 3) refer agencies and the public to applicable Federal consistency regulations.

These changes are made in response to thousands of written and verbal communications, over a period of more than two decades, involving inquiries regarding applicable sections of the 15 CFR Part 930 consistency regulations and the major types of activities in and affecting New York's coastal area that are routinely subject to those regulations. Except for a new Table 2A listing entitled Interstate Activities at the end of this Table 2, these changes to text have no substantive effect on any enforceable policy of the CMP nor any change in its implementation other than providing better and more accurate information regarding activities subject to specific Subparts of the 15 CFR Part 930 regulations.

In addition, except for new Table 2A entitled Interstate Activities, the following list of activities is the same as the list currently included in New York's existing approved CMP. No changes are made to this current list of activities.]

**FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS LIKELY TO DIRECTLY
AFFECTING NEW YORK STATE'S COASTAL AREA 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. Direct Federal Activities and Development Projects 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 C, 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.

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 of 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 materials 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 Rivers 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 pipelines and 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 Service:

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

Department of Interior, Minerals 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, explorations 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 coal 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

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

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 Waterborne 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 Types Cooperative Agreements
- 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 Mineral Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.592 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
- 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

- 66.0001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.542 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support : Comprehensive Environmental Response, Compensation and Liability (Super fund)

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

V. New Table 2A with Summaries of Reasonably Foreseeable Effects

**PROPOSED ROUTINE PROGRAM CHANGE
NEW YORK COASTAL MANAGEMENT PROGRAM**

[All of the underlined text in following item IV entitled Interstate Activities is new, added to the end of Table 2 of the NYCMP]

Table 2A

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.

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.

[Reasonably foreseeable direct and indirect effects, based on characteristics of the area - Regarding the construction of structures and mooring of vessels in the narrow Byram River water body, the in-water areas adjacent to the shoreline are intensely developed with a wide range of marine structures such as docks, piers, pilings, floats, and bulkheads of varying sizes and configurations. A wide range of types and sizes of commercial and recreational vessels are tied, fixed, or otherwise moored to these structures or other mooring devices, both near and directly abutting the existing navigation channel in the river. There have been instances where it was discovered, through New York's consistency review of these federally regulated activities, that several existing structures and moored vessels were in and others were proposed in the federal channel in both New York and Connecticut. The presence of structures and moored vessels in the channel physically interfered with important water-dependent commercial and recreational navigation in the channel and adjacent areas by other commercial and recreational vessels transiting between facilities in the river in both New York and Connecticut, and to and from facilities in the river and elsewhere. New York notified applicants for the newly proposed structures and the federal government of these circumstances, resulting in administrative and judicial actions culminating in the removal of the structures and vessels from the channel. It is these types of interference with publicly owned resources and appropriate uses of a

designated navigation accessway and other areas that need to be avoided. In the narrow confines of the Byram River, structures or moored vessels within 50' of the existing navigation channel, or the center line of the river which is also the border between New York and Connecticut, are likely to affect navigation in this constricted area, including areas in New York, limiting available space for navigation in areas outside of the federal channel, necessitating greater use of the channel and areas adjacent to it for navigation throughout the area. Available space for a wide range of important uses of the river would be reduced as new structures are constructed and used, and conflicts between uses will intensify as more structures are constructed and more vessels are moored in the area.]

- 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 from the New York and Connecticut state line to 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 from the New York and Connecticut state line to the 20' bathymetric contour closest to the Connecticut shoreline.

[Reasonably foreseeable direct and indirect effects, based on characteristics of the area - The two types of activities preceding this summary of effects involve the introduction of sediments, often including contaminants with them, in the open waters of Long Island Sound. Long Island Sound is a semi-enclosed body of water that has been studied and designated an estuary of national significance in accordance with the National Estuaries Program. Its unique and important characteristics and values and issues necessitating attention on the part of government agencies and others, including the need to comprehensively manage the disposal of dredged materials in Long Island Sound based in part on understandings of site specific and regional and interstate effects of the disposal of dredged materials on the Long Island Sound's overall ecosystem, are included in comprehensive and special purpose studies, reports and management plans for the area over several decades. These include the Long Island Sound Study by the New England River Basins Commission in the 1970's, an Interim Dredged Materials Management Plan developed jointly by federal agencies and the states of Connecticut and New York in the 1980's, a Long Island Sound Study and Comprehensive Conservation and Management Plan developed and approved in accordance with the National Estuary Program, and the Long Island Sound Coastal Management Program developed and approved as an amendment to and element of New York's federally approved Coastal Management Program in accordance with the federal Coastal Zone Management Act. These comprehensive plans and various studies and reports regarding the characteristics of Long Island Sound recognize the strong influences of flood and ebb tides in the Sound, and a generally counterclockwise movement of waters in the Sound as they enter its easternmost end, move westward primarily in its northern half in Connecticut until reaching the more narrow western portions of the Sound, thence moving generally south into New York and eastward off the north shore of Long Island in New York, exiting the Sound to the Atlantic Ocean and Block Island Sound off Long Island's east end. This is visually depicted in models of the movement of currents in Long

Island Sound, including a sloshing effect resulting in the general overall movement of currents and very fine sediments southward toward Long Island. It is generally understood that sediments are carried throughout the Sound's water column by these currents (see general descriptions of currents and sediment transportation and distribution in Signell, R.P., List, J.H., and Farris, A.S., 2000. Bottom Currents and Sediment Transport in Long Island Sound: A Modeling Study. *Journal of Coastal Research*, 16(3), 551-556).

With regard to the general distribution of sediments in Long Island Sound, the United States Geological Survey publication entitled Regional Distribution of Sea-Floor Sedimentary Environments in Long Island Sound by Harley J. Knebel, Lawrence J. Poppe, and Vee Ann Cross includes the following summary description of the movement of sediments in Long Island Sound:

"From the distribution of sedimentary environments we can draw two major inferences regarding the accumulation of fine-grained sediments. First, the regional east-to-west succession of sedimentary environments indicates that the Sound is highly efficient in trapping fine-grained sediments. Bottom sediments derived from...the erosion and winnowing of the sea floor in the eastern Sound are transported westward ... and are sequestered in the central and western parts of the basin."

The disposal of dredged and fill material in open waters clearly results in the suspension of sediments of various types in the water column upon their release at the surface. While most of those sediments drop rapidly toward the benthos, especially larger grained sediments as opposed to fine sediments, finer sediments are carried varying distances downcurrent or downdrift of disposal sites, carrying with them various pollutants, such as heavy metals and organic compounds attached to and otherwise associated with fine sediments (see for example U.S. Army Corps of Engineers Data Submittal for Water Quality Monitoring Event #8 on 14 July 2003 - Providence River and Harbor Maintenance Dredging Project, Data Summary Submission - July 21, 2003). The suspension of sediments discharged in the water column, and immediate and longer term releases of contaminants associated with suspended sediments as well as sediments settling in benthic areas, have varying types and degrees of physical effects on water quality in the immediate area where they are undertaken, for varying distances downdrift of the area where sediments are initially suspended and settle, released over short time, and subsequently carried afield, whether by currents or to varying degrees by organisms occupying disposal sites, having direct physical effects on the water column and immediate, adjacent, and nearby benthic areas, and lesser understood indirect effects both at disposal sites and farther afield. Direct physical effects also have varying types and degrees of direct and indirect effects on species that are elements of, rely upon, or otherwise use disposal sites and adjacent and nearby areas. All of the varying types and degrees of effects on biological resources, and the spatial areas affected, differ depending on the manner in which sediments and other materials are released or otherwise suspended in the water column, the types of sediments or other materials suspended, the types of pollutants associated with sediments, depths of water, and surface and other currents in the areas. Some species, including those supporting or constituting important fisheries, spend parts of their lives in and readily transit and use benthic areas and waters throughout Long Island Sound in both Connecticut and New York. The various and varying degrees

of direct effects of suspended sediments, and any pollutants associated with them, especially when carried into New York waters by currents, and any effects on species using waters in both states, would likely result in varying types and degrees of effects in the water column, in benthic areas, and of species using the water column and of species using the water column and benthic areas of Connecticut and New York. Depending on the circumstances, effects on those resources would likely result in various types and degrees of effects on human uses of those resources in New York, including commercial and recreational fisheries and markets. Given the complexities and wide range of circumstances involving any particular types and means of disposing of or managing the disposal of dredged materials, specific types and degrees of those effects and their effects on and consistency with the enforceable policies of the New York CMP can not be predetermined. Therefore, the specific circumstances involving the disposal of dredged and fill materials in the Sound and specific types and degrees of effects on coastal resources and uses must be fully assessed in order to assess the overall effects of the activities on coastal resources and uses, and based on those effects, on and the consistency of the activities with applicable coastal policies of the New York CMP.]

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VI. Public Notice

PUBLIC NOTICE
Department of State
Notice of Proposed Routine Program Change
to the New York Coastal Management Program

Federal regulations require New York State to provide public notice of its routine program change of the State's Coastal Management Program (CMP) to the general public, local governments, other state agencies and regional offices of relevant federal agencies.

Pursuant to 15 CFR 923.84(b), the New York State Department of State (DOS), which administers the CMP, has submitted to the federal Office of Ocean and Coastal Resource Management a routine program change to the CMP. The DOS considers this change to be routine, in accordance with 15 CFR 923.84, and requests OCRM's concurrence with this determination. The change is being made because the list of activities in the CMP, subject to consistency with the CMP and routine review by the DOS, has remained unchanged since initial approval of the CMP more than twenty years ago. The change covered by this request are updated references to the list of: 1) activities undertaken directly by or on behalf of Federal agencies (see 15 CFR Part 930, Subpart C); 2) requiring permits or other forms of authorization from Federal agencies (see 15 CFR Part 930, Subpart D); and 3) activities involving financial assistance from Federal agencies. These activities are subject to and require review by the Department of State in accordance with the consistency provisions of the Federal Coastal Zone Management Act (CZMA), its implementing regulations in 15 CFR Part 930, and the CMP. The updates to the existing list of activities does not change the types of activities subject to review by the Department, nor does it affect procedural or other elements of the CMP.

This program change also includes, in accordance with 15 CFR Part 930, Subpart I, a new listing of interstate activities (activities in states other than New York) that would have reasonably foreseeable effects on coastal resources and uses in New York. The review by DOS of these interstate activities, for consistency with the CMP, would be required.

The DOS has requested concurrence of the Office of Ocean and Coastal Resource Management, in the National Oceanic and Atmospheric Administration, that these actions constitute a routine program change in accordance with 15 CFR Part 923. Copies of the routine program change are available for review in Albany at the NYS Department of State Coastal Management Program offices at 41 State Street, Albany, NY 12231. Any comments on whether the action does or does not constitute a routine program change should be submitted by February 28, 2006 to:

John King, Chief
Coastal Programs Division
Office of Ocean and Coastal Resource Management
National Ocean Service
U.S. Department of Commerce
1305 East West Highway
Silver Spring, MD 20910

Further information regarding this action may be obtained by contacting:

Steven C. Resler
Division of Coastal Resources
New York State Department of State
41 State Street
Albany, NY 12231-0001
Phone: (518) 474-5290
E-mail: sresler@dos.state.ny.us

VII. Federal Agency Coordination Communications



Coordination Letters to Federal Agencies
(Note: sent 3/27/02, not 3/27/01)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

March 27, 2001²

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Paul Higgins
Assistant District Director
Farmers Home Administration
U.S. Department of Agriculture
P.O. Box 7145
Newburgh, NY 12550

Dear Mr. Higgins:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. William J. Muszynski
Acting Regional Administrator
U.S. Environmental Protection Agency
Region II
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Mr. Muszynski:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001 *W*

Mr. Robert Arnold
Division Administrator
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
9th Floor, Room 719
Albany, NY 12207

Dear Mr. Arnold:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Donald H. Rumsfeld
Secretary of Defense
U.S. Department of Defense
The Pentagon
Washington, DC 20301-1155

Dear Secretary Rumsfeld:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program. The Army Corps of Engineers has been sent this letter directly.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Robert B. Mendez
Manager
Federal Aviation Administration
Airports Division, AEA-600
Fetzgerald Federal Building, Room 329
John F. Kennedy International Airport
Jamaica, NY 11430

Dear Mr. Mendez:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Patrick Brennan
Director
Rural Development
441 South Salina Street, Suite 357
Syracuse, NY 13202-2455

Dear Mr. Brennan:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

New York State is now updating the lists of activities that are included in its approved coastal zone management program and seeks consultation with your agency prior to submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA. The draft revised lists also identify activities in other states which may have reasonably foreseeable effects on New York's coastal area and which New York may review for consistency with the New York Coastal Management Program.

As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Ron Robbins
Executive Director
Farm Services Agency
441 South Salina Street, Suite 356
Syracuse, NY 13702-2455

Dear Mr. Robbins:

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Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

March 27, 2001

RANDY A. DANIELS
SECRETARY OF STATE

Ms. Mary Pleffner
Acting Assistant Secretary
Economic Development Administration
14th & Constitution Avenue, N.W.
Washington, DC 20230

Dear Ms. Pleffner:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Ms. Pat Kurkel
Director Northeast Region
National Marine Fisheries
166 Water Street
Northeast Science Center
Woodshole, MA 02534

Dear Ms. Kurkel:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. John D. Whitmore, Jr.
Acting Administrator
U.S. Small Business Administration
409 3rd. Street, S.W.
Suite 7000
Washington, DC 20416

Dear Mr. Whitmore:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Gale A. Norton
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW, MS 2340
Washington, DC 20240

Dear Secretary Norton:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Donald L. Evans
Secretary of Commerce
U.S. Department of Commerce
14th Street between Constitution Avenue
& Pennsylvania Avenue., N.W.
Washington, DC 20230

Dear Secretary Evans:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Conrad Chautenbacher, Jr.
Administrator
NOAA
Herbert C. Hoover Building, Room 5728
14th Street between Constitution Avenue
Washington, DC 20230

Dear Mr. Chautenbacher:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Norman Y. Mineta
Secretary of Transportation
U.S. Department of Transportation
400 7th Street, S.W.
Washington, DC 20590

Dear Secretary Mineta:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
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ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20202

Dear Secretary Abraham:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Lieutenant Colonel Mark D. Feierstein
District Engineer, Buffalo District
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207-3199

Dear Colonel Feierstein:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
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ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Colonel William H. Pearce
District Engineer, NY District
U.S. Department of the Army
Jacob K. Javitts Federal Building
26 Federal Plaza, 19 th Floor
New York, NY 10278-0090

Dear Colonel Pearce:

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41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Richard Tomer
Assistant Chief
Regulatory Branch
US ACOE New England District
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Tomer:

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DEPARTMENT OF STATE
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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Rear Admiral Richard Larrabee
Commander
U.S. Coast Guard
408 Atlantic Avenue
Boston, MA 02110-3350

Dear Admiral Larrabee:

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STATE OF NEW YORK
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41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR
March 27, 2001

RANDY A. DANIELS
SECRETARY OF STATE

Rear Admiral Gregory A. Penington
District Commander
U.S. Coast Guard
Ninth Coast Guard District
140 East Ninth Street
Cleveland, OH 44199

Dear Admiral Penington:

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Ms. Bonnie Johnson
Mineral Management Service
1201 Elmwood Boulevard
Jefferson, Louisiana 70123

Dear Ms. Johnson:

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GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Ms. Christine Todd Whitman
Administrator
U.S. Environmental Protection Agency
1101A USEPA Headquarters
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Whitman:

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GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Robert W. Barney
Regional Administrator
EPA New England, Region 1,
1 Congress Street, Suite 1100 (RAA)
Boston MA 02114-2023

Dear Mr. Barney

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ALBANY, NY 12231-0001

GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Paul Higgins
Assistant District Director
Farmers Home Administration
U.S. Department of Agriculture
P.O. Box 7145
Newburgh, NY 12550

Dear Mr. Higgins:

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GEORGE E. PATAKI
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RANDY A. DANIELS
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March 27, 2001

Mr. Gary Seidenfeld
Assistant Branch Chief
Federal Emergency Management Agency
26 Federal Plaza, Room 1337
New York, NY 10278

Dear Mr. Seidenfeld:

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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. David Valenstein
Federal Railroad Administration
Mail Stop 50
Washington, DC 20590

Dear Mr. Valenstein:

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STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Anthony G. Carr
Deputy Regional Administrator
Federal Transit Administration, Region 2
One Bowling Green, Room 429
New York, NY 10004

Dear Mr. Carr:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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As these revised lists may affect your agency's responsibilities under the Coastal Zone Management Act please have appropriate staff in you agency contact Charles McCaffrey at 518-473-3368 or by e-mail at cmccaffr@dos.state.ny.us to answer any questions or to comment on the proposed revisions to the lists.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Dear Secretary Boergers:

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GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Russell Morgan
Coastal Management Coordinator
U.S. Department of Housing and
Urban Development, Buffalo Area Office
Lafayette Court
465 Main Street
Buffalo, NY 14203

Dear Mr. Morgan:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Ms. Maxine Griffith
Secretary's Representative
U.S. Department of Housing and
Urban Development, Buffalo Area Office
Jacob K. Javits Federal Building
26 Federal Plaza, 35th Floor
New York, NY 10278-0068

Dear Ms. Griffith:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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SECRETARY OF STATE

March 27, 2001

Mr. Andrew Raddant
Regional Environmental Officer
U.S. Department of Interior
Office of Environmental Policy & Compliance
4087 Atlantic Avenue - Room 142
Boston, MA 02210-3334

Dear Mr. Raddant:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Bruce Blanchard
Director
U.S. Department of Interior
Office of Environmental Project Review
18th & C Streets, N.W. - Room 6151
Washington, DC 20240

Dear Mr. Blanchard:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Constantine Dillon
Superintendent
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11771

Dear Mr. Dillon:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
12th Street & Constitution Avenue, N.W.
Washington, DC 20234

Dear Mr. Williams:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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41 STATE STREET
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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Thomas J. Ryan
Regional Administrator
Urban Mass Transportation
Administration, Region II
26 Federal Plaza, Suite 2940
New York, NY 10278

Dear Mr. Ryan:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Scott Gebhardt
Department of Veteran Affairs
Site Planning Review Office
Office of Facilities
Washington, DC 20420

Dear Mr. Gebhardt:

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GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Wayne Maresch
State Conservationist
Natural Resources Conservation Service
The Galleries of Syracuse
441 South Salina Street, Suiet 354
Syracuse, NY 13202-2450

Dear Mr. Maresch:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Charles Freeman
Regional Administrator
U.S. Small Business Administration
26 Federal Plaza, Room 29118
New York, NY 10278

Dear Mr. Freeman:

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GEORGE E. PATAKI
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RANDY A. DANIELS
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March 27, 2001

Mr. Samuel J. Collins
Director
Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Collins:

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GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. John Nau
Chair
Advisory Council on Historic Preservation
Suite 809
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mr. Nau:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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GEORGE E. PATAKI
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RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Marc Koenings
General Superintendent
Gateway NRA
Building 69
Floyd Bennett Field
Brooklyn, NY 11224

Dear Mr. Koenings:

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March 27, 2001

Mr. John Nau
Chair
Advisory Council on Historic Preservation, Suite 809
110 Pennsylvania Avenue, NW
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March 27, 2001

Mr. Bill Prazak
Director
Environment and Planning Division
U.S. General Services Administration
PBS Planning Staff
26 Federal Plaza 2PL, Room 1609
New York, NY 10278-0068

Dear Mr. Prazak:

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March 27, 2001

Mr. Charles Ehler
Director
Office of Ocean and Coastal Resource Management
N/ORM3, SSMCR, Room 11311
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Ehler:

The Federal Coastal Zone Management Act requires that activities undertaken, authorized, or funded by a Federal Agency be consistent with the enforceable policies of an approved state coastal zone management program. Federal regulations implementing this requirement of the Act require a state with an approved coastal zone management program to include within its program lists of Federal actions which will have coastal effects or are otherwise subject to a consistency review or determination. These requirements are found at 15 CFR Part 930.

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Comments received from Federal agencies

Bill



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

State of New York
AUG 28 2002
Department of State
Secretary of State

AUG 22 2002

Honorable Randy A. Daniels
Secretary, New York State Department of State
41 State Street
Albany, New York 12231-0001

Dear Secretary Daniels:

This is in response to a March 27, 2002 letter from your office outlining the New York State Department of State's proposed changes to the lists of federal activities that will be subject to consistency review or determination under New York State's Coastal Management Program (CMP). We have reviewed the proposed changes regarding programs administered by the Environmental Protection Agency (EPA), and find them generally acceptable with the following exception.

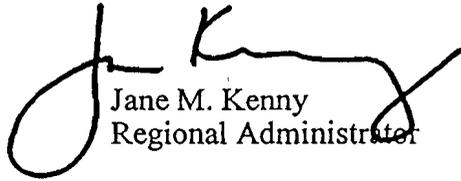
We believe that it is inappropriate to list EPA response actions conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) under both the "Federal Agency Activities" and "Federal Licenses, Permits and Other Regulatory Approvals." As mandated by Section 121 of CERCLA, no Federal, State, or local permit shall be required for on-site response actions. ("On-site" is defined as the "areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action.") Because the vast majority of CERCLA responses are considered "on-site" actions, no permits are required. Moreover, for the very small portion of CERCLA response actions conducted off site, the CMP consistency review for any needed permits is more appropriately conducted as part of the permitting process. Lastly, as defined in the National Oceanic and Atmospheric Administration's (NOAA) regulations implementing the federal consistency provisions of the Coastal Zone Management Act (CZMA) (15 CFR 930.31), a "Federal Agency Activity" is any function performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities. Consequently, EPA's CERCLA response actions should only be listed as "Federal Agency Activities".

Handwritten notes:
CERCLA
Federal Agency Activities
Consistency Review

In a related matter, we believe that many CERCLA response actions should be considered "environmentally beneficial activities". Accordingly, it would be in our mutual interests for us to explore the possibility of developing an agreement to exclude certain types of CERCLA response actions from consistency review, pursuant to 15 CFR 930.33(a)(4). I have instructed my staff to initiate discussions with your office towards this end. I expect these discussions may lead to other programmatic agreements that will serve to streamline our future consistency review efforts.

Thank you for the opportunity to comment. If you have any questions concerning this matter, please contact Robert Hargrove, Chief of the Strategic Planning and Multi-Media Programs Branch at (212) 637-3495.

Sincerely,



Jane M. Kenny
Regional Administrator

cc: D. Kaiser, NOAA-OCRM

Steve Ferrara 212 637-3759

11/15
conversation
we will include only
as a federal activity



Department of Energy
Washington, DC 20585

JUN 17 2002

DEPARTMENT OF STATE
COASTAL PROGRAMS

JUN 21 2002

RECEIVED

Mr. Charles T. McCaffrey, Jr.
Coastal Resource Specialist
State of New York
Department of State
41 State Street
Albany, New York 12231-0001

Dear Mr. McCaffrey:

The Office of Civilian Radioactive Waste Management has reviewed your March 27, 2002, letter to Secretary Abraham which sought the Department of Energy's consultation on activities included in New York State's coastal management program prior to your submitting revised and updated lists to the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanographic and Atmospheric Administration.

The Department of Energy is responsible for the acceptance and transportation of spent nuclear fuel and high-level radioactive waste generated at commercial facilities that have disposal contracts with the Department of Energy. The Department is aware of the provisions of the Federal Coastal Zone Management Act, and concurs with the addition of nuclear waste transportation as a Federal action that could have coastal effects or that is otherwise subject to a consistency review or determination. The Department does not believe, however, that the disposal of nuclear waste should be included in this category, as the Department's disposal activities will not have any reasonably foreseeable effects on New York's coastal area. Further, because it has been many years since the Department has issued a prohibition order under the Fuel Use Act and it is highly unlikely that an order would be issued in the future, the Department considers the deletion of this item to be appropriate.

Please contact me at 202-586-9198 if you have any questions on this matter.

Sincerely,

David K. Zabransky, Acting Director
Waste Acceptance & Transportation
Division





UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 16, 2002

DEPARTMENT OF STATE
COASTAL PROGRAMS

MAY 20 2002

RECEIVED

Mr. Charles T. McCaffrey, Jr.
Coastal Resources Specialist
State of New York
Department of State
41 State Street
Albany, NY 12231-0001

SUBJECT: RESPONSE TO NEW YORK DEPARTMENT OF STATE REGARDING
UPDATE TO COASTAL ZONE MANAGEMENT PROGRAM

Dear Mr. McCaffrey:

As you requested in your letter dated March 27, 2002, we have reviewed your proposed updated lists of Federal activities for the New York State Coastal Zone Management Program. The proposed revisions describing the activities of the U. S. Nuclear Regulatory Commission (NRC) are acceptable to us. We appreciate the opportunity to comment on the lists. We anticipate that the license renewal application for the Ginna Nuclear Power Plant will be submitted to the NRC in July 2002, and we look forward to conversing with your department during the environmental impact evaluation that is part of the license renewal process.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Tappert".

John R. Tappert, Chief
Environmental Section
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

CM



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

MAY 2 2002

DEPARTMENT OF STATE
COASTAL PROGRAMS

MAY 06 2002

RECEIVED

Mr. Charles T. McCaffrey, Jr.
Coastal Resources Specialist
Department of State
41 State Street
Albany, New York 12231-0001

Dear Mr. McCaffrey:

Thank you for your letter to Vice Admiral Conrad C. Lautenbacher, Jr., Under Secretary of Commerce for Oceans and Atmosphere, regarding the Federal Consistency requirements of the Coastal Zone Management Act. Your letter was referred to the National Ocean Service for a response. I understand that you have sent a similar request to the National Marine Fisheries Service. I commend your efforts to update New York's list of Federal actions which may reasonably be expected to affect its coastal zone.

I have forwarded your letter to each of the National Ocean Service programs that are included on your list and instructed them to respond directly to your request for comments. If you have any questions, please contact Bill O'Beirne of the Office of Ocean and Coastal Resource Management at (301) 713-3155, Extension 160 or via email at bill.o'beirne@noaa.gov.

Sincerely,

Margaret A. Davidson
Acting Assistant Administrator



From: <Tomey.David@epamail.epa.gov>
To: <cmccaffr@dos.state.ny.us>
Date: 4/26/02 4:10PM
Subject: Response to March 27th 2002 letter to Robert Varney

Dear Mr. McCaffrey

Thank you for your recent letter regarding EPA - New England jurisdictional activities that may be subject to NY CZM consistency reviews by your agency. On behalf of our Regional Administrator, Robert Varney, I am providing the following information in response to your letter.

We are currently working on two environmental impact statements (EIS) for the designation of ocean disposal site for dredged material in Long Island Sound (LIS) and Rhode Island Sound (RIS). The LIS EIS studies are being conducted cooperatively with the EPA Region 2 and the Corps of Engineers, New England and New York Districts. As you might expect, we will be looking at potential alternatives in New York and Block Island Sound waters for this EIS. The RIS EIS study only involves our region and the New England District Corps office. This EIS is also considering potential sites in Rhode Island, Block Island and Nantucket Sounds and potential sites will not be located in New York waters.

We do not permit any non-dredged material wastes subject to the Marine Protection, Research and Sanctuaries Act in waters in or adjacent to New York. We administer general permits for fish waste in Rhode Island Sound and areas within the Gulf of Maine and for vessels in federal waters outside Buzzards Bay and in the Gulf of Maine. Otherwise, we do not anticipate any other permitting under that authority.

There are several facilities in Connecticut where RCRA activities are managed. These, however, are being implemented under state DEP authorities and delegations. The region only has only an oversight responsibility for these activities.

Relative to activities subject to the prevention of significant deterioration under the Clean Air Act, we neither issue or comment on the permits in any of our New England states. The program is delegated to each of the states.

We currently have no NPDES discharges in the contiguous zone or ocean waters subject to the Clean Water Act. The states of Connecticut and Rhode Island have a delegated program and we have only oversight responsibilities. You can contact the Connecticut Department of Environmental Protection, 79 Elm Street, Hartford CT 06106-5127 for further information about NPDES permits in coastal waters in the state of Connecticut. You can also contact Mark Tedesco from our Long Island Sound Program Office in Stamford Connecticut for information about NPDES discharges relative to the nitrogen issue for that water body.

We also noted that a number of grant authorities were not listed either of the attachments to your letter. These include the following:

National Estuary Program (Clean Water Act (CWA) Section 320)
Long Island Sound Improvement Act (CWA Section 119)

Non-point Source Management Programs (CWA Section 319)
Water Quality Planning (CWA Section 604[b])
BEACH Act (CWA Section 406)

We hope this information will be helpful for updating your list of activities. We assume you will be contacting the Region 2 EPA office in New York for activities in the New York area. Please feel free to contact me should you have any questions.

Sincerely,

David Tomey
Aquatic Biologist
Water Quality Unit
Office of Ecosystem Protection
U.S. Environmental Protection Agency
(617) 918-1627
Fax (617) 918-1505

CC: <Pabst.Douglas@epamail.epa.gov>, <Flores.Priscilla@epamail.epa.gov>, <Tedesco.Mark@epamail.epa.gov>, <Cote.Mel@epamail.epa.gov>



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108



REPLY TO
ATTENTION OF

22 APR 2002

Mr. Charles T. McCaffrey, Jr.
Coastal Resources Specialist
State of New York
Department of State
41 State Street
Albany, New York 12231-0001

DEPARTMENT OF STATE
COASTAL PROGRAMS

APR 26 2002

RECEIVED

Dear Mr. McCaffrey:

This is in reply to your letter of March 27, 2001, to the Honorable Donald H. Rumsfeld, Secretary of Defense, requesting a review of the draft listing of Federal actions that the State of New York believes will have coastal effects or are otherwise subject to a consistency review or determination under the Coastal Zone Management Act.

I have been informed that a similar letter and draft list of Federal actions was provided to the Army Corps of Engineers New York District for review and comment. Since District Engineers are responsible for final permit decisions and compliance with the Coastal Zone Management Act, we have asked that the Corps New York District conduct a detailed, comprehensive, review of the proposed lists of activities and permitting authorities. The results of the District's review will be coordinated with the Corps Headquarters and this office since significant policy issues may be involved with the proposal to expand the State of New York's jurisdiction into adjacent waters of the State of New Jersey. The potential impacts to Corps programs, projects, and activities, especially for the navigation mission, will have to be evaluated carefully. Once this coordination has been completed, the New York District will be asked to provide you with the results of their review. We expect to be able to provide you with the results of the review within 30 days.

Should you have additional questions, please feel free to contact Mr. Chip Smith, my Assistant for Environment, Tribal and Regulatory Affairs, at (703) 693-3655.

Sincerely,

Dominic Izzo
Principal Deputy Assistant Secretary of the Army
(Civil Works)

From: <thomas.brown@gsa.gov>
To: <cmccaffr@dos.state.ny.us>
Date: 4/4/02 10:12AM
Subject: Federal Activities and New York State Coastal Zone Tables

Dear Mr. McCaffrey:

Mr. Peter Sneed and myself have reviewed the tables sent to us on the 27th of March 2002. We have found no issues with the listed activities that would affect our responsibilities under the Coastal Zone Management Act. Thank you for the opportunity to review these materials.

Sincerely,

Thomas M Brown
GSA - Portfolio Management

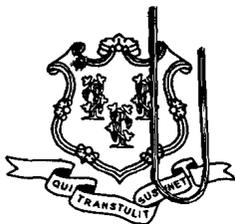
CC: <peter.sneed@gsa.gov>

VIII. Coordination Communications with Neighboring States for Proposed Interstate Listing

G:\COASTAL\WORKING\sresler\RPCANALYSIS.wpd



Coordination w/Connecticut CMP



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



January 6, 2005

Mr. Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources
Department of State
41 State Street
Albany, NY 12231-0001

DEPARTMENT OF STATE
COASTAL PROGRAMS

JAN 14 2005
RECEIVED

Subject: New York State's draft Federal consistency list

Dear Mr. Resler:

Steve

Thank you for the opportunity to review and comment on New York State's draft Federal consistency list. I asked Ms. Margaret Welch of this office to review the draft list as she had worked closely with Mr. Charles McCaffery, formerly with your office, in developing interstate lists that were compatible with respect to geographic applicability. She has indicated that your current draft list is consistent with previous drafts and discussions and the actions New York State is now proposing to list and the geographic area of applicability are substantially similar, if not identical, to those previously reviewed by this Office and discussed with Mr. McCaffery. The State of Connecticut has no objections to the draft Federal consistency list proposed by New York State. Should you have any questions regarding this letter please contact Ms. Welch at margaret.welch@po.state.ct.us or myself at charles.evans@po.state.ct.us or you may reach either of us by phone at 860.424.3034. Thank you.

Sincerely,

Charles H. Evans

Charles H. Evans
Director
Office of Long Island Sound Programs

CHE/MLW/w

Phone 860-424-3034 Fax 860-424-4054



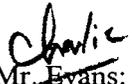
STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Charles Evans
Director
Office of Long Island Sound Programs
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

DEC 1 1 2007


Dear Mr. Evans:

Our Division of Coastal Resources is nearing the completion of tasks involving updates to the New York Coastal Management Program's list of federal activities that would be subject to the consistency provisions of the Coastal Zone Management Act and its implementing regulations in 15 CFR Part 930. Your agency has been undertaking similar efforts regarding Connecticut's list of federal activities.

Ms. Margaret Welch of your Department and Mr. Charles McCaffrey, formerly of our Department, had been coordinating our respective interstate consistency efforts. In that regard our agencies coordinated and agreed upon specific offshore bathymetry to define geographic areas where certain listed activities would be subject to the interstate consistency provisions of 15 CFR Part 930. Your agency subsequently submitted Connecticut's proposed list of activities to us requesting any comments we might have, and we responded in writing, indicating we had no objection to the listed activities.

New York's proposed list of federal activities, reflecting earlier consultation and coordination between our agencies, is attached. It would be appreciated if your agency would indicate whether it has any objection to the listed activities within thirty days of receipt of this letter. To aid in your agency's review of the list, interstate activities and the areas where interstate consistency provisions would apply in Connecticut have been highlighted in yellow.

If you or others in your agency need any additional information or assistance regarding or would like to discuss this matter, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,



Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources

c: Margaret Welch, CTDEP

TABLE 2

FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

- Low to moderate income housing loans (10.410 cfda)
- Rural housing site loans (10.411cfda)
- Rural rental housing loans (10.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Oceanic & Atmospheric Administration

- Designation of marine sanctuary.
- Designation of estuarine research reserve.
- Aquaculture Program (11.444cfda)
- Fisheries Finance Program (11.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities with those numbers are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Marine Fisheries Service

- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone within the geographic area subject to the New England Fisheries Management Council and the Mid Atlantic Fisheries Management Council.

– Designation of Essential Fish Habitat, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay.

Department of Defense, Army Corps of Engineers

– New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State’s coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean.

– Dredging or excavation of materials from offshore borrow areas, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500’ from the New Jersey shoreline; in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.

– Disposal of dredged and fill material in the State’s coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State

of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' of the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of

the State's boundary in the Atlantic Ocean.

- Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- New or changes to existing nationwide or regional general permits.
- Ice management practices.

Department of Defense, Air Force, Army and Navy

- Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.
- Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Establishment of impact, compatibility and restricted use zones.

Department of Energy

- Nuclear waste transportation

General Services Administration

- Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.
- Disposition of federal surplus land, structures or facilities.

Department of Homeland Security, Coast Guard

- Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.
- Closure or disposition of existing facilities.
- Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.
- Placement or removal of navigational devices that are not part of routine operations under the Aids to Navigation Program.
- Ice management practices and activities.
- Oil and hazardous material pollution response planning and non emergency response

activities.

Department of Housing and Urban Development

- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.
- Property disposition

Department of Interior, Fire Island National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures.
- Construction or reconstruction of buildings or facilities.
- Dredging and dredged material disposal.
- Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service

- Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.
- Management plans for wildlife refuges or other wildlife areas.
- Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures
- Construction or reconstruction of buildings or facilities.
- Dredging or dredged material disposal.

Department of Interior, Minerals Management Service

- OCS oil and gas lease sales.

Department of Interior: National Park Service

- Acquisition or disposition of land or structure.
- Management plans for park lands, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.
- Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

Department of Justice, Bureau of Prisons

- Acquisition, leasing or disposition of land or structures.
- Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service

- Disposition of land or structures.

Department of Transportation, Amtrak

- Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.
- Expansion, reduction or abandonment of rail service.
- Disposition of land or structures.

Department of Transportation, Federal Aviation Administration

- Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration

- Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).
- Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation

- Acquisition or leasing of land, land under water or structures, and construction of new or reconstruction of existing facilities for Seaway operations.
- Disposition of land, land under water, or structures.
- Extension of navigation season.

Environmental Protection Agency

- Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Approval of management program, including major amendments to such program, for a designated national estuary.
- Activities conducted under the Resource Conservation and Recovery Act of 1976.
- Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers

- Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands,

etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, and the reconstruction or repair of existing structures such as shoreline stabilization structures and piers, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the

State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay.

– Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

– Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission

– Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).

– Siting, construction and operation of pipelines and other facilities for the transportation and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

– Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Homeland Security, Coast Guard

– Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).

– Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.

– Installation of private aids to navigation (14 U.S.C. 83).

– Authorization of special anchorage or mooring areas.

Department of Interior, Fire Island National Seashore

– Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service

- Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).
- Offshore drilling, mining or development in the Atlantic Ocean.
- Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Federal Aviation Administration

- Siting, construction and operation of new airports and heliports.
- Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.
- Abandonment of existing airports and heliports.

Environmental Protection Agency

- Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.
- Activities(e.g. disposal of hazardous wastes) subject to regulation under the Resources Recovery and Conservation Act of 1976.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).
- Discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone (other than

traditional aquaculture activities of baymen and individual commercial fishermen) in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

Nuclear Regulatory Commission

– Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board

– Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

– Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

(Note: see July 2001 revision to pages II-9-11 to II-9-17 of the CMP for activities which may require one, or more, of the above authorizations, and which may meet general concurrence criteria).

III. Federal Assistance to State and Local Governments

(Note: Numbers in this Part III listing refer to Catalog of Federal Domestic Assistance listings)

Department of Agriculture

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760. Water and waste disposal systems for rural communities.

- 10.762 Solid waste management grants.
- 10.766 Community facilities loans.
- 10.768 Business and industrial loans.
- 10.769 Rural business enterprise grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.905 Plant materials for conservation
- 10.906 Watershed surveys and investigations.

Department of Commerce

- 11.300 Economic development - grants for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special Economic Development and Adjustment Assistance
- 11.405 Anadromous fish conservation act program.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.
- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration

- 59.013 Local Development Company Loans.

Department of Veteran Affairs

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.
- 83.537 Community Disaster Loans.
- 83.548 Hazard Mitigation Grant.

12/16/04

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From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 2/24/2003 11:33:36 AM
Subject: Re: Fwd: list

Attached is a draft copy of the list items we are going to try to get OCRM to approve. Wish us luck.

>>> "Charles McCaffrey" <CMCCAFFR@dos.state.ny.us> 02/19/03 03:33PM >>>
Do you have anything on including air pollution issues from other states that you could share with me? We're reconsidering whether we should also try to capture out fo state air pollution.

>>> "Margaret Welch" <margaret.welch@po.state.ct.us> 02/19/03 01:11PM
>>>
Thanks, Charlie, and welcome back.

We are hoping to send out round two of consultation letters within the next month or so. I think you have seen the basics of our latest draft as they relate to New York State with one minor exception. Betsey was thought your comments regarding defining the geographic extent based on bathymetric contour vs. water depth was quite astute and we've gone back to using contours (40' off the north shore of Long Island and 20' of other portions of New York State and Rhode Island--including in Fisher's Island Sound). I'll keep you posted as we move forward.

Regards,
Margaret

>>> "Charles McCaffrey" <CMCCAFFR@dos.state.ny.us> 02/19/03 01:00PM
>>>

Connecticut's Federal Consistency Draft List Interstate Activities Affecting Air Quality in Connecticut

Action: Activity

Federal Department: Environmental Protection Agency (EPA)

Federal

- * new or revised State plans pursuant to 40 CFR Part 60 affecting the operation of power plants fueled by oil or coal in the following States: Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and/or West Virginia
- * development of or amendment to new source performance standards pursuant to 40 CFR Part 60, including Subparts D, Da and Db

Action: License/permit

Federal Department: Environmental Protection Agency (EPA)

Federal

- * permits pursuant to 40 CFR Part 71 for the operation of power plants fueled by oil or coal within the geographic boundaries of the following States: Connecticut Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and/or

From: Charles McCaffrey
To: Margaret Welch
Date: 2/14/2003 11:13:49 AM
Subject: Re: FedCon lists update

Attached is my latest draft. I ran the geographic descriptors past Dave Kaiser, with a few minor clarifications he said they were sufficiently specific.

>>> "Margaret Welch" <margaret.welch@po.state.ct.us> 02/04/03 01:29PM >>>

Hi, Charlie,

We have met internally and I raised your concern about the geographic description not capturing proposed activities on shoals. There was consensus on this side to go back to the use of bathymetric contours, so here is what we are currently working with (keeping in mind D. Kaiser's insistence that we clearly identify the other State's waters):

within the coastal area of the State of Connecticut and within Long Island Sound in New York State waters waterward of the 40-foot bathymetric contour closest to the north shore of Long Island and waterward of the 20-foot contour closest to the shore of other portions of New York State and in Fisher's Island Sound in the waters of either New York State or Rhode Island waterward of the 20-foot contour closest to shore of either State

Do you think this does the trick (with the State's reversed where appropriate, of course). Please do not hesitate to offer up comments and/or suggested edits.

Also, would you please send your current working draft, at least as it relates to us. I've been asked which items we are listing in common and I've lost track.

Thanks so much.
Regards,
Margaret

TABLE 2

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

--Low to moderate housing loans(10.410 cfda)

--Rural housing site loans(10.411cfda)

--Rural rental housing loans(10.415cfda)

Department of Commerce, National Oceanic & Atmospheric Administration:

--Designation of marine sanctuary.

--Designation of estuarine research reserve.

- -Aquaculture Program(11.444cfda)

- -Fisheries Finance Program(11.415cfda)

Department of Commerce, National Marine Fisheries Service:

-- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone within the geographic area subject to the New England Fisheries Management Council and the Mid Atlantic Fisheries Management Council.

--Designation of Essential Fish Habitat, including in waters outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation, and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and Lower New York Bay.

Department of Defense, Army Corps of Engineers:

--New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge, in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, Raritan Bay, and in the territorial sea of the United States of America within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Dredging or excavation of materials from offshore borrow areas, including in waters outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation, and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and Lower New York Bay, in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, in the territorial sea of the United States of America within nine miles seaward of the State's boundary in the Atlantic Ocean, and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Disposal of dredged and fill material in the State's coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation, in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay, in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation

waterward of the 20' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation, in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay, in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline, in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation, in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay, in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge, in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, Raritan Bay, and in the territorial sea of the United States of America within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--New or changes to existing nationwide or regional general permits.

--Ice management practices.

Department of Defense, Air Force, Army and Navy:

--Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.

--Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Establishment of impact, compatibility and restricted use zones.

Department of Energy:

--Nuclear waste transportation

General Services Administration:

--Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.

--Disposition of federal surplus land, structures or facilities.

Department of Housing and Urban Development:

-- Guaranteed/insured loans to private profit, limited profit and non-profit organizations

for residential or non-residential development.

- Property disposition

Department of Interior, Fire Island National Seashore:

--Management plans and their implementing regulations.

--Acquisition or disposition of land or structures.

--Construction or reconstruction of buildings or facilities.

--Dredging and dredged material disposal.

--Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service:

--Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.

--Management plans for wildlife refuges or other wildlife areas.

--Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore:

--Management plans and their implementing regulations.

--Acquisition or disposition of land or structures

--Construction or reconstruction of buildings or facilities.

--Dredging or dredged material disposal.

Department of Interior, Minerals Management Service:

--OCS oil and gas lease sales.

Department of Interior: National Park Service:

--Acquisition or disposition of land or structure.

--Management plans for park lands, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

--Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

~~the Rhode Island shoreline in water deeper than 20 feet (moved from EPA)~~Environmental Protection Agency

- ◇
- ◇ all actions for which permits are required pursuant to section ~~103~~ **102** of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.) including such activities outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet**

Department of EnergyFederal Energy Regulatory Commission

- ◇ ~~siting, construction, operation, or decommissioning of power plants fueled by oil or gas in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and/or West Virginia.~~
- ◇ regulation of gas pipelines and licenses 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 **within the coastal area of the State of Connecticut and within Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet.. [expand to include LIS/FIS language?]**
- ◇ construction to develop new supplies or to reinforce existing transmission systems within the coastal area of the State of Connecticut and within Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet. [need citation]**

revised list-ny-ct

From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 1/7/2003 9:21:58 AM
Subject: Revised FedCon list

Hi, Charlie,

Happy New Year and welcome back.

Attached please find our current working draft of the Federal Consistency list items currently under consideration here that affect New York State. When you have had a chance to review them, I would enjoy discussing them with you. I will be here today (Tuesday, 1.7) until noon and I'll be in tomorrow and Thursday 8-4:45 both days. Please give me a buzz at your convenience.

Thank you,
Margaret

From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 12/16/2002 8:58:34 AM
Subject: Schedule

Hi, Charlie,

I thought I should forward my schedule for this week in hopes that we can connect to discuss Federal consistency issues.

I will be in the Office today (12.16), probably in the field tomorrow, back in the Office Wednesday and Thursday (12.18 and 12.19) and out on Friday. Will we have any overlap when I can call you?

Thanks and happy Monday,
Margaret

From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 12/4/2002 3:28:37 PM
Subject: Welcome back

Hi, Charlie,

I hope you had a good holiday and safe travels. Mine was nice and quiet--just the two of us home with our two dogs.

Since we last chatted, I managed to corral all the relevant players here to discuss the geographic extent issues you had raised. We may have hit upon a simple solution. Due to the geographic differences between the north shore of Long Island Sound ("our side" except for Westchester County) and the south shore (the Long Island side), we believe that it is reasonable to cite different depths on each shore. Also, to avoid potential issues about contours, we are currently planning the following (or something linguistically close):

"activities outside of Connecticut's coastal boundary in Long Island Sound in waters deeper than 40 feet off the north shore of Long Island and in waters deeper than 20 feet off the south shore of Westchester County and in Fisher's Island Sound in waters deeper than 20 feet."

If you have concerns with this, or if you have language modifications to suggest, please let me know. If you agree with the concept, I think the only other item I would still like to discuss is: for Federal consistency purposes, where is the western end of Long Island Sound and does our reference to Westchester County cover all of it. I've asked several folks here about the boundary of LIS and apparently there is no legal or commonly agreed upon line. I'm open to suggestions.

If you still want to make a trip so we can look at charts and maps together, just let me know. Otherwise, if I recall correctly, this was the only outstanding issue we had yet to agree upon and I think we both acknowledged that agreement on geographic extent might not be necessary, although it certainly would make life easier for the Federal agencies.

Finally, do you have any ideas as to whether, if we agree on all previous issues, a second consultation letter is warranted? I plan on sending one to Rhode Island due to the change in the geographic extent of our interest in Fisher's Island Sound. But that's a bit different because they have not been in touch with me over the first letter as you have. I also have to re-notice the Federal agencies where I goofed as to who does what, but that's a whole other set of letters that don't need to go to you. Any thoughts are welcome--the regs are so clear!

Trust all is well.
Sincerely,

Margaret L. Welch
Senior Coastal Planner
Coastal Planning Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

phone - 860.424.3034
fax - 860.424.4054
e-mail - margaret.welch@po.state.ct.us

From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 11/26/2002 7:22:26 AM
Subject: Navigation chart

Hi, Charlie,

I found a navigation chart I really like--it may be the one you've been looking at. It is by Maptech and shows all of Long Island Sound, the western half on one side and the eastern half on the other, of a very large sheet of waterproof paper. The area from shore out to the 20 bathymetric contour is shaded blue and everything waterward of that is white. I am hoping to sit down with management here to discuss 30' vs. 20' on the Long Island side. It may be you won't have to make the trek here if they think the 20' looks okay. Knowing what the schedules are like around here, I'll be lucky to get all the necessary bodies in the same room at the same time before 12/16, but I'm going to try. I'll keep you posted. Hope you have/had a good trip.

Margaret.

From: Charles McCaffrey
To: Margaret Welch
Date: 11/19/2002 2:17:10 PM
Subject: Re: interstate consistency

Attached is the proposed list. I'll fax the original list

>>> "Margaret Welch" <margaret.welch@po.state.ct.us> 11/19/02 01:44PM >>>
Hello, Charlie.

I'm getting close to being able to talk to you about our respective proposed lists. I have the two charts you did up (which are very helpful), but I have misplaced your existing and proposed lists. Can you forward electronic copies? If not, can you fax them to my attention at 860-424-3034. Thank you and I hope we can talk either tomorrow or Thursday (I am out this Friday). If this week doesn't work, I'll try to catch up with you early next week.

Margaret L. Welch
Senior Coastal Planner
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>>> "Charles McCaffrey" <CMCCAFFR@dos.state.ny.us> 10/31/02 09:08AM >>>
Attached are two tables comparing our proposed interstate consistency lists. I'd like to discuss how we might make our lists as congruent as possible, including their respective geographic reach. I'll call you.

TABLE 1

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

--Low to moderate housing loans(10.410 cfa)

--Rural housing site loans(10.411cfa)

--Rural rental housing loans(10.415cfa)

Department of Commerce, National Oceanic & Atmospheric Administration:

--Designation of marine sanctuary.

--Designation of estuarine research reserve.

--Aquaculture Program(11.444cfa)

--Fisheries Finance Program(11.415cfa)

Department of Commerce, National Marine Fisheries Service:

-- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone in Long Island Sound, Block Island Sound and Atlantic Ocean.

--Designation of Essential Fish Habitat.

Department of Defense, Army Corps of Engineers:

--New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River, Hudson River, Arthur Kill, Kill van Kull, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Dredging or excavation of materials from offshore borrow areas, including areas outside of the State's coastal zone in Long Island Sound to within a 1500 feet of the Connecticut shoreline, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's border in Lake Erie.

--Disposal of dredged and fill material in the State's coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State's

coastal zone in Long Island Sound, New York Harbor, and within nine miles seaward of the State's boundary in the the Atlantic Ocean and within three miles of the State's border in Lake Erie. .

--Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound, New York Harbor, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's boundary in Lake Erie.

--Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound, New York Harbor, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's boundary in Lake Erie.

--Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River, Hudson River, Arthur Kill, Kill van Kull, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in Lake Erie within three miles of the State's boundary.

--New or changes to existing nationwide or regional general permits.

--Ice management practices.

Department of Defense, Air Force, Army and Navy:

--Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.

--Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound to within a 1500 feet of the Connecticut shoreline, Block Island Sound to within 1500 feet of the Rhode Island shoreline, New York Harbor, Raritan Bay and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's boundary in Lake Erie.

--Establishment of impact, compatibility and restricted use zones.

Department of Energy:

--Nuclear waste transportation and disposal

General Services Administration:

--Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.

--Disposition of federal surplus land, structures or facilities.

Department of Housing and Urban Development:

-- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.

- -Property disposition

Department of Interior, Fire Island National Seashore:

--Management plans and their implementing regulations.

--Acquisition or disposition of land or structures.

- -Construction or reconstruction of buildings or facilities.

- -Dredging and dredged material disposal.

--Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service:

--Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.

--Management plans for wildlife refuges or other wildlife areas.

- -Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore:

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures
- -Construction or reconstruction of buildings or facilities.
- -Dredging or dredged material disposal.

Department of Interior, Minerals Management Service:

- OCS oil and gas lease sales.

Department of Interior: National Park Service:

- Acquisition or disposition of land or structure.
- Management plans for park lands, including outside of the State's coastal zone plans for Ellis Island.
- -Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone on Ellis Island.

Department of Justice, Bureau of Prisons:

- Acquisition, leasing or disposition of land or structures.
- Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service:

- Disposition of land or structures.

Department of Transportation, Amtrak:

- Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.
- Expansion, reduction or abandonment of rail service.
- Disposition of land or structures.

Department of Transportation, Coast Guard:

- Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.
- Closure or disposition of existing facilities.

--Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound to within a 1500 feet of the Connecticut shoreline, Block Island Sound to within a 1500 feet of the Rhode Island shoreline, New York Harbor, Hudson River and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's border in Lake Erie.

--Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.

--Placement or removal of navigational devices that are not part of routine operations under the Aids to Navigation Program.

--Ice management practices and activities.

--Oil and hazardous material pollution response planning and non emergency response activities..

Department of Transportation, Federal Aviation Administration:

--Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration:

--Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).

--Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation:

--Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities for Seaway operations.

--Disposition of land, land under water, or structures.

--Extension of navigation season.

Environmental Protection Agency:

--Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State's coastal zone in Long Island Sound, Block Island Sound, New York Harbor and within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Approval of management program, including major amendments to such program, for a

designated national estuary.

--Activities conducted under the Resource Conservation and Recovery Act of 1976.

--Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

--Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers:

--Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands, etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone: in the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor to within 200' of the pierhead line on the New Jersey shore or to within 500' of the New Jersey shoreline where there is no pierhead line; in Long Island Sound and Block Island Sound to within a 1500' of the Connecticut or Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River; within nine miles seaward of the State's boundary in the Atlantic Ocean; and within a half mile of the State's boundary in Lake Erie.

--Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone; in Long Island Sound to within a 1500' of the Connecticut shoreline; in New York Harbor, Hudson River and Raritan Bay to within 200' of the pierhead line on the New Jersey shore or to within 500' of the New Jersey shoreline where there is no pierhead line; within nine miles seaward of the State's boundary in the Atlantic Ocean; and within a half mile of the State's boundary in Lake Erie.

--Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound, Block Island Sound and within nine miles seaward of the State's boundary in the Atlantic Ocean.

--Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by

the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

--Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission:

--Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).

--Siting, construction and operation of pipelines and other facilities for the transportation and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

--Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Interior, Fire Island National Seashore:

--Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service:

--Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).

--Offshore drilling, mining or development in the Atlantic Ocean.

--Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Coast Guard:

--Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).

--Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.

--Installation of private aids to navigation (14 U.S.C. 83).

--Authorization of special anchorage or mooring areas.

Department of Transportation, Federal Aviation Administration:

--Siting, construction and operation of new airports and heliports.

--Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.

--Abandonment of existing airports and heliports.

Environmental Protection Agency:

--Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound, Block Island Sound, Raritan Bay, New York Harbor and within nine miles seaward of the State's boundary in the Atlantic Ocean pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.

--Activities (eg. disposal of hazardous wastes) subject to regulation under the Resources Recovery and Conservation Act of 1976.

--Activities subject to regulation under the Comprehensive Environmental Response, Compensation and Recovery Act of 1980.

--Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

--Discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone in Long Island Sound to within a 1500' of the Connecticut shoreline (other than traditional aquaculture activities of baymen and individual commercial fishermen), Raritan Bay, New York Harbor, Hudson River and within nine miles seaward of the State's boundary in the Atlantic Ocean and within three miles of the State's border in Lake Erie.

Nuclear Regulatory Commission:

--Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board:

--Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

--Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

Please see July 2001 revision to pages II-9-11 to II-9-17 for minor activities which may require one of the above permits and which may be eligible for general concurrence.

III. Federal Assistance to State and Local Governments

(NOTE: Numbers refer to the Catalog of Federal Domestic Assistance listings)

Department of Agriculture:

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760 Water and waste disposal systems for rural communities.
- 10.762 Solid waste management grants
- 10.766 Community facilities loans.
- 10.768 Business and industrial loans.
- 10.769 Rural business enterprise grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.905 Plant materials for conservation
- 10.906 Watershed surveys and investigations.

Department of Commerce:

- 11.300 Economic development - grants and loans for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special Economic Development and Adjustment Assistance
- 11.405 Anadromous fish conservation act program.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense:

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.

- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development:

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior:

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation:

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration:

- 59.013 Local Development Company Loans.

Department of Veteran Affairs:

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency:

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.

- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency:

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.
- 83.537 Community Disaster Loans.
- 83,548 Hazard Mitigation Grant.

From: "Margaret Welch" <margaret.welch@po.state.ct.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 10/31/2002 9:48:11 AM
Subject: Re: interstate consistency

Hi, Charlie

I received your e-mail and successfully printed out your comparison chart. I will need to discuss this internally before we chat. Unfortunately, getting time with the critical players here is difficult, but I will be persistent. Why don't I call you when I'm ready?

Margaret

>>> "Charles McCaffrey" <CMCCAFFR@dos.state.ny.us> 10/31/02 09:08AM >>>

Attached are two tables comparing our proposed interstate consistency lists. I'd like to discuss how we might make our lists as congruent as possible, including their respective geographic reach. I'll call you.

From: Charles McCaffrey
To: margaret.welch@po.state.ct.us
Date: 10/31/2002 9:08:29 AM
Subject: interstate consistency

Attached are two tables comparing our proposed interstate consistency lists. I'd like to discuss how we might make our lists as congruent as possible, including their respective geographic reach. I'll call you.

Comparison Of CT/NY Interstate Consistency Lists

Federal Activity	CT in NY(30 Bath.)	NY in CT(1500')
Dept. of Commerce		
Marine Sanctuaries	yes	no
NERRS	yes	no
Essential Fish Habitat	yes	no
Fisheries Mgmt Plans	yes?	yes
Dept. of Defense		
Navigational Improvs	yes(Byram R.)	yes(Byram R.)
Channel Designation	yes(Byram R.)	yes(Byram R.)
Desig. Open Water Disp.	yes	yes(not 1500')
Borrow Area Dredge	yes	yes
Dredged Disposal Plans	yes	yes(not 1500')
Dredged Mat'l Disposal	no	yes
Dept. of Transportation		
Channel Dredging	no	yes
Anchorage Designation	yes	no
Oil Pollution Resp Plans	yes	no
EPA		
Desig. Open Water Disp.	no	yes(not 1500')

Comparison of CT/NY Interstate Consistency Lists

Federal Approvals	CT in NY(30 Bath.)	NY in CT(1500')
Dept. of Defense		
Rivers & Harbors '99	(VT, NH, & MA)	yes
Pvt. Improvs sec.11	yes(Byram R.)	no
"404"	yes	yes
Artificial Isl. R. & H. "12	yes	no
MPR&SA 103	no	yes
EPA		
MPR&SA 103	yes	no
MPR&SA 102	no	yes
FWPCA	no	yes
Dept. of Energy(FERC)		
power plants	yes(all NY)	no
pipelines	yes	no

From: Charles McCaffrey
To: Margaret Welch
Date: 4/16/2002 9:27:31 AM
Subject: Re: New York's draft FedCon list

Your guess is correct. Sorry for the confusion

>>> "Margaret Welch" <margaret.welch@po.state.ct.us> 04/16/02 09:25AM >>>
Hello, again, Charlie.

As I looked closer at the materials you sent for Connecticut's review, I'm confused by the enclosures which are not referenced in the cover letter. The tables are labeled "Table 1 Federal Activities Affecting Land and Water Use and Natural Resources in the Coastal Zone of New York State," and "Table 2 Federal Activities and Development Projects Likely to Directly Affect New York State's Coastal Area."

If I had to hazard a guess, given the quality of the copies, I would assume that the second table is the current list for New York and the first table is what is proposed. Please advise as to whether this is correct. If not, please explain what the two tables are.

Thank you and have a great day,

Margaret L. Welch
Senior Coastal Planner
Coastal Planning Section
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Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

phone - 860.424.3034
fax - 860.424.4054
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From: Charles McCaffrey
To: margaret.welch@po.state.ct.us
Date: 3/5/2002 3:23:07 PM
Subject: gencon

Call if you have questions

In addition to the above variances to procedures in 15 CFR Part 930 Subpart D, DOS is providing a general concurrence to minor activities whose characteristics are such that they would not affect the achievement of the coastal policies or special management area plans either individually or when cumulative effects are considered. This general concurrence will apply to activities which meet the following criteria.

Criteria for General Concurrence

Activities will not require further DOS review and separate concurrences with consistency certifications if all of the following relevant criteria are met:

- The activity involves a use that is the same as, or similar to, adjacent or nearby uses;
- The activity is compatible with community character in design, size, and materials;
- If the activity would be in an area covered by an approved LWRP, the community advises that it is consistent with the community's land and water use controls for the area;
- The activity is identified in an approved LWRP as one that should be undertaken to advance the policies and purposes of the approved LWRP and the community so advises;
- The activity involves reconstruction, replacement, maintenance or repair of lawful structures, in-kind and in-place, and where applicable a community advises that it complies with an approved LWRP and DOS determines it complies with any applicable Special Management Area Plan;
- Other than for the exercise of riparian or littoral rights (see below), the activity is entirely on property owned or otherwise authorized by the owner for use by the proponent of the activity;
- The activity involves the exercise of riparian or littoral rights that
 - is typical of lawful riparian or littoral access traditionally exercised in the area;
 - complies with any applicable local standards; and
 - avoids any unnecessary interference with navigation and other public uses of the water;
- The activity would not significantly impair the rights and interests of the public regarding the use of public lands or waters;
- The activity does not disrupt existing lawful water-dependent uses;
- Other than for the exercise of riparian or littoral rights or the reconstruction, replacement, maintenance or repair of lawful structures (see above), the activity would not be undertaken in a vegetated wetland or natural protective feature;
- The activity would not generate or discharge non-point source pollution to coastal waters, or would provide a means of adequately treating non-point sources of pollution using accepted best management practices.

In order to monitor adherence to the criteria required for this general concurrence, applicants must submit all required necessary data and information listed above to DOS. If DOS determines that the activity meets the criteria for general concurrence, the applicant and federal agency will be notified within 30 days of receipt of the requisite data and information that the activity does not require a consistency review by DOS. If DOS determines that the activity does not meet the criteria, then the activity will be reviewed for consistency with New York's Coastal Management Program.

From: Charles McCaffrey
To: margaret.welch@po.state.ct.us
Date: 1/31/2002 3:40:19 PM
Subject: ConsistencyTable

ConsistencyTable

TABLE 1

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

U.S. Department of Commerce, National Oceanic & Atmospheric Administration:

--Designation of marine sanctuary.

--Designation of estuarine research reserve.

U.S. Department of Commerce, National Marine Fisheries Service:

-- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone in Long Island Sound, Block Island Sound and Atlantic Ocean.

--Designation of Essential Fish Habitat.

Department of Defense, Army Corps of Engineers:

--New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River, Hudson River, Arthur Kill, Kill van Kull, Raritan Bay and within three miles seaward of the State's boundary in the Atlantic Ocean.

--Dredging or excavation of materials from offshore borrow areas, including areas outside of the State's coastal zone in Long Island Sound, Raritan Bay and within three miles seaward of the State's boundary in the Atlantic Ocean and Lake Erie.

--Disposal of dredged material at designated open water sites, including disposal at sites outside of the State's coastal zone in Long Island Sound, New York Harbor, and within three miles seaward of the State's boundary in Lake Erie and the Atlantic Ocean.

--Disposal of dredged and fill material at locations in the State's coastal zone.

--Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound, New York Harbor, Raritan Bay and within three miles seaward of the State's boundary in Lake Erie and the Atlantic Ocean.

--Dredged material management plans.

--Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River, Hudson River, Arthur Kill, Kill van Kull, Raritan Bay and within three miles seaward of the State's boundary in the Atlantic Ocean.

--Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures.

--New or changes to existing nationwide or regional general permits.

--Ice management practices.

Department of Defense, Air Force, Army and Navy:

--Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Acquisition or leasing of land, land under water or structure, and the construction of new or reconstruction of existing structure or facility, at non-defense installations.

--Closure or disposition of land, land under water or structure at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

--Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound, Block Island Sound, New York Harbor, Raritan Bay and within three miles seaward of the State's boundary in the Atlantic Ocean and Lake Erie.

--Establishment of impact, compatibility and restricted use zones.

Department of Energy:

--Prohibition orders.

General Services Administration:

--Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.

--Disposition of federal surplus land, structure or facility.

Department of Housing and Urban Development:

-- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.

Department of Interior, Fire Island National Seashore:

--Management plans and their implementing regulations.

--Acquisition or disposition of land or structure.

--Approval of local ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service:

--Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.

--Management plans for wildlife refuges or other wildlife areas.

Department of Interior, Gateway National Seashore:

--Management plans and their implementing regulations.

--Acquisition or disposition of land or structure.

Department of Interior, Minerals Management Service:

--OCS oil and gas lease sales.

Department of Interior, National Park Service:

--Acquisition or disposition of land or structure.

--Management plans for park lands.

Department of Justice, Bureau of Prisons:

--Acquisition, leasing or disposition of land or structures.

--Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service:

--Disposition of land or structures.

Department of Transportation, Amtrak:

--Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.

--Expansion, reduction or abandonment of rail service.

--Disposition of land or structures.

Department of Transportation, Coast Guard:

--Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.

--Closure or disposition of existing facilities.

--Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound, Block Island Sound, New York Harbor, Hudson River and within three miles seaward of the State's boundary in Lake Erie and Atlantic Ocean.

--Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.

--Placement or removal of navigational devices that are not part of routine operations under the Aids to Navigation Program.

--Ice management practices and activities.

--Oil and hazardous material pollution response planning and response activities.

Department of Transportation, Federal Aviation Administration:

--Acquisition or leasing of land or structure and construction of new or reconstruction of existing navigational aids or other aviation facilities.

Department of Transportation, Maritime Administration:

--Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).

--Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation:

--Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities for Seaway operations.

--Disposition of land, land under water or structure.

--Extension of navigation season.

Environmental Protection Agency:

--Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State's coastal zone

in Long Island Sound, Block Island Sound, New York Harbor and within three miles seaward of the State's boundary in the Atlantic Ocean.

--Approval of management program, including major amendments to such program, for designated national estuary.

--Activities conducted under the Resource Conservation and Recovery Act of 1976.

--Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers:

--Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands, etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone in the Byram River, Arthur Kill, Kill van Kull, Hudson River, Raritan Bay, New York Harbor, Long Island Sound, and within three miles seaward of the State's boundary in the Atlantic Ocean.

--Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound, New York Harbor, Hudson River and Raritan Bay.

--Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound, Block Island Sound and within three miles seaward of the State's boundary in the Atlantic Ocean.

--Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

--Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission:

--Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).

--Siting, construction and operation of pipelines and other facilities for the transportation

and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

--Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Interior, Fire Island National Seashore:

--Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service:

--Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).

--Offshore drilling, mining or development in the Atlantic Ocean.

--Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Coast Guard:

--Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).

--Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.

--Installation of private aids to navigation (14 U.S.C. 83).

--Authorization of special anchorage or mooring areas.

Department of Transportation, Federal Aviation Administration:

--Siting, construction and operation of new airports and heliports.

--Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.

--Abandonment of existing airports and heliports.

Environmental Protection Agency:

--Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound, Block Island Sound, Raritan Bay, New York Harbor and within three miles seaward of the State's boundary in the Atlantic Ocean pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.

--Activities (eg. disposal of hazardous wastes) subject to regulation under the Resources

Recovery and Conservation Act of 1976.

--Activities subject to regulation under the Comprehensive Environmental Response, Compensation and Recovery Act of 1980.

--Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

--Discharges in the contiguous zone and ocean waters, sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone in Long Island Sound, Raritan Bay, New York Harbor, Hudson River and within three miles seaward of the State's boundary in the Atlantic Ocean and Lake Erie.

Nuclear Regulatory Commission:

--Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board:

--Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

--Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

Please see page II-9-? Above for minor activities which may require one of the above permits and which may be eligible for general concurrence.

III. Federal Assistance to State and Local Governments

(NOTE: Numbers refer to the 1998 Catalog of Federal Domestic Assistance listings)

Department of Agriculture:

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760. Water and waste disposal systems for rural communities.
- 10.762 Solid waste management grants.
- 10.763 Emergency community water assistance grants.
- 10.764 Resource conservation and development loans.
- 10.765 Watershed protection and flood prevention loans.
- 10.766 Community facilities loans.

- 10.768 Business and industrial loans.
- 10.769 Rural development grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.906 Watershed surveys and investigations.

Department of Commerce:

- 11.300 Economic development - grants and loans for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special economic development and adjustment assistance, sudden and severe economic dislocation and long term deterioration.
- 11.405 Anadromous fish conservation act program.
- 11.407 Interjurisdictional Fisheries Act of 1986.
- 11.420 Coastal Zone Management Estuarine Research Reserves.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.550 Public Telecommunications Facilities - Planning and Construction.

Department of Defense:

- 12.101 Beach Erosion Control Projects.
- 12.102 Emergency Rehabilitation of Flood Control Works or Federally Authorized Coastal Protection Works.
- 12.104 Flood Plain Management Services.
- 12.105 Protection of Essential Highways, Highway Bridge Approaches and Public Works.
- 12.106 Flood Control Projects.
- 12.107 Navigation Projects.
- 12.108 Snagging and Clearing for Flood Control.
- 12.109 Protection, clearing and Straightening Channels.
- 12.110 Planning Assistance to States.
- 12.111 Emergency Advance Measures for Flood Prevention.
- 12.600 Community Economic Adjustment.
- 12.607 Community Economic Adjustment Planning Assistance.
- 12.610 Joint Land Use Studies.
- 12.612 Community Base Reuse Plans.
- 12.613 Growth Management Planning Assistance.

Department of Housing and Urban Development:

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.

Department of the Interior:

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.616 Clean Vessel Act.
- 15.904 Historic Preservation Fund Grants-in-Aid.
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation:

- 20.005 Boating Safety Financial Assistance.
- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.308 Local Rail Freight Assistance.
- 20.312 High Speed Ground Transportation - Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.507 Federal Transit Capital and Operating Assistance Formula Grants.
- 20.509 Public Transportation for Nonurbanized Areas.

Small Business Administration:

- 59.013 Local Development Company Loans.

Department of Veteran Affairs:

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency:

- 66.454 Water Quality Management Planning.
- 66.456 National Estuary Program.
- 66.458 Capitalization Grants for State Revolving Funds.
- 66.460 Nonpoint Source Implementation Grants.
- 66.461 Wetlands Protection - Development Grants.
- 66.463 National Pollutant Discharge Elimination System Related State Program Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.

--66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency:

--83.505 State Disaster Preparedness Grants.

--83.536 Flood Mitigation Assistance.

--83.537 Community Disaster Loans.

--83,548 Hazard Mitigation Grant.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



May 23, 2002

DEPARTMENT OF STATE
COASTAL PROGRAMS

MAY 30 2002

RECEIVED

Mr. Charles T. McCaffrey, Jr.
Coastal Resources Specialist
State of New York
Department of State
41 State Street
Albany, NY 12231-0001

Subject: *Draft List of Federal Activities Affecting Land and Water Uses
and Natural Resources in the Coastal Zone of New York State*

Dear Mr. McCaffrey:

Charlie

Thank you for coordinating with this Office on the document noted above. Staff from this Office have reviewed the proposed *Draft List of Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State* (the List) and have identified several items proposed for Federal Consistency Review that could be clearer in scope and geographic extent. These concerns fall under two general areas and are as follows.

First, several of the listed items make reference to "activities in Long Island Sound outside of the coastal area of New York State" (i.e., activities occurring within Connecticut's waters). While we understand and share New York's interest in many activities that occur in the Sound outside of our respective waters, the draft List does not adequately describe the specific geographic area that New York State believes is within the boundaries of Long Island Sound. For example, would activities occurring within the many coastal harbors in Connecticut be subject to Federal consistency review by New York State? If so, we would appreciate additional information regarding the anticipated issues that activities in our harbors might raise for New York State. If not, your list should more clearly indicate its interpretation of the northern landward limit of Long Island Sound. Similarly, it is unclear exactly where the boundary of Long Island Sound is at the mouths of the major rivers (e.g., Thames, Connecticut, Quinnipiac, and Housatonic Rivers) and minor rivers (e.g., Saugatuck, Rooster, Farm, Niantic, etc. rivers) that discharge to the Sound through Connecticut. In order to minimize confusion, we recommend that the limits of the area of New York's concern be more clearly specified in the List for all items that include activities in Long Island Sound outside of New York States coastal area before the List is finalized.

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Second, we also note that several of the items on the List are specifically worded to capture for Federal consistency review a number of activities outside of New York's coastal zone in Long Island Sound as long as they are proposed at least 1500 feet from the Connecticut shoreline. These items include, among other things, "dredging of access channels." In some of our larger harbors, the Federal navigation channels extend well beyond the 1500-foot limit New York is proposing. It is unclear whether these would be considered "access channels" under the proposed List. Is it New York's intent to require Federal consistency review of dredging of Federal navigation channels leading to Connecticut's major harbors? We trust this is not the case. Regardless, we would appreciate clarification of this issue prior to the finalization of the List.

Should you have any questions regarding this letter, or any other coastal management matter, please contact Margaret Welch of this Office at 860-424-3034 or by e-mail at margaret.welch@po.state.ct.us. Thank you

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Evans". The signature is fluid and cursive, with a large initial "C" and "E".

Charles H. Evans

Director

Office of Long Island Sound Programs

CHE/MLW/w

cc: David Kaiser
Bill O'Beirne



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

not in correct year - all letters sent in 2002. (Seal)

Mr. Charles Evans
Director
Office of Long Island Sound Programs
Connecticut Department of Environmental Protection
79 Elm Street
Hartford CN 06106-5127

Dear Mr. Evans:

Recently revised Federal regulation implementing the Coastal Zone Management Act require each state to list activities it wishes to subject to interstate consistency review (15 CFR section 930.154). Pursuant to these regulations New York State is now preparing a list of activities in other states that may have reasonably foreseeable effects on any coastal use or resource in New York. We are doing this as part of a routine update of our overall list of federal activities subject to consistency review. Because the attached draft revised *List of Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State* includes activities which may occur in Connecticut (New Jersey, Rhode Island, Pennsylvania) your comments on the draft List are requested. Please send your comments to Charles McCaffrey at the above address or to cmccaffr@dos.state.ny.us. If you have questions you may call 518-473-3368.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)

Department of Justice, Bureau of Prisons:

--Acquisition, leasing or disposition of land or structures.

--Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service:

--Disposition of land or structures.

Department of Transportation, Amtrak:

--Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.

--Expansion, reduction or abandonment of rail service.

--Disposition of land or structures.

Department of Transportation, Coast Guard:

--Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.

--Closure or disposition of existing facilities.

--Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.

--Placement or removal of navigational devices that are not part of routine operations

under the Aids to Navigation Program.

--Ice management practices and activities.

--Oil and hazardous material pollution response planning and non emergency response activities..

Department of Transportation, Federal Aviation Administration:

--Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration:

--Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).

--Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation:

--Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities for Seaway operations.

--Disposition of land, land under water, or structures.

--Extension of navigation season.

Environmental Protection Agency:

--Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

--Approval of management program, including major amendments to such program, for a designated national estuary.

--Activities conducted under the Resource Conservation and Recovery Act of 1976.

--Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

--Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers:

--Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands, etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone: in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor to within 200' of the pierhead line on the New Jersey shore or to within 500' of the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

--Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline, in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode

Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays to within 200' of the pierhead line on the New Jersey shore or to within 500' of the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

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--Plans for the exploration, development and production of oil and gas on areas leased

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Surface Transportation Board:

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--Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

Please see July 2001 revision to pages II-9-11 to II-9-17 for minor activities which may require one of the above permits and which may be eligible for general concurrence.

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- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense:

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.
- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development:

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior:

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation:

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration:

- 59.013 Local Development Company Loans.

Department of Veteran Affairs:

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency:

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency:

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.

--83.537 Community Disaster Loans.
--83,548 Hazard Mitigation Grant.

From: Charles McCaffrey
To: margaret.welch@po.state.ct.us
Date: 2/7/2003 4:49:51 PM
Subject: Re: FedCon lists update

I am in Quebec on leave. I will be in the office on Tuesday. I will send you our list then.>>> "Margaret Welch" <margaret.welch@po.state.ct.us> 02/04/03 13:50 PM >>>
Hi, Charlie,

We have met internally and I raised your concern about the geographic description not capturing proposed activities on shoals. There was consensus on this side to go back to the use of bathymetric contours, so here is what we are currently working with (keeping in mind D. Kaiser's insistence that we clearly identify the other State's waters):

within the coastal area of the State of Connecticut and within Long Island Sound in New York State waters waterward of the 40-foot bathymetric contour closest to the north shore of Long Island and waterward of the 20-foot contour closest to the shore of other portions of New York State and in Fisher's Island Sound in the waters of either New York State or Rhode Island waterward of the 20-foot contour closest to shore of either State

Do you think this does the trick (with the State's reversed where appropriate, of course). Please do not hesitate to offer up comments and/or suggested edits.

Also, would you please send your current working draft, at least as it relates to us. I've been asked which items we are listing in common and I've lost track.

Thanks so much.
Regards,
Margaret

Revised Proposed Lists of
Federal Activities And
Permits and Licenses
Occurring in the States of New York and Rhode Island
With Reasonably Foreseeable Coastal Effects

(11/2002)

strikeouts = deletions and **bold** = additions since mailing of 8/02

Federal Activity

All Federal agencies

- ◇ ~~land acquisition or disposal for any purpose within the State's coastal area unless otherwise specified~~
- ◇ ~~construction or reconstruction affecting the overall size or configuration of buildings or other facilities (e.g., boat launch ramps, stormwater management system components, paved parking) on any coastal waterfront property~~
- ◇ ~~activities in Massachusetts, New Hampshire and/or Vermont with the potential to significantly affect water quality and/or flows in the Connecticut River~~
- ◇ ~~regulations or rules whose implementation would cause or allow to be caused adverse impacts on coastal resources or water dependent uses~~

Department of Commerce

- ◇ ~~designation of a marine sanctuary including in areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet~~
- ◇ ~~designation of an estuarine research reserve including in areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet~~
- ◇ ~~designation of essential fish habitat including areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline in water deeper than 20 feet (moved from EPA)~~

Department of Defense

- ◇ dredging, channel improvements, other navigation works, beach replenishment, erosion control structures, dams or flood control works, maintenance dredging including such activities outside of the State's coastal zone in the Byram River including Port Chester Harbor and in the Pawcatuck River
- ◇ designation, modification, or deauthorization of existing Federal navigation channels, fairways, and mooring areas including such activities outside of the State's coastal zone in the Byram River including Port Chester Harbor and in the Pawcatuck River
- ◇ designation of open water dredged material disposal sites pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act including designation of disposal sites outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**
- ◇ dredging or excavation of materials from offshore borrow areas, including areas outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**
- ◇ dredged material management plans including plans for areas outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**

Department of Transportation

- ◇ expansion, abandonment, designation of anchorages, lightering areas, shipping lanes or pilot areas including such activities outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**
- ◇ oil and hazardous material pollution response planning and non-emergency response activities including plans that affect areas outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the~~

Rhode Island shoreline in water deeper than 20 feet

Environmental Protection Agency

- ◇ ~~designation of essential fish habitat including areas outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline and in Fisher's Island Sound waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline [move to Commeree]~~

Federal Permit or License

Department of Defense

- ◇ approval of plans for improvements made at private expense under USACE supervision pursuant to Section 11 of the Rivers and Harbors Act of 1899 including such activities outside of the State's coastal zone in the Byram and Pawcatuck Rivers
- ◇ discharge of dredged material into the waters of the United States pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344) including the discharge of dredged material outside of the State's coastal zone in Long Island Sound ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**
- ◇ ~~construction of artificial island and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 including such activities outside of the State's coastal zone in Long Island Sound waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State** and in Fisher's Island Sound ~~waterward of the 30-foot bathymetric contour closest to the Rhode Island shoreline~~ **in water deeper than 20 feet**
- ◇ construction of structures or conduct of activities in navigable waters, or obstructions or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 USC 401 et. seq.) including areas outside of the State's coastal zone in Long Island Sound in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound in water deeper than 20 feet and such activities proposed in Vermont, New Hampshire or Massachusetts if there is the potential for the activity to significantly alter water quality or flows in the Connecticut River
- ◇ **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. 1401 et. seq.) including such activities outside of the State's coastal zone in Long Island Sound** ~~waterward of the 30-foot bathymetric contour closest to the New York State shoreline~~ **in water deeper than 40 feet off the north shore of Long Island and in water deeper than 20 feet off the shore of other portions of New York State and in Fisher's Island Sound** ~~waterward of the 30-foot bathymetric contour closest to~~



Coordination w/New Jersey CMP



State of New Jersey

Department of Environmental Protection

Coastal Management Office

PO Box 418

Trenton, NJ 08625-0418

Richard J. Codey

Acting Governor

Bradley M. Campbe

Commissioner

May 31, 2005

Mr. Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources
State of New York
Department of State
41 State Street
Albany, NY 12231-0001

DEPARTMENT OF STATE
COASTAL PROGRAMS

JUN 03 2005

RECEIVED

RE: New York Coastal Management Program Interstate Federal Consistency Listings

Dear Mr. Resler:

The New Jersey Coastal Management Program has reviewed your April 14, 2005 package containing the geographic location map and revisions to your proposed list of Federal activities resulting from our March 24, 2005 conference call. Our comments are as follows:

1. We requested in our February 3, 2005 letter and also in the March 24, 2005 conference call that the geographic location description "in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone offshore of the southern shore of Long Island" be reworded to make clear that this description does not include those portions of the Atlantic Ocean which are in New Jersey. 15 CFR 930.155(a) provides that even if a state does not list a direct Federal agency activity under the interstate consistency provision, the Federal agency is still required to submit a consistency determination for activities having coastal effects. Therefore, we request that this geographic location be revised to exclude New Jersey's waters since a Federal agency must submit a consistency determination if the activity is substantial enough to have coastal effects on New York's coastal zone regardless of its location in New Jersey.

2. We continue to object to the listing of all dredging projects in the Arthur Kill, Kill Van Kull, Hudson River, Raritan Bay and Upper and Lower New York Bays, under the following listings:

(1) Department of Defense, Army Corps of Engineers, page 2-New dredging of Federal navigation channels, fairways and mooring areas and dredging or excavation of materials from offshore borrow areas;

(2) Department of Defense, Air Force, Army and Navy, page 4-Dredging of access channels berthing and mooring areas and disposal of dredged material;

(3) Department of Homeland Security, Coast Guard, page 5-Dredging of access channels, mooring and berthing areas at existing or proposed facilities and disposal of dredged material; and

(4) Department of Defense, Army Corps of Engineers, page 9-Construction of structures or conduct activities in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the Rivers and Harbors Act.

We request that these listings be revised to apply to projects greater than 25,000 cubic yards of material. Our Office of Dredging and Sediment Technology has indicated that they have a close working relationship with New York's Department of Environmental Conservation, Division of Environmental Permits, Region II with respect to the review of dredging operations in these waterways for the purposes of Water Quality Certifications and Federal Consistency determinations issued by New Jersey's Coastal Management Program. This relationship is such that it has resulted in both NJDEP's Office of Dredging and Sediment Technology and NYDEC's Division of Environmental Permits, Region II issuing Water Quality Certificates with consistent conditions. In addition to the issues addressed through the coordinated review of Water Quality Certificates, what other issues would the New York Coastal Management Program be addressing in reviewing all dredging projects on these waterways in New Jersey?

3. Federal Permits, Licenses and other regulatory approvals, Army Corps of Engineers, page 9: While the revisions to this section make it clearer as to the activities the New York Coastal Management Program intends to review, the geographic location description is confusing. We request that the description be revised to:

"in the State of New Jersey in the Arthur Kill, Kill Van Kull, Hudson River, Raritan Bay and Lower New York Bay **waterward** of 500 feet of the New Jersey shoreline **of each waterway** for new structures and activities and expansion of existing authorized structures and activities, excepting the maintenance of existing authorized structures and activities"

4. We request that the geographic location descriptions for the following Federal permits and licenses be revised to clarify that the area you are listing within New Jersey is that beyond 500 feet of each of the listed waterways.

a. Army Corps of Engineers, page 9: Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act; and

Environmental Protection Agency, page 11: Discharge of materials other than dredged material at designated open water disposal sites. We request that the geographic location description for the above permits and licenses be revised to:

"in the State of New Jersey in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 500 feet from the New Jersey shoreline **of each waterway**"

b. Environmental Protection Agency, page 11: Discharge in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations. Again we request that this listing be broken into two separate listings, as the current listing is confusing. Further, we request that the geographic location description for the above permits and licenses be revised to:

"in the State of New Jersey [~~waterward of 500 feet from the shoreline~~] in the Hudson River, Arthur Kill, Kill Van Kull, Raritan Bay and Upper and Lower New York Bays **waterward of 500 feet from the New Jersey shoreline of each waterway.**"

On behalf of New Jersey's Coastal Management Program, I thank you for the opportunity to comment on your proposed listings. I look forward to continuing to work with you to resolve the above issues. Please do not hesitate to contact Kimberly Springer of my staff me or at (609) 633-2201.

Sincerely,



Ruth Ehinger
New Jersey Coastal Program Manager

c. Kim Springer, FC Coordinator

From: "Ruth Ehinger" <Ruth.Ehinger@dep.state.nj.us>
To: <SRESLER@dos.state.ny.us>
Date: Thu, May 19, 2005 9:05 AM
Subject: Re: Interstate Consistency

Steve, just wanted to let you know that we haven't forgotten that we need to get a response to you. There is one office here that handles all dredging applications and we need to meet with them before we can respond. They bailed out of our first meeting and I keep pushing to reschedule. We'll keep working on it. Ruth

CC: "Kim Springer" <Kim.Springer@dep.state.nj.us>



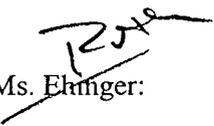
STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

Ms. Ruth Ehinger
New Jersey Coastal Program Manager
Office of Coastal Planning and Program Coordination
New Jersey Department of Environmental Protection
P.O. Box 418
401 East State Street
Trenton, NJ 08625

April 14, 2005


Dear Ms. Ehinger:

Thank you for taking the time last month to discuss New York's proposed list of federal activities that would be subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. Fred Anders and I found the discussion helpful, and hope that it clarified questions and alleviated concerns raised in your February 3, 2005 letter and other communications.

A revised list of activities that reflects our discussion is attached. Changes resulting from our discussion are highlighted, and should help clarify where certain activities in New Jersey, requiring federal agency authorizations, would routinely require the submission of consistency certifications and reviews by New York in accordance with 15 CFR Part 930, Subpart D. A map generally depicting those areas in New Jersey is included with this letter. Applicants for federal agency authorizations for activities not included in the list would not be required to submit consistency certifications to New York, unless New York makes a request to review those activities in accordance with 15 CFR 930.54.

As I indicated during our communications, we would like to expedite the submission of our proposed list and supporting information to NOAA's Office of Ocean and Coastal Resources Management. It would be greatly appreciated if you or your staff could respond to this revised list as soon as possible.

If you or others in your agency have any questions or would like to discuss this matter further, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us). I will be traveling out of the state between April 22nd through May 1st, but will check my voice and e-mail and return any communications as soon as I can.

Sincerely,

Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources

scr/bms

att: NJ Interstate Consistency Map

From: "Ruth Ehinger" <Ruth.Ehinger@dep.state.nj.us>
To: <SRESLER@dos.state.ny.us>
Date: Wed, Mar 16, 2005 3:41 PM
Subject: Re: Interstate Consistency

I'm glad to see that you are keeping the record straight! We'll talk soon. I think Kim responded with specific dates. Ruth

>>> "Steven Resler" <SRESLER@dos.state.ny.us> 03/14/05 05:14PM >>>
Ruth and Kim:

Following up on our interstate efforts...

If possible this week I'd like to follow up on previous communications and discuss your comments and concerns regarding NY's proposed listing of interstate activities. Best times this week at my end are after 3:00 tomorrow, any time Thursday the 17th, or after 10:30 on Friday the 18th.

Monday the 21st or Thursday the 24th of next week are also OK. I could also make a trip to your offices to discuss things, perhaps next week or the week after, but I'd like to talk on the phone first so we can get a better handle on and focus on what needs to be clarified, resolved, etc. Please let me know what dates/times might be best at your ends.

And...for the record...there is no debating the facts...the NJ contingent surpassed NY's contingent at the "Dance for Your Grants" event in D.C. last Wednesday!

Best,

Steve

Steven C. Resler
Deputy Bureau Chief
New York Coastal Management Program
Department of State
Division of Coastal Resources
41 State Street
Albany, New York 12231-0001
Phone: (518) 474-5290
FAX: (518) 473-2464
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State of New Jersey

Department of Environmental Protection

Coastal Management Office
PO Box 418
Trenton, NJ 08625-0418

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

February 3, 2005

Mr. Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources
State of New York
Department of State
41 State Street
Albany, NY 12231-0001

DEPARTMENT OF STATE
COASTAL PROGRAMS

FEB 07 2005

RECEIVED

RE: New York Coastal Management Program Interstate Federal Consistency Listings

Dear Mr. Resler:

The New Jersey Coastal Management Program has completed review of Table 2 titled "Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State" enclosed with your letter of December 17, 2004. This table lists Federal agency activities and Federal permits, licenses and other approvals that the New York Coastal Management Program has determined are likely to have reasonably foreseeable coastal effects on the coastal zone of New York when occurring within New Jersey's coastal zone. Our comments are as follows:

1. Throughout the table the geographic description "in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone offshore of the southern shore of Long Island" should be reworded to make clear that this description does not include those portions of the Atlantic Ocean which are in New Jersey.

2. The following comments pertain to the Federal agency activity listings of Table 2.

a. Department of Defense, Army Corps of Engineers

The listings under this Federal agency entail the review of all dredging projects within the Hudson River, Arthur Kill, Kill Van Kull, Upper and Lower New York Bays and Raritan Bay within New Jersey's coastal zone. The NJ CMP objects to the listing as proposed and requests that a threshold be established for the listed dredging activities to eliminate duplicative review by both States for small dredging projects. As you are aware, New Jersey is in the process of updating its Federal Consistency listings to include activities within other states including New York. Our proposed listing for dredging activities within New York's coastal zone includes for example, dredging

activities within New York within the Arthur Kill, Kill Van Kull, Upper and Lower New York Bays, Hudson River and Raritan Bay of greater than 25,000 cubic yards and sand mining of greater than 100,000 cubic yards. We believe that the foreseeable coastal effects associated with dredging projects of this size warrant review by both State Coastal Management Programs.

b. Department of Defense, Air Force, Navy

For the reasons listed above, we object to the listing of all dredging projects regardless of size and request that a threshold be established for the dredging activities listed under this Federal agency.

Further, the proposed listing for this Federal agency includes establishment of impact, compatibility and restricted use zones. It has been our experience with Naval Weapons Station Earle on Sandy Hook Bay that the Army Corps of Engineers establishes the restricted/impact area pursuant to 33 CFR 334 while the US Coast Guard establishes Security zones pursuant to 33 CFR 165.130.

c. Department of Energy

What is the legal authority being cited for the Federal agency activity of transportation of nuclear waste?

d. Department of Homeland Security, Coast Guard

For the reasons discussed under the Army Corps of Engineers above, we object to the listing of all dredging projects regardless of size and request that a threshold be established for the dredging activities listed under this Federal agency.

e. Department of Interior, Gateway National Seashore

As you know, the Gateway National Recreation Area includes Sandy Hook New Jersey. While the New Jersey portion of the Gateway National Recreation Area is not listed, please clarify that the NY CMP does not intend to review the listed activities for the Sandy Hook portion of the recreation area.

f. Department of Interior, Minerals Management Service

What is the geographic area for the listing of OCS oil and gas lease sales?

3. The following comments pertain to the Federal licenses, permits and other regulatory approval listings of Table 2:

a. Department of Defense, Army Corps of Engineers

As currently written the proposed listing for Army Corps of Engineers Section 9 and 10 permits on page 8 is confusing in regard to structures to be reviewed in New Jersey's coastal zone. Steve Resler's January 10, 2005 e-mail clarified that the NY CMP does not intend to review the construction, reconstruction, repair or improvement of wharves, docks, piers, bulkheads, revetments, seawalls, groins, jetties, etc. on the New Jersey shore. The table should be reworded to make this interpretation clear. We have several additional comments on this proposed listing:

i. Based on the above and Table 2, it appears the only activities requiring a Section 9 and 10 permit that New York intends to review within New Jersey's coastal zone are sand and gravel mining and dredging within the geographic area of the Arthur Kill, Kill Van Kull to the low water mark of the New Jersey shore, Hudson River, Raritan Bay and New York Harbor waterward of 200 feet from the pierhead line on the New Jersey shore or waterward of 500 feet from the New Jersey shoreline where there is no pierhead line. Is this interpretation correct? If so we suggest simply listing sand and gravel mining and dredging to avoid confusion.

ii. Please clarify the phrase "on the New Jersey shore."

iii. As discussed previously, we object to the listing of all dredging projects regardless of size, and request that a threshold be established for dredging and sand mining activities. For example, under New Jersey's proposed listing for the Army Corps of Engineers Section 9 and 10 permits we limit our review of dredging projects in the Arthur Kill, Kill Van Kull, Hudson River, Lower and Upper New York Bays and Raritan Bay to projects of greater than 25,000 cubic yards in size.

iv. We are unaware of a single map that depicts all pierhead lines established by the Federal or State government in the early to mid 1900s. Therefore, it will be difficult to determine whether a pierhead line exists for a given property and the location of such a line since the location of these lines varies. Instead, we suggest setting a distance from the mean high water line along the referenced waterways.

v. In response to our May 24, 2002 letter, all references to the term "New York Harbor" were replaced with specific waterways except in this listing. Please clarify the waterways to which this term applies for Section 9 and 10 permits.

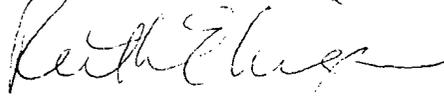
b. Environmental Protection Agency

The discharge of materials, other than dredged material, at designated open water disposal sites under the Federal Clean Water Act applies to discharges in ocean waters. Therefore reference to the New Jersey waters should be deleted.

The listing for discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act should be clarified and broken into 2 separate listings as the current listing is confusing. For the listing of discharges in the contiguous zone and ocean waters of sludge runoff, the geographic area should not include New Jersey waters as this listing pertains to the contiguous zone and ocean waters unless the NY CMP intends to review such activities in New Jersey's ocean waters.

On behalf of New Jersey's Coastal Management Program I thank you for the opportunity to comment on your proposed listings. I look forward to continuing to work with you to resolve the above issues. Please do not hesitate to contact Kimberly Springer of my staff me or at (609) 633-2201.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Ehinger".

Ruth Ehinger
New Jersey Coastal Program Manager



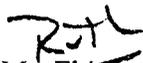
STATE OF NEW YORK
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RANDY A. DANIELS
SECRETARY OF STATE

Ms. Ruth Ehinger
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New Jersey Department of Environmental Protection
P.O. Box 418
401 East State Street
Trenton, NJ 08625-0418

DEC 17 2004


Dear Ms. Ehinger:

Our Division of Coastal Resources is nearing the completion of tasks involving updates to the New York Coastal Management Program's list of federal activities that would be subject to the consistency provisions of the Coastal Zone Management Act and its implementing regulations in 15 CFR Part 930. Your agency has been undertaking similar efforts regarding New Jersey's list of federal activities. You and Mr. Charles McCaffrey, formerly of our Department, had been coordinating our respective interstate consistency efforts.

New York's proposed list of federal activities, reflecting earlier consultation and coordination between our agencies, is attached. The listed activities in Section II of Table relating to U.S. Army Corps of Engineers authorization of structures on the shore in New Jersey reflects concerns regarding the reconstruction or repair of existing shoreline structures such as shoreline stabilization structures and piers, and the listed interstate activities do not include activities in tributaries of shared water bodies which are not themselves shared between New York and New Jersey (e.g. Newark Bay).

It would be appreciated if your agency would indicate whether it has any objection to the listed activities within thirty days of receipt of this letter. To aid in your agency's review of the list, interstate activities and the areas where interstate consistency provisions would apply in New Jersey have been highlighted in yellow.

If you or others in your agency need any additional information or assistance regarding or would like to discuss this matter, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,



Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources

TABLE 2

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

- Low to moderate income housing loans (10.410 cfda)
- Rural housing site loans (10.411cfda)
- Rural rental housing loans (10.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Oceanic & Atmospheric Administration

- Designation of marine sanctuary.
- Designation of estuarine research reserve.
- Aquaculture Program (11.444cfda)
- Fisheries Finance Program (11.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities with those numbers are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Marine Fisheries Service

- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone within the geographic area subject to the New England Fisheries Management Council and the Mid Atlantic Fisheries Management Council.

– Designation of Essential Fish Habitat, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay.

Department of Defense, Army Corps of Engineers

– New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State’s coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean.

– Dredging or excavation of materials from offshore borrow areas, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500’ from the New Jersey shoreline; in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.

– Disposal of dredged and fill material in the State’s coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State

of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' of the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of

the State's boundary in the Atlantic Ocean.

- Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- New or changes to existing nationwide or regional general permits.
- Ice management practices.

Department of Defense, Air Force, Army and Navy

- Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.
- Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Establishment of impact, compatibility and restricted use zones.

activities.

Department of Housing and Urban Development

- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.
- Property disposition

Department of Interior, Fire Island National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures.
- Construction or reconstruction of buildings or facilities.
- Dredging and dredged material disposal.
- Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service

- Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.
- Management plans for wildlife refuges or other wildlife areas.
- Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures
- Construction or reconstruction of buildings or facilities.
- Dredging or dredged material disposal.

Department of Interior, Minerals Management Service

- OCS oil and gas lease sales.

Department of Interior: National Park Service

- Acquisition or disposition of land or structure.
- Management plans for park lands, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.
- Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

Department of Justice, Bureau of Prisons

- Acquisition, leasing or disposition of land or structures.
- Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service

- Disposition of land or structures.

Department of Transportation, Amtrak

- Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.
- Expansion, reduction or abandonment of rail service.
- Disposition of land or structures.

Department of Transportation, Federal Aviation Administration

- Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration

- Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).
- Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation

- Acquisition or leasing of land, land under water or structures, and construction of new or reconstruction of existing facilities for Seaway operations.
- Disposition of land, land under water, or structures.
- Extension of navigation season.

Environmental Protection Agency

- Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to waterward of 500’ from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.
- Approval of management program, including major amendments to such program, for a designated national estuary.
- Activities conducted under the Resource Conservation and Recovery Act of 1976.
- Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers

- Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands,

etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, and the reconstruction or repair of existing structures such as shoreline stabilization structures and piers, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the

State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay.

- Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

- Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission

- Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).

- Siting, construction and operation of pipelines and other facilities for the transportation and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

- Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Homeland Security, Coast Guard

- Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).

- Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.

- Installation of private aids to navigation (14 U.S.C. 83).

- Authorization of special anchorage or mooring areas.

Department of Interior, Fire Island National Seashore

- Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service

– Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).

– Offshore drilling, mining or development in the Atlantic Ocean.

– Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Federal Aviation Administration

– Siting, construction and operation of new airports and heliports.

– Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.

– Abandonment of existing airports and heliports.

Environmental Protection Agency

– Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.

– Activities(e.g. disposal of hazardous wastes) subject to regulation under the Resources Recovery and Conservation Act of 1976.

– Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

– Discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone (other than

traditional aquaculture activities of baymen and individual commercial fishermen) in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

Nuclear Regulatory Commission

– Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board

– Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

– Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

(Note: see July 2001 revision to pages II-9-11 to II-9-17 of the CMP for activities which may require one, or more, of the above authorizations, and which may meet general concurrence criteria).

III. Federal Assistance to State and Local Governments

(Note: Numbers in this Part III listing refer to Catalog of Federal Domestic Assistance listings)

Department of Agriculture

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760. Water and waste disposal systems for rural communities.

- 10.762 Solid waste management grants.
- 10.766 Community facilities loans.
- 10.768 Business and industrial loans.
- 10.769 Rural business enterprise grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.905 Plant materials for conservation
- 10.906 Watershed surveys and investigations.

Department of Commerce

- 11.300 Economic development - grants for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special Economic Development and Adjustment Assistance
- 11.405 Anadromous fish conservation act program.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.
- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration

- 59.013 Local Development Company Loans.

Department of Veteran Affairs

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.
- 83.537 Community Disaster Loans.
- 83.548 Hazard Mitigation Grant.

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DEPARTMENT OF STATE
COASTAL PROGRAMS

MAY 28 2002

RECEIVED

Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

State of New Jersey
Department of Environmental Protection
Office of Coastal Planning & Program Coordination
P.O. Box 418
Trenton, New Jersey 08625-0418
Phone: 609-292-2662
Fax: 609-292-4608

May 24, 2002

Mr. Charles T. McCaffrey, Jr.
Coastal Resources Specialist
State of New York
Department of State
41 State Street
Albany, New York 12231-0001

Dear Mr. McCaffrey:

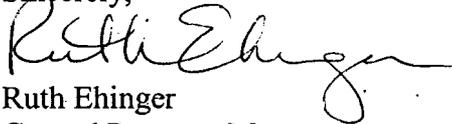
The New Jersey Coastal Management Program has completed review of Table 1 "Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State" enclosed with your letter of March 27, 2002. The table incorporates New York State's draft list of activities in other states that would be subject to federal consistency review under the Coastal Zone Management Act. We have several comments on the list.

1. The term "New York Harbor" is used in several places to describe the geographical area where consistency review will be required. The phrase "Hudson River, Arthur Kill and Kill van Kull" is also used. Thus, we assume that there is a distinction made between the areas defined by the terms "New York Harbor" and "Hudson River, Arthur Kill and Kill van Kull". The term "New York Harbor" needs to be defined to clarify the waterways to which it applies geographically. Does "New York Harbor" refer to only the Upper and Lower New York Bays? If this is the case, we have no objection to the geographical locations and activities identified in New Jersey where New York State will require federal consistency review in the harbor, with the exception of item 2 below. However, if "New York Harbor" includes tributaries of shared waters, which tributaries are not themselves shared between New York and New Jersey (e.g. Newark Bay), we object to their inclusion.

2. New York intends to apply federal consistency review to even minor waterfront development projects along the Arthur Kill and the Kill van Kull, because it will be reviewing proposed structures up to the mean low water line in these waterways. The mean low water line is commonly the bulkhead in these waterways. We suggest that minor waterfront development projects, such as reconstruction or repair of existing shoreline stabilization structures and existing piers, be excluded from the list. We also suggest that emergency repairs be excluded from the list.
3. We would like to work with the New York Coastal Management Program to develop a process whereby the states share information before making a negative or conditional federal consistency determination, particularly for dredging projects. Such a process would enable our two states to identify potential conflicts and to develop solutions prior to a formal determination. This would ensure efficient use of our resources and facilitate expeditious and congruent determinations.

New Jersey is working on its list of federal actions in the New York coastal zone where it intends to require federal consistency review and will submit it to you within several months. I look forward to continuing to work with you to resolve the above issues and in coordination on New Jersey's list. Please do not hesitate to contact me at the above address or at 609-292-2662 if you have any questions on the above.

Sincerely,



Ruth Ehinger
Coastal Program Manager

C: Lawrence Baier, NJDEP
Ernest Hahn, NJDEP
Mark Mauriello, NJDEP



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001¹²

Ms. Ruth Ehinger
Office of Coastal Planning & Program Coordination
New Jersey Department of Environmental Protection
401 East State Street
Trenton NJ 08625-0418

Dear Ms. Ehinger:

Recently revised Federal regulation implementing the Coastal Zone Management Act require each state to list activities it wishes to subject to interstate consistency review (15 CFR section 930.154). Pursuant to these regulations New York State is now preparing a list of activities in other states that may have reasonably foreseeable effects on any coastal use or resource in New York. We are doing this as part of a routine update of our overall list of federal activities subject to consistency review. Because the attached draft revised *List of Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State* includes activities which may occur in Connecticut (New Jersey, Rhode Island, Pennsylvania) your comments on the draft List are requested. Please send your comments to Charles McCaffrey at the above address or to cmccaffr@dos.state.ny.us. If you have questions you may call 518-473-3368.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)

TABLE 2

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

- Low to moderate income housing loans (10.410 cfda)
- Rural housing site loans (10.411cfda)
- Rural rental housing loans (10.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Oceanic & Atmospheric Administration

- Designation of marine sanctuary.
- Designation of estuarine research reserve.
- Aquaculture Program (11.444cfda)
- Fisheries Finance Program (11.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities with those numbers are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Marine Fisheries Service

- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone within the geographic area subject to the New England Fisheries Management Council and the Mid Atlantic Fisheries Management Council.

– Designation of Essential Fish Habitat, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay.

Department of Defense, Army Corps of Engineers

– New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State’s coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean.

– Dredging or excavation of materials from offshore borrow areas, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500’ from the New Jersey shoreline; in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.

– Disposal of dredged and fill material in the State’s coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State

of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' of the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of

the State's boundary in the Atlantic Ocean.

- Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- New or changes to existing nationwide or regional general permits.
- Ice management practices.

Department of Defense, Air Force, Army and Navy

- Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.
- Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.
- Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Establishment of impact, compatibility and restricted use zones.

Department of Energy

- Nuclear waste transportation

General Services Administration

- Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.
- Disposition of federal surplus land, structures or facilities.

Department of Homeland Security, Coast Guard

- Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.
- Closure or disposition of existing facilities.
- Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.
- Placement or removal of navigational devices that are not part of routine operations under the Aids to Navigation Program.
- Ice management practices and activities.
- Oil and hazardous material pollution response planning and non emergency response

activities.

Department of Housing and Urban Development

- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.
- Property disposition

Department of Interior, Fire Island National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures.
- Construction or reconstruction of buildings or facilities.
- Dredging and dredged material disposal.
- Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service

- Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.
- Management plans for wildlife refuges or other wildlife areas.
- Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures
- Construction or reconstruction of buildings or facilities.
- Dredging or dredged material disposal.

Department of Interior, Minerals Management Service

- OCS oil and gas lease sales.

Department of Interior: National Park Service

- Acquisition or disposition of land or structure.
- Management plans for park lands, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.
- Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

Department of Justice, Bureau of Prisons

- Acquisition, leasing or disposition of land or structures.
- Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service

- Disposition of land or structures.

Department of Transportation, Amtrak

- Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.
- Expansion, reduction or abandonment of rail service.
- Disposition of land or structures.

Department of Transportation, Federal Aviation Administration

- Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration

- Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).
- Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation

- Acquisition or leasing of land, land under water or structures, and construction of new or reconstruction of existing facilities for Seaway operations.
- Disposition of land, land under water, or structures.
- Extension of navigation season.

Environmental Protection Agency

- Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to waterward of 500’ from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.
- Approval of management program, including major amendments to such program, for a designated national estuary.
- Activities conducted under the Resource Conservation and Recovery Act of 1976.
- Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers

- Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands,

etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, and the reconstruction or repair of existing structures such as shoreline stabilization structures and piers, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the

State of Rhode Island and Providence Plantations waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantations waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay.

- Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission

- Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).
- Siting, construction and operation of pipelines and other facilities for the transportation and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).
- Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Homeland Security, Coast Guard

- Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).
- Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.
- Installation of private aids to navigation (14 U.S.C. 83).
- Authorization of special anchorage or mooring areas.

Department of Interior, Fire Island National Seashore

- Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service

– Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).

– Offshore drilling, mining or development in the Atlantic Ocean.

– Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Federal Aviation Administration

– Siting, construction and operation of new airports and heliports.

– Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.

– Abandonment of existing airports and heliports.

Environmental Protection Agency

– Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.

– Activities(e.g. disposal of hazardous wastes) subject to regulation under the Resources Recovery and Conservation Act of 1976.

– Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

– Discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone (other than

traditional aquaculture activities of baymen and individual commercial fishermen) in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

Nuclear Regulatory Commission

– Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board

– Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

– Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

(Note: see July 2001 revision to pages II-9-11 to II-9-17 of the CMP for activities which may require one, or more, of the above authorizations, and which may meet general concurrence criteria).

III. Federal Assistance to State and Local Governments

(Note: Numbers in this Part III listing refer to Catalog of Federal Domestic Assistance listings)

Department of Agriculture

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760. Water and waste disposal systems for rural communities.

- 10.762 Solid waste management grants.
- 10.766 Community facilities loans.
- 10.768 Business and industrial loans.
- 10.769 Rural business enterprise grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.905 Plant materials for conservation
- 10.906 Watershed surveys and investigations.

Department of Commerce

- 11.300 Economic development - grants for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special Economic Development and Adjustment Assistance
- 11.405 Anadromous fish conservation act program.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.
- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration

- 59.013 Local Development Company Loans.

Department of Veteran Affairs

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.
- 83.537 Community Disaster Loans.
- 83.548 Hazard Mitigation Grant.

12/16/04

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From: "Ruth Ehinger" <REHINGER@dep.state.nj.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 3/7/2002 2:27:39 PM
Subject: Re: coordination with federal agencies

now i see it--thanks

>>> "Charles McCaffrey" <CMCCAFFR@dos.state.ny.us> 03/06/02 10:13AM >>>
See section 930.53 (c) (1). This 60 day requirement applies only to the
list of permits and licences.

>>> "Ruth Ehinger" <REHINGER@dep.state.nj.us> 03/05/02 04:17PM >>>
charlie, on the strength of our conversation, i just looked in the
federal consistency regs for a requirement for a 60 day federal review,
mainly because time is, of course, limited, and because just this
afternoon we had talked about sending it out with a 30 day. all i see
is that there be evidence of consultation. is there something
specifically requiring 60 day? thanks, ruth

From: "Ruth Ehinger" <REHINGER@dep.state.nj.us>
To: <CMCCAFFR@dos.state.ny.us>
Date: 2/22/2002 4:24:19 PM
Subject: federal actions

Hi Charlie, me again! Do you by chance know more about the federal licensing/permitting NY has listed under Surface Transportation Board? It's on page 33. It's listed as "establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 USC 10901 et seq.)" I looked at the cite and it covers the railways but not ferries or common carriers. It seems like they are worth including, but I haven't been able to find out how they're regulated. Any ideas? Thanks Ruth

From: Charles McCaffrey
To: sresler
Date: 8/5/2003 2:43:03 PM
Subject: Fwd: federal consistency

>>> "Ruth Ehinger" <REHINGER@dep.state.nj.us> 11/29/2001 11:02:39 AM >>>

Hi Charlie, Steve Resler gave me your name as the person who is working on the proposed list of federal activities subject to federal consistency in neighboring states. I am beginning to work on such a list for New Jersey, and wanted to see how you are going about it, and initiate our interstate coordination. Steve indicated that you already have a list drafted, including the geographic area, . Could you forward that list to me, and any insights as to how you developed it? Then perhaps we could talk about our next steps. My phone number is 609-292-2662. Thanks.

Ruth Ehinger
Office of Coastal Planning
NJ Department of Environmental Protection
PO Box 418
Trenton, NJ 08625



Coordination w/Pennsylvania CMP



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
June 16, 2005

Water Planning Office

717-772-5622

Steven C. Resler, Deputy Chief
Resources Management Bureau
New York Department of State
41 State Street
Albany, NY 12231-0001

DEPARTMENT OF STATE
COASTAL PROGRAMS

JUN 22 2005

RECEIVED

Re: CZM File No. CZ7: IC

Dear Mr. Resler:

On May 25, 2005 the Pennsylvania Coastal Zone Management (PA CZM) Program received your proposed list of federal actions occurring in Pennsylvania, that New York Coastal Zone Management Program's (NY CZM) intends to review for consistency under 15 CFR Part 930, Subparts C, D, and I. We have reviewed your list and accompanying information, and have no comments to offer. Thank you for coordinating with PA CZM.

The information you provided expressed NY CZM's concern with actions in Pennsylvania that may impact upon beach and bluff erosion in New York. PA CZM has the same concerns regarding Pennsylvania's beaches and bluffs. To address our concerns, PA CZM has developed a document entitled **Criteria and Methodology for the Proper and Consistent Placement of Shoreline Stabilization Structures along Pennsylvania's Lake Erie Shoreline (C & M Document)**. The criteria of the C & M Document, which we are currently using, is designed to limit all benefits / problems resulting from the construction of shoreline structures, solely to the applicant's property. Updrift and downdrift properties are not affected. I have enclosed a copy of our C & M Document for your perusal. If the criteria contained in the C & M Document are acceptable to NY CZM, perhaps it could be included in your General Concurrence (GC) criteria for federal consistency reviews. We believe this would save time and money for both of our agencies, as well as the applicant. If you have questions on the C & M Document, please contact Shamus Malone of PA CZM at 717-772-5621.

Sincerely,

Lawrence J. Toth
Environmental Planner
Coastal Zone Management Program

Enclosure



**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER PLANNING OFFICE, COASTAL ZONE MANAGEMENT**

AUTHOR: Shamus Malone, Chief of Monitoring and Technical Assistance,
Pennsylvania Coastal Zone Management Program.

DOCUMENT ID:

TITLE: Criteria and Methodology for the Proper and Consistent Placement of Groin Structures along Pennsylvania's Lake Erie Shoreline.

EFFECTIVE DATE: May 7, 2003 - Official Advisory Document. November 2004 - under review as Department Official Guidance Document.

AUTHORITY:

The Dam Safety and Encroachments Act, Act of November 26, 1978, P.L. 1375, as amended, P.S. § 693.1 et seq.

POLICY:

The Department will use this technical guidance document in the review of Chapter 105 permit applications for the placement of groins below the ordinary high water mark along the Lake Erie shoreline.

PURPOSE:

To consistently apply established design criteria to the construction of Lake Erie groin structures in order to minimize negative impacts to neighboring properties and to the environment.

APPLICABILITY:

This technical guidance document applies to all Pennsylvania Lake Erie shoreline property owners applying for a permit to construct groin structures below the ordinary high water mark for the purpose of beach maintenance or shoreline protection. This document will also apply to those property owners who have existing, unpermitted groin structures and to those owners of permitted structures wishing to modify their existing structures.

DISCLAIMER:

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework for the exercise of DEP's administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH:

LOCATION:

Criteria and Methodology for the Proper and Consistent Placement of Shoreline Stabilization Structures along Pennsylvania's Lake Erie Shoreline.

Purpose: This analysis describes the criteria and methodology that are used by the Pennsylvania Coastal Zone Management Program (CZM) to review permit applications for groin structures for placement along the shoreline of Lake Erie. This information is used to formulate comments and special conditions to assure proper and consistent placement of these groin structure.

Statement of facts about Groins

- Groins can be used to maintain beaches, which are natural forms of shoreline protection. To reduce significant interruption of littoral currents and beach nourishing littoral sands and gravels, groins will only be permitted as low profile structures designed to closely mimic the existing beach profile.
- For regulatory consistency dealing with encroachments along Lake Erie, all lakeward measurements will be made from the ordinary high water mark elevation (HWM) of 572.8 (IGLD 1955), which is the landward limit of Pennsylvania's Regulatory Authority, the PA Dam Safety and Encroachments Act and Implementing Rules and Regulations, Chapter 105.
- The following criteria and recommendations are the result of two Studies undertaken by the CZM Program and funded through NOAA. These studies are: Lake Erie - Shoreline Protection Structures Study (Bennett/Meadows, September 2001), and Development of a Predictive Model for Lake Erie Shoreline Stabilization Structures (Meadows, December 1982).

Review Criteria and Methodology –

Need of a Structure – The CZM Program has routinely provided site specific need assessment determinations on coastal properties since 1980. As part of the suite of CZM services offered to coastal property owners, regionally located technical staff is available to conduct free Technical Advisory Services (TAS). Through the TAS, which can be tied into the permit review process, the bluff and shoreline areas of the coastal property are evaluated for stability factors. It is during this on-site evaluation that the areas of instability are identified and the causes of instability are determined. It is at this point in the TAS that a determination and recommendation for shoreline stabilization is made. As an example, if the bluff is found to be unstable and the apparent cause is shoreline erosion or inundation of the beaches, either of which results in wave damage to the base of the bluff and downward shifting of bluff soil and vegetation, then it can be determined at that point that there appears to a need for shoreline stabilization. Further investigation will be required to determine the appropriate type of shoreline stabilization, which would be done under the next two steps, Structure Functionality and Alternatives. However, if the beach is stable and/or a shoreline stabilization structure is present then there may not be a need for further shoreline stabilization or an additional structure.

Structure Functionality – If it is determined that there is a need for shoreline stabilization, and that is the only feasible option, then this next step is necessary to determine which type of structure will best function as shoreline protection. Part of this process will require on-site inspections as well as in-office review of past and recent aerial photography to see if there are functioning structure types in the area. Every groin application will be evaluated to determine if the groin will function as intended. Basically, the use of groins will depend heavily on the availability of sufficient littoral material in that particular littoral cell.

It is inappropriate to issue a permit to the applicant for a structure that will not function as intended. Situations where a groin(s) may not function include: 1) when groins are located less than 3 groin lengths apart, or less than 4 groin lengths from adjoining property lines; 2) when there is insufficient material in the littoral cell to build a beach; 3) when the beach profile is too steep to hold a sand beach; and 4) when existing groins have blocked littoral transport adjacent to the proposed groin site.

Alternatives - Consideration of other shoreline stabilization alternatives should be given for every application to install groins. These alternatives may include placement of the following: beach nourishment, revetments, relocation of threatened residential structure and/or the do-nothing alternative. CZM will review Structure Need, Functionality and Alternatives, and based on the scientific recommendations of specific research and years of practical experience with

coastal processes along Lake Erie, may suggest to the applicant more effective alternatives than those seeking permission to construct. CZM may not recommend a permit denial of a proposed shoreline protection structure, but may require significant modifications to the structure design and placement to assure best chance of success (and minimal interruption of the littoral processes) in functioning as a stabilizing structure along the shoreline of Lake Erie.

Groin Height - To minimize shoreline impacts, groins will be permitted as low profile structures designed to mimic the beach profile. Groins should be used to maintain beaches, not to significantly enhance beaches. As such, the maximum groin height of groins will not exceed 18-inches (1.5 feet) above the average water level at the landward end of the groin. The average water level is used instead of the HWM elevation because during periods of high lake level groins at the average water level still trap sufficient littoral sediment to create offshore bathymetric profiles to break waves and yet still allow overtopping of excess sediment to protect downdrift beaches. As the groin extends lakeward from its landward end, its elevation should decrease and be as parallel with the beach profile as possible, while never being more than 18-inches above the beach profile elevation.

To determine the average water level of Lake Erie the following formula is used:

$$\begin{array}{r} 572.8 \text{ high water elevation (HWM)} \\ - 568.6 \text{ low water elevation (LWM)} \\ \hline 4.2 \text{ feet} \end{array}$$

Divide 4.2 feet by 2 = 2.1 feet, and then add this to the 568.6 (LWM) to get the average water level of Lake Erie, (568.6 + 2.1 = 570.7). Therefore the average water level for Lake Erie is 570.7 (IGLD 1955)

To determine the maximum groin height at its landward end, the following formula is used:

$$\begin{array}{r} 570.7 \text{ average water level of Lake Erie} \\ + 1.5 \text{ recommended elevation of 18 inches} \\ \hline 572.2 \text{ maximum groin height} \end{array}$$

Therefore, the height at the landward end of the groin structure as it intersects the HWM (landward limit of PA authority) should not exceed the elevation of 572.2 (IGLD 1955).

Exception: to facilitate easier permit application processing for both the applicant and regulatory agencies, the HWM elevation of 572.8 (IGLD 1955) will be used as the elevation mark that the height at the landward end of the groin structure will not exceed.

(Graphic/Diagram placed here)

Groin Width - According to supporting research "Groins having excessive widths.... impact aquatic habitat and shouldbe discouraged." However, since groins need width to ensure structural stability, CZM will use a maximum groin width of six feet. A width of six feet is consistent with the design dimensions of the preferred construction material resource commonly, if not exclusively, used to construct groins and revetments along PA's portion of Lake Erie. The material used is in the form of pre-cast concrete blocks with the dimensions of 2' x 2' x 6'. Typically, these blocks are either laid parallel to the shoreline (6-foot wide) or 3 blocks side by side, perpendicular to the shoreline, both resulting in a 6-foot wide structure. Anything wider should not be considered a groin but either a boat ramp or pier and the permit application should be evaluated accordingly (i.e., designed not to trap sand but to allow littoral material to pass through).

(Graphic/Diagram placed here)

Groin Length - Groin lengths will be measured from the HWM of 572.8 (IGLD 1955). If the Department wishes to be consistent with past practices of the Buffalo and Pittsburgh Army Corps of Engineers and the Department, groins may be restricted to 50-feet from the HWM. We cannot find any sound scientific justification for this criterion but we believe the 50-foot standard was selected to minimize longshore impacts of shore-perpendicular sand trapping structures (groins).

Groins will not be permitted to extend lakeward beyond a water depth of 4.0 feet as measured from the HWM elevation of 572.8 (IGLD 1955). Our studies and research show the maximum water depth in Lake Erie to which a groin should extend is approximately 3 to 4 feet (we choose to use the maximum depth of 4 feet). This is the depth of breaking for average storm waves, and is called the breaker zone. Beyond this breaker zone, littoral beach material (sand and other coarse grained material) will not successfully transport along the shoreline within the littoral system. During storm events longer groins in water deeper than 4 feet will cause excess sand, beyond what the maximum fillet accumulation can hold, to move around the end of the groin to offshore cells and not back to the beach-maintaining littoral current along the shoreline. This movement of sand away from the shoreline will result in beach starvation and erosion of shoreline areas downdrift of the groin.

Therefore, groins will not be permitted to extend lakeward deeper than the water depth of 568.8 (IGLD 1955) as measured from the HWM elevation of 572.8 (IGLD 1955). Calculation: $572.8 - 4.0 \text{ feet} = 568.8 \text{ feet}$ (IGLD 1955). Also, by applying this criterion to all new groin construction and modifications to existing structures, the Department will prevent groin extensions during periods of low lake levels.

Exception: to facilitate easier permit application processing for both the applicant and regulatory agencies, the LWM elevation of 568.6 (IGLD 1955) will be used as the elevation mark that the depth at the lakeward end of the groin structure will not exceed.

(Graphic/Diagram placed here)

Updrift and Downdrift Groin Impacts and Groin Fields – Specific research on Great Lakes Shoreline Stabilization Structures specifies a location/spacing to groin length ratio range* of 2:1 to 4:1. Taking the maximum of this ratio range, CZM will use the multiplier of 4 times the proposed groin length to determine the proper location of a single groin, relative to the updrift and/or downdrift property lines. Taking into account that the direction of wave action does vary (even though the dominant winds and littoral current moves west to east) this distance will ensure that all erosion (zone of impact) remains solely on the applicant's property.

In a groin field, the average spacing distance of 3 times the proposed groin length will be applied to determine the proper spacing between groins. Unless we require the applicant to provide detailed littoral budget analysis of their particular shoreline site, the ratios of 4:1 and 3:1 will provide the appropriate balance between groin location and the littoral processes in the shoreline area. To plan for the worse case scenario, all groin lengths will be calculated from the HWM, not from the shoreline location/elevation at the time of the permit application.

In existing groin fields any additional groin(s) will be evaluated by where it is proposed in relation to the zone of impact (i.e. shadow effect) of the existing groins. CZM may suggest to the applicant that the existing groins be modified according to the criteria of this document to allow the placement of another structure.

* Based on research conducted in the Bennett/Meadows Study regarding the zone of impact of groins, accelerated erosion downdrift and accretion updrift of approximately 4 groin lengths is expected. The Meadows Study recommends that groins with a separation to length ratio of from 2:1 to 3:1 (between 2 and 3 groin lengths) performed best along the PA Lake Erie shoreline.

(Graphic/Diagram placed here)

Erosion Mitigation and Beach Maintenance - After determining that a groin will function in this area of the shoreline, provisions should be made to make certain that excessive erosion will not occur along downdrift beaches. The primary mitigation measure that will be considered is beach nourishment. Nourishment will be placed on the updrift (western) side of the proposed groin to ensure that the structure(s) does not initially cause a net loss of sediment (sand) from the littoral system. The amount of nourishment should equal the maximum design fillet trapped by the structure. This nourishment fillet is calculated using the

proposed length of the structure lakeward of the HWM and the structure's elevation above the existing beach profile.

Groins with proposed design elevations above the existing beach profiles will require mitigation. However, since all new groins will be permitted as low profile structures, it may be sufficient enough to fulfill the nourishment requirements of the permit by simply side-casting the excavated material from the groin foundation pit to the updrift side of the groin. Groins proposed with design elevations that are level with the existing beach profiles will require no mitigation.

Note: To make these criteria more accurate the regulatory agencies should consider developing Design Beach Elevations along the Lake Erie shoreline. These elevations can be determined by using SHOALS data and appropriate software applications. Since Lake Erie is currently in a moderately low lake level period this might be the best time to determine design beach elevations.

From: "Toth, Lawrence" <latoth@state.pa.us>
To: "Steven Resler" <SRESLER@dos.state.ny.us>
Date: Thu, Jun 16, 2005 1:11 PM
Subject: RE: New York's Interstate Consistency Coordination with Pennsylvania

Steve,

Here's an E-mail version of our response concerning the subject matter. A signed copy is in the mail.

-----Original Message-----

From: Steven Resler [mailto:SRESLER@dos.state.ny.us]
Sent: Wednesday, May 25, 2005 12:25 PM
To: Toth, Lawrence
Cc: Zemba, Andrew; Malone, Shamus
Subject: RE: New York's Interstate Consistency Coordination with Pennsylvania

Larry:

We FedEx'ed (is that a valid verb?) a tube with the map and narratives to you, using the 400 Market Street address, late yesterday. It should arrive at your end late today. We could have done a better job summarizing reasonably foreseeable direct and indirect effects, even for example indicating that certain structures (think offshore power-generating windmills!?) within three miles of NY would be visible from and therefore affect visual quality in NY...but don't think we have to describe all effects and go that far in summarizing any and all effects...that's what consistency determinations and certifications and our respective State reviews are for.

Please don't hesitate to shout my way if you want or need clarifications, have any questions, etc. ... And regards to Shamus. It's been a lo-o-o-ng time since the pow-wow on the isle in Michigan.

Steve

Steven C. Resler
Deputy Bureau Chief
New York Coastal Management Program
Department of State
Division of Coastal Resources
41 State Street
Albany, New York 12231-0001
Phone: (518) 474-5290
FAX: (518) 473-2464
e-mail: sresler@dos.state.ny.us
www.nyswaterfronts.com
www.dos.state.ny.us

>>> "Toth, Lawrence" <latoth@state.pa.us> 4/18/2005 8:20:19 AM >>>
Larry:
Hope the weather in your part of PA is as sunny and warm today as it is

here at my end. It's about time...

We're finally getting around to finishing up some interstate consistency matters. We've prepared a map that shows the area up to three miles into PA, from the state line, where we would like to routinely review certain activities along the PA shoreline. We're also finishing up a brief summary of those activities and their reasonably foreseeable effects in NY, and will send both to PA between now and the first week of May.

We prepared the map electronically, and a paper copy measures about 3' x 4'. We can send a paper or electronic version of the map and summary of effects. Steve, would you please send both soft and hard copies. I'm not sure what our system can handle, but I will eventually need a hard copy(ies) for our files, and also to refer to for future coordination with New York on PA projects. Choosing between electronic vs. paper copies depends on whether you want electronic or paper copies, and whether your system can handle a relatively large .peg. The summary of effects can be sent in either WordPerfect or Microsoft Word formats. Please use Microsoft Word.

Please let me know whether you want electronic or paper versions of the map and summary, and I'll get them to you as soon as I can.

And...would you prefer that I send the package directly to you, or to Andrew? Please send it to me, and I'll brief Andy after I review everything.

Just in case, our address is.....

Pennsylvania Coastal Zone Management Program's Address

Lawrence J. Toth, Environmental Planner
Department of Environmental Protection
Water Planning Office
Coastal Zone Management Program
P.O. Box 2063
Harrisburg, PA 17105-2063

For correspondence that cannot be sent to a PO Box, send to
400 Market Street,
Harrisburg, PA 17102

Larry's Phone # 717-772-5622

FAX # 717-783-4690

E-mail = latoth@state.pa.us

Steve

Steven C. Resler
Deputy Bureau Chief
New York Coastal Management Program

Department of State
41 State Street
Albany, New York 12231-0001
Phone: (518) 474-5290
FAX: (518) 473-2464
e-mail: sresler@dos.state.ny.us
www.nyswaterfronts.com
www.dos.state.ny.us

>>> "Toth, Lawrence" <latoth@state.pa.us> 1/20/2005 10:22:06 AM >>>

Steve,

It was good to speak to you again.

As we discussed, New York CZM will send PA CZM the following information:

1. A location map depicting the geographical area you have described,
2. A list and brief summary of the effects you feel these federal activities would have on New York.

In addition, New York CZM has granted PA CZM a time extension to review this information.

I estimate that our review should not take more than one day.

<<Re: New York's Interstate Consistency Coordination
with Pennsylvania>>

CC: "Zemba, Andrew" <azemba@state.pa.us>, "Malone, Shamus" <smalone@state.pa.us>



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Lawrence J. Toth
Environmental Planner
Pennsylvania Department of Environmental Protection
Water Planning Office
Coastal Zone Management Program
400 Market Street
Harrisburg, PA 17102

May 24, 2005


Dear Mr. Toth:

In response to our communications regarding New York's proposed list of interstate activities, the following materials are included with this letter:

- lists of activities undertaken directly by or on behalf of federal agencies, and activities requiring authorizations from federal agencies, that would be subject to interstate consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930, Subparts C, D and I;
- brief generalized summaries of reasonably foreseeable direct and indirect effects of the above activities, included in the list of interstate activities in Pennsylvania; and
- a location map generally depicting the areas in Lake Erie and along its shoreline, in Pennsylvania, where listed interstate activities would routinely be subject to interstate consistency provisions and reviews by New York.

The New York Coastal Management Program has developed general concurrence (GC) criteria for activities requiring federal agency authorizations. Activities meeting those criteria usually undergo a very brief review by our Department to ensure the GC criteria are met. If the criteria are met, we issue a letter to the applicant for federal agency authorization, with a copy to the involved federal agency, informing them that the proposed activity meets our GC criteria and further review by our Department is not required. Most activities reviewed by the Department meet our GC criteria, and letters informing applicants and agencies of that are usually issued within thirty (30) days of our receipt of applications. Most such reviews are concluded and letters are sent within a week or two of initial receipt of applications. We will use that GC criteria when reviewing interstate activities requiring authorizations from federal agencies.

We are anxious to advance would like to transmit our proposed list of interstate activities to NOAA/OCRM within the week. It would be greatly appreciated if I could receive an expeditious response indicating whether there are any objections to our proposed list of interstate activities. A response by e-mail will suffice.

Mr. Larry J. Toth
May 24, 2005
Page 2.

If you or others in your agency need any additional information or assistance regarding or would like to discuss this matter, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,



Steven C. Resler
Deputy Bureau Chief
Resources Management Bureau
Division of Coastal Resources

SCR/bms

encls: PA listed activities/effects summary
Table 2 - Full List of Federal Activities
Map depicting interstate activity area in PA

From: "Toth, Lawrence" <latoth@state.pa.us>
To: "Steven Resler" <SRESLER@dos.state.ny.us>
Date: 1/20/2005 10:22:49 AM
Subject: RE: New York's Interstate Consistency Coordination with Pennsylvania

Steve,

It was good to speak to you again.

As we discussed, New York CZM will send PA CZM the following information:

1. A location map depicting the geographical area you have described,
2. A list and brief summary of the effects you feel these federal activities would have on New York.

In addition, New York CZM has granted PA CZM a time extension to review this information.

I estimate that our review should not take more than one day.

<<Re: New York's Interstate Consistency Coordination with Pennsylvania>>

CC: <david.kaiser@noaa.gov>, "Zemba, Andrew" <azemba@state.pa.us>, "Murphy, Margaret O" <mamurphy@state.pa.us>, "Malone, Shamus" <smalone@state.pa.us>, "Cumings, William" <wcumings@state.pa.us>

From: "Steven Resler" <SRESLER@dos.state.ny.us>
To: <latoth@state.pa.us>
Date: 1/19/2005 5:22:25 PM
Subject: Re: New York's Interstate Consistency Coordination with Pennsylvania

Larry:

Sorry I missed your call earlier, and I apologize this delayed response. It's been a bit hectic here.

I'll be out of the office tomorrow (Thursday), returning Friday morning. I'll try to call you from the road by cell phone tomorrow, and if I miss you (cells are tough in tunnels and subways in NY City) will try again on Friday.

If necessary we can extend the time frame for PA's response, allowing more time to discuss effects, compare other notes, etc.

Best,

Steve

Steven C. Resler
Deputy Bureau Chief
New York Coastal Management Program
Department of State
Division of Coastal Resources
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Albany, New York 12231-0001
Phone: (518) 474-5290
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www.dos.state.ny.us

>>> "Toth, Lawrence" <latoth@state.pa.us> 1/14/2005 1:33:35 PM >>>
Steven,

Thank you providing a list of federal activities in Pennsylvania, that New York has selected to review for consistency.

In order for Pennsylvania to meet your 30 day comment period, I would appreciate it if you would email or FAX the following information for our review :

1. A map showing the geographic area you have described,
2. A discussion of the effects you feel these federal activities would have on New York, and
3. The reasons why you believe these federal actions will affect New York.

My email address is latoth@state.pa.us

My FAX # is 717-783-4690

Thank you in advance. If you have any questions, please contact me at
717-772-5622

CC: <david.kaiser@noaa.gov>, <azemba@state.pa.us>, <mamurphy@state.pa.us>,
<smalone@state.pa.us>, <wcummings@state.pa.us>



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Andrew Zemba
Pennsylvania Department of Environmental Protection
Coastal Zone Management Program
P.O. Box 2063
Harrisburg, PA 17105

DEC 17 2004

Dear Mr. Zemba:

Our Division of Coastal Resources is nearing the completion of tasks involving updates to the New York Coastal Management Program's list of federal activities that would be subject to the consistency provisions of the Coastal Zone Management Act and its implementing regulations in 15 CFR Part 930. Mr. Charles McCaffrey, formerly of our Department, had been coordinating our interstate consistency efforts, and in March of 2002 provided your agency with an earlier version of our proposed list of activities.

New York's proposed list of federal activities is attached. It has been changed since 2002 to provide greater geographic specificity for certain listed activities subject to the interstate consistency provision of 15 CFR Part 930. It would be appreciated if your agency would indicate whether it has any objection to the listed activities within thirty days of receipt of this letter. To aid in your agency's review of the list, interstate activities and the areas where interstate consistency provisions would apply in Pennsylvania have been highlighted in yellow.

If you or others in your agency need any additional information or assistance regarding or would like to discuss this matter, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,

Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources

c: Larry Toth - PA DEP

TABLE 2

FEDERAL ACTIVITIES AFFECTING
LAND AND WATER USES AND NATURAL RESOURCES
IN THE COASTAL ZONE OF NEW YORK STATE

I. Federal Agency Activities

Department of Agriculture

- Low to moderate income housing loans (10.410 cfda)
- Rural housing site loans (10.411cfda)
- Rural rental housing loans (10.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Oceanic & Atmospheric Administration

- Designation of marine sanctuary.
- Designation of estuarine research reserve.
- Aquaculture Program (11.444cfda)
- Fisheries Finance Program (11.415cfda)

(Note: Numbers after the activities refer to the Catalog of Federal Domestic Assistance listings, and the preceding activities with those numbers are Federal Agency Activities when they are not Federal Assistance To State and Local Agency activities identified in Part III of this list)

Department of Commerce, National Marine Fisheries Service

- Fisheries management plans and their implementing regulations, including plans that establish management measures for species harvested in waters outside of the State's coastal zone within the geographic area subject to the New England Fisheries Management Council and the Mid Atlantic Fisheries Management Council.

– Designation of Essential Fish Habitat, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay.

Department of Defense, Army Corps of Engineers

– New or maintenance dredging of federal navigational channels, fairways and mooring areas, including channels outside of the State’s coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean.

– Dredging or excavation of materials from offshore borrow areas, including in waters outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500’ from the New Jersey shoreline; in the territorial sea of the United States of America within nine miles seaward of the State’s boundary in the Atlantic Ocean; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.

– Disposal of dredged and fill material in the State’s coastal zone, including disposal of dredged material at designated and undesignated open water sites outside of the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State

of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' of the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation of open water sites for the disposal of dredged material pursuant to the Clean Water Act or the Marine Protection, Research and Sanctuaries Act, including sites outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Dredged material management plans, including plans outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

– Designation or modification of existing federal navigational channels, fairways and mooring areas, including channels outside of the State's coastal zone in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the State of New Jersey in the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays, and Raritan Bay; and in the territorial sea of the United States of America within nine miles seaward of

the State's boundary in the Atlantic Ocean.

- Construction of new or reconstruction of existing storm and flood damage protection works, such as breakwaters, sea walls, groins, jetties, nourishment of beaches and dunes, dams, levees and other shoreline stabilization and flood control measures including outside of the State's coastal zone in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

- New or changes to existing nationwide or regional general permits.

- Ice management practices.

Department of Defense, Air Force, Army and Navy

- Acquisition of land or land under water, design or construction of new or modified defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

- Acquisition or leasing of land, land under water, or structures, and the construction of new or reconstruction of existing structures or facilities, at non-defense installations.

- Closure or disposition of land, land under water, or structures at defense and non-defense installations, including associated housing, transportation or other on-site or off-site facilities and services.

- Dredging of access channels, berthing and mooring areas, and the disposal of dredged material including disposal activities outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

- Establishment of impact, compatibility and restricted use zones.

Department of Energy

- Nuclear waste transportation

General Services Administration

- Acquisition or leasing of land or buildings, and the construction of buildings or facilities, for federal government purposes.
- Disposition of federal surplus land, structures or facilities.

Department of Homeland Security, Coast Guard

- Acquisition or leasing of land, land under water or structure, and construction of new or reconstruction of existing facilities.
- Closure or disposition of existing facilities.
- Dredging of access channels, mooring and berthing areas at existing or proposed facilities, and disposal of dredged material including disposal at locations outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to within 500' of the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.
- Designation, modification or abandonment of anchorage, lightering or mooring areas or shipping lanes.
- Placement or removal of navigational devices that are not part of routine operations under the Aids to Navigation Program.
- Ice management practices and activities.
- Oil and hazardous material pollution response planning and non emergency response

activities.

Department of Housing and Urban Development

- Guaranteed/insured loans to private profit, limited profit and non-profit organizations for residential or non-residential development.
- Property disposition

Department of Interior, Fire Island National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures.
- Construction or reconstruction of buildings or facilities.
- Dredging and dredged material disposal.
- Approval of local laws and ordinances that regulate land use and development in the Seashore.

Department of Interior, Fish and Wildlife Service

- Acquisition or disposition of land associated with wildlife refuges or other wildlife areas.
- Management plans for wildlife refuges or other wildlife areas.
- Wetland and other habitat restoration.

Department of Interior, Gateway National Seashore

- Management plans and their implementing regulations.
- Acquisition or disposition of land or structures
- Construction or reconstruction of buildings or facilities.
- Dredging or dredged material disposal.

Department of Interior, Minerals Management Service

- OCS oil and gas lease sales.

Department of Interior: National Park Service

- Acquisition or disposition of land or structure.
- Management plans for park lands, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.
- Construction or reconstruction of buildings or facilities, including outside of the State's coastal zone in the State of New Jersey on Ellis Island.

Department of Justice, Bureau of Prisons

- Acquisition, leasing or disposition of land or structures.
- Construction or reconstruction of buildings and facilities.

Department of Justice, U.S. Marshals Service

- Disposition of land or structures.

Department of Transportation, Amtrak

- Acquisition of land or structure, and construction of new or reconstruction of existing railroad facilities.
- Expansion, reduction or abandonment of rail service.
- Disposition of land or structures.

Department of Transportation, Federal Aviation Administration

- Acquisition or leasing of land or structure and construction of new or reconstruction of aviation facilities.

Department of Transportation, Maritime Administration

- Acquisition or disposition of land and buildings at the U.S. Merchant Marine Academy (Kings Point).
- Construction of new or reconstruction of existing structures at the U.S. Merchant Marine Academy.

Department of Transportation, St. Lawrence Seaway Development Corporation

- Acquisition or leasing of land, land under water or structures, and construction of new or reconstruction of existing facilities for Seaway operations.
- Disposition of land, land under water, or structures.
- Extension of navigation season.

Environmental Protection Agency

- Designation of open water sites for disposal of dredged material pursuant to Marine Protection, Research and Sanctuaries Act, including sites outside the State’s coastal zone in Long Island Sound and Fisher’s Island Sound in the State of Connecticut waterward of the 20’ bathymetric contour closest to the Connecticut shoreline; in Fisher’s Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30’ bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State’s coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay to waterward of 500’ from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State’s border with Pennsylvania in Lake Erie.
- Approval of management program, including major amendments to such program, for a designated national estuary.
- Activities conducted under the Resource Conservation and Recovery Act of 1976.
- Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).

II. Federal Licenses, Permits and Other Regulatory Approvals

Department of Defense, Army Corps of Engineers

- Construction of structures (eg. bulkheads, revetments, groins, jetties, piers, docks, islands,

etc.) or conduct of activities (eg. dredging, mining, excavation, mooring of vessels, etc.) in navigable waters, or obstruction or alteration of navigable waters pursuant to Sections 9 and 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, et. seq.), including structures and activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Byram River in the State of Connecticut upstream to the US Route 1 bridge; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; the Arthur Kill and Kill van Kull to the low watermark of the New Jersey shore for other than wharves, docks and improvements made, and to be made, and the reconstruction or repair of existing structures such as shoreline stabilization structures and piers, on the shore of New Jersey; in the Hudson River, Raritan Bay, and New York Harbor waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Discharge of dredged and fill materials and other activities in the waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), including disposal activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line; and in the Commonwealth of Pennsylvania within a half mile of the State's border with Pennsylvania in Lake Erie.

– Activities subject to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et. seq.), including activities outside the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the

State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline other than structures or activities involving 5000 square or linear feet or less of disturbance or use of the surface waters or underwater lands; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay.

– Occupation of seawall, jetty, dike, levee, wharf, pier or other structure constructed by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

– Construction of artificial islands and fixed structures in the Atlantic Ocean on the Outer Continental Shelf pursuant to Section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334).

Department of Energy, Federal Energy Regulatory Commission

– Siting, construction and operation non-nuclear electric power generation facilities and transmission lines pursuant to Section 4 of the Federal Power Act (16 U.S.C. 796, 797).

– Siting, construction and operation of pipelines and other facilities for the transportation and storage of natural gas pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

– Abandonment of natural gas pipeline facilities pursuant to Section 7 of the Natural Gas Act (15 U.S.C. 717).

Department of Homeland Security, Coast Guard

– Construction or modifications of bridges, causeways, pipelines or other structures across navigable waters (49 U.S.C. 1455).

– Construction and operation of deepwater ports pursuant to the Deepwater Port Act of 1974.

– Installation of private aids to navigation (14 U.S.C. 83).

– Authorization of special anchorage or mooring areas.

Department of Interior, Fire Island National Seashore

– Special use permits pursuant to the Fire Island National Seashore Act (16 U.S.C. 459).

Department of Interior, Minerals Management Service

- Plans for the exploration, development and production of oil and gas on areas leased under the OCS Lands Act (43 U.S.C. 1331 et. seq.).
- Offshore drilling, mining or development in the Atlantic Ocean.
- Pipeline right of ways or easements for oil or gas transmission on the Outer Continental Shelf pursuant to the OCS Lands Act.

Department of Transportation, Federal Aviation Administration

- Siting, construction and operation of new airports and heliports.
- Expansion or other modifications to facilities (runways, buildings, etc.) at existing airports and heliports.
- Abandonment of existing airports and heliports.

Environmental Protection Agency

- Discharge of materials, other than dredged material, at designated open water disposal sites, including locations outside of the State's coastal zone in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; and in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the Hudson River, Raritan Bay, and Upper and Lower New York Bays waterward of 200' from the pierhead line on the New Jersey shore or waterward of 500' from the New Jersey shoreline where there is no pierhead line, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended.
- Activities(e.g. disposal of hazardous wastes) subject to regulation under the Resources Recovery and Conservation Act of 1976.
- Activities subject to the prevention of significant deterioration, new source construction and operation, and hazardous air pollutants requirements of the Clean Air Act (42 U.S.C. 1857).
- Discharges in the contiguous zone and ocean waters of sludge runoff and aquaculture activities subject to regulation under the Federal Water Pollution Control Act, including discharges and aquaculture operations outside of the State's coastal zone (other than

traditional aquaculture activities of baymen and individual commercial fishermen) in Long Island Sound and Fisher's Island Sound in the State of Connecticut waterward of the 20' bathymetric contour closest to the Connecticut shoreline; in Fisher's Island Sound in the State of Rhode Island and Providence Plantation waterward of the 20' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound in the State of Rhode Island and Providence Plantation waterward of the 30' bathymetric contour closest to the Rhode Island shoreline; in Block Island Sound within the territorial sea of the United States of America outside the States of New York and Rhode Island and Providence Plantation; in the Atlantic Ocean within the territorial sea of the United States of America to a distance of 9 miles seaward from the State's coastal zone off the southern shore of Long Island and in Lower New York Bay; in the State of New Jersey in Raritan Bay waterward of 500' from the New Jersey shoreline, the Hudson River, Arthur Kill, Kill van Kull, Upper and Lower New York Bays; and in the Commonwealth of Pennsylvania within three miles of the State's border with Pennsylvania in Lake Erie.

Nuclear Regulatory Commission

– Siting, construction, operation and decommissioning of nuclear fueled power plants and other nuclear facilities pursuant to the Atomic Energy Act of 1954 and Energy Reorganization Act of 1974.

Surface Transportation Board

– Establishment or abandonment of railway, commercial ferry, or common carrier services and facilities (49 U.S.C. 10901 et. seq.).

– Construction of coal slurry pipelines (49 U.S.C. 10901 et. seq.).

(Note: see July 2001 revision to pages II-9-11 to II-9-17 of the CMP for activities which may require one, or more, of the above authorizations, and which may meet general concurrence criteria).

III. Federal Assistance to State and Local Governments

(Note: Numbers in this Part III listing refer to Catalog of Federal Domestic Assistance listings)

Department of Agriculture

- 10.410 Low to moderate income housing loans.
- 10.411 Rural housing site loans.
- 10.415 Rural rental housing loans.
- 10.433 Rural housing preservation grants.
- 10.760. Water and waste disposal systems for rural communities.

- 10.762 Solid waste management grants.
- 10.766 Community facilities loans.
- 10.768 Business and industrial loans.
- 10.769 Rural business enterprise grants.
- 10.770 Water and waste disposal systems loans and grants.
- 10.854 Rural economic development loans and grants.
- 10.901 Resource conservation and development.
- 10.902 Soil and water conservation.
- 10.904 Watershed protection and flood prevention.
- 10.905 Plant materials for conservation
- 10.906 Watershed surveys and investigations.

Department of Commerce

- 11.300 Economic development - grants for public works and development facilities.
- 11.304 Economic development - public works impact program.
- 11.305 Economic development - State and local economic development planning.
- 11.307 Special Economic Development and Adjustment Assistance
- 11.405 Anadromous fish conservation act program.
- 11.426 Financial Assistance for Ocean Resources Conservation and Assessment Program.
- 11.427 Fisheries Development and Utilization Research and Development Grants.
- 11.433 Marine Fisheries Initiative.
- 11.463 Habitat conservation
- 11.474 Atlantic Coastal Fisheries Cooperative Management Act.
- 11.478 Coastal ocean program.
- 11.550 Public Telecommunications Facilities - planning and construction.

Department of Defense

- 12.100 Aquatic plant control
- 12.101 Beach erosion control projects.
- 12.102 Emergency rehabilitation of flood control works or federally authorized coastal protection works.
- 12.103 Post flood response
- 12.104 Flood plain management services.
- 12.105 Protection of essential highways, highway bridge approaches and public works.
- 12.106 Flood control projects.
- 12.107 Navigation projects.
- 12.108 Snagging and clearing for flood control.
- 12.109 Protection, clearing and straightening channels.
- 12.110 Planning assistance to states.

Department of Housing and Urban Development

- 14.218 Community Development Block Grants/Entitlement Grants.
- 14.219 Community Development Block Grants/Small City Grants.
- 14.246 Community Development Block Grants/Economic Development Initiative.
- 14.250 Rural housing and economic development.
- 14.872 Public housing capital fund

Department of the Interior

- 15.605 Sport Fish Restoration.
- 15.611 Wildlife Restoration.
- 15.614 Coastal Wetlands Planning, Protection and Restoration Act.
- 15.615 Cooperative Endangered Species Conservation Fund.
- 15.622 Sportfishing and Boating Safety Act.
- 15.623 North American Wetlands Conservation Fund
- 15.916 Outdoor Recreation - Acquisition, Development and Planning.
- 15.925 National Maritime Heritage Grants.

Department of Transportation

- 20.007 Bridge Alteration.
- 20.106 Airport Improvement Program.
- 20.205 Highway Planning and Construction.
- 20.219 National Recreational Trails Funding Program.
- 20.312 High Speed Ground Transportation Next Generation High Speed Rail Program.
- 20.500 Federal Transit Capital Improvement Grants.
- 20.505 Federal Transportation Metropolitan Planning Grants
- 20.507 Federal Transit Capital and Operating Assistance.

Small Business Administration

- 59.013 Local Development Company Loans.

Department of Veteran Affairs

- 64.005 Grants to States for Construction of State Home Facilities.

Environmental Protection Agency

- 66.461 Wetlands Grants.
- 66.469 Great Lakes Program.
- 66.802 Superfund State Site - Specific cooperative Agreements.
- 66.811 Brownfield Pilots Cooperative Agreements.

Federal Emergency Management Agency

- 83.105 Community Assistance Program
- 83.536 Flood Mitigation Assistance.
- 83.537 Community Disaster Loans.
- 83.548 Hazard Mitigation Grant.

12/16/04

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STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2007

Mr. James Tabor
Chief
Coastal Zone Management Programs
Pennsylvania Department of Environmental Protection
P.O. Box 2063
Harrisburg PA 17105

Dear Mr. Tabor:

Recently revised Federal regulation implementing the Coastal Zone Management Act require each state to list activities it wishes to subject to interstate consistency review (15 CFR section 930.154). Pursuant to these regulations New York State is now preparing a list of activities in other states that may have reasonably foreseeable effects on any coastal use or resource in New York. We are doing this as part of a routine update of our overall list of federal activities subject to consistency review. Because the attached draft revised *List of Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State* includes activities which may occur in Connecticut (New Jersey, Rhode Island, Pennsylvania) your comments on the draft List are requested. Please send your comments to Charles McCaffrey at the above address or to cmccaffr@dos.state.ny.us. If you have questions you may call 518-473-3368.

Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



Coordination Letters to Rhode Island and Providence Plantation CMP
(Note: No responses received)

Note regarding RI and Interstate Consistency

No responses have been received from Rhode Island regarding interstate consistency matters. At the 2005 Ocean and Coastal Resource Program Managers meeting in Washington, D.C., Jeff Willis of RI indicated to Steve Resler of NY that RI had received the letters, but hadn't determined whether they required a response.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Grover Fugate
Rhode Island Coastal Resources Management Council
4808 Tower Hill Road
Stedman Building
Wakefield, RI 02879

DEC 17 2004

Dear Mr. Fugate:

Our Division of Coastal Resources is nearing the completion of tasks involving updates to the New York Coastal Management Program's list of federal activities that would be subject to the consistency provisions of the Coastal Zone Management Act and its implementing regulations in 15 CFR Part 930. Mr. Charles McCaffrey, formerly of our Department, had been coordinating our interstate consistency efforts, and in March of 2002 provided your agency with an earlier version of our proposed list of activities.

New York's proposed list of federal activities is attached. It has been changed since the earlier draft in 2002 to provide greater geographic specificity for certain listed activities subject to the interstate consistency provisions of 15 CFR Part 930.

It would be appreciated if your agency would indicate whether it has any objection to the listed activities within thirty days of receipt of this letter. To aid in your agency's review of the list, interstate activities and the areas where interstate consistency provisions would apply in Rhode Island and Providence Plantation have been highlighted in yellow.

If you or others in your agency need any additional information or assistance regarding or would like to discuss this matter, please don't hesitate to contact me at (518) 474-5290 (e-mail sresler@dos.state.ny.us).

Sincerely,

Steven C. Resler
Deputy Bureau Chief
Division of Coastal Resources

c: Jeff Willis - RI CRMC



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 27, 2001

Mr. Grover Fugale
Director
Coastal Resources Management Council
4808 Tower Hill Road
Stedman Building
Wakefield RI 02879

Dear Mr. Fugale:

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Sincerely,

Charles T. McCaffrey, Jr.
Coastal Resources Specialist

CM:gn
Enclosures(2)



Summary notes regarding comments received from Federal agencies and state CMPs in response to initial draft list of activities

Response to Rev. List

EPA Reg 2	comments	where we list action
CSA	no comment	
EPA Reg 1	comments	
ACOE	no comment	{ said would come / called to remind. Buffalo asked for said ok but no comments
NOAA	no comment	
Energy	comments	agrees w. changes
New Jersey	comments	
Co. n.	comments	
NRC	no comment	agree
EDA	call delete "and loans" from 11.300	"Table 1" should be "Table 2"

played phone tag w/ contact w. CG & FINs

* COE/S - asked by telephone for more than 1 com. Time given, but no response ever rec'd.
(verified w/ com. by SAS, on 12/6/04)

Comments on Revised Fed Activities list

EPA Reg 2

✓ Don't list CERCLA as a "direct" and "permit" activity

If EPA under some circumstances approves other ^{independent} parties actions under CERCLA rather than act themselves, it a fed approval that should be listed under "permits" They do not - they direct others not approve

EPA Reg 1

provided information
comments do not require a response

DOE

comment - delete "disposal"
of

NO

geographic area of L1 Sound - be more specific
questions dredging in CN harbors