



South Alabama Regional Planning Commission

Tim Russell, Chairman • Samuel L. Jones, Vice-Chairman
William J. Lovett, Secretary • Larry W. White, Treasurer • Russell J. Wimberly, Executive Director

June 24, 2003

Nuclear Regulatory Commission Region II
Sam Nunn Federal Center, 23 T85
61 Forsyth Street, SW
Atlanta, GA 30303-8931

Dear Nuclear Regulatory Commission Region II:

The federal Coastal Zone Management Act (CZMA) was passed by Congress to encourage coastal states, coastal United States territories, and states bordering the Great Lakes to develop coastal management programs that would comprehensively manage activities having coastal impacts. Congress believed that the states would have the best insight into how to balance competing coastal interests and how to protect and preserve coastal assets. Along with financial support, one of the incentives that Congress gave the states to create their own coastal management programs was the assurance that a state with an approved coastal management program could review federal activities within the state to make sure the federal actions were consistent with the requirements of the state's coastal management program. This process, known as "federal consistency", is one of Alabama's most powerful tools in protecting coastal assets. It allows the Alabama Coastal Zone Management Program (ACAMP) to review any federal actions within or outside of the coastal zone that affects any land or water use, or natural resource of the coastal zone. Federal consistency is based on effects rather than geographic boundaries so that there are no categorical exclusions from the consistency requirement. This means that any federal activity or federally funded activity that will have a direct and significant impact on Alabama's coastal zone is subject to a consistency review unless specifically exempted by statute.

There are four types of federal activities that must be consistent with the ACAMP:

1. Direct federal activities-activities and development projects performed by a federal agency or by anyone on behalf of a federal agency;
2. Federal license or permit activities-activities not performed by a federal agency, but requiring federal permits or licenses or other forms of federal approval;
3. Plans for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act;
4. Federal financial assistance to states and local governments.

The Alabama Coastal Management Program shall review and respond to federal license or permit activities which are subject to review, listed pursuant to 15 CFR Part

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The Alabama Coastal Management Program shall review and respond to federal license or permit activities which are subject to review, listed pursuant to 15 CFR Part 930. A list of these activities is included in this letter. Existing U.S. Army Corps of Engineer and Alabama Department of Environmental Management joint permit applications must comply with consistency requirement and are excluded from further review.

The Alabama Coastal Area Management Program is a joint effort of the Alabama Department of Conservation and Natural Resources (ADCNR), which has the primary responsibility for planning and policy development- and the Alabama Department of Environmental Management, which has the primary responsibility for permitting, monitoring and enforcement. Therefore, the Alabama Department of Environmental Management is charged with reviewing applicable projects and activities for consistency with the Alabama Coastal Zone Management Program. After review, the ADEM Coastal Programs will issue a decision that the activity is or is not consistent with the ACAMP.

All projects that meet one or more of the criteria outlined above must provide a Notice of Intent and receive a consistency determination before implementation. As the Intergovernmental Review Clearinghouse for the two coastal county area, the South Alabama Regional Planning Commission is assisting the ACAMP with meeting consistency review and public participation requirements. Please forward any Notification of Intent to my attention at the address below. I will forward the Notification of Intent to ADEM within 3 days and publish an advertisement that advises the public they have 15 days to comment on the project's consistency with the ACAMP. For license and permit activities, the Management Program may rely on existing federal license or permitting notice that meet the requirements of Section 930.61 and makes reference to the applicant's federal consistency certification. In this case, please courtesy copy the South Alabama Regional Planning Commission

I look forward to working with you to coordinate the ACAMP consistency determinations. Feel free to contact me if there are any questions or comments.

Sincerely,



Tina Sanchez
Environmental Planning Director

The Management Program shall review and respond to federal license or permit activities which are subject to review, listed pursuant to 15 CFR Part 930.

These activities include:

FEDERAL AGENCY ACTIVITIES

335-8-1-.09

Agency	Licenses and Permits	Citation
Department of Defense	Permits required under Section 10 and 11 of the River and Harbor Act of 1899.	33 U.S.C. §§ 403 and 404
	Permits required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.	33 U.S.C. §§ 1413
	Permits required under Section 404 of the Federal Water Pollution Control Act of 1972, as amended.	33 U.S.C. §§ 1344
Environmental Protection Agency	Permits and licenses required under Sections 401, 402, 403, 404 and 405 of the Federal Water Pollution Control Act of 1972, as amended.	33 U.S.C. §§ 1341-1345
	Permits and applications for redesignation of land areas under regulation for the prevention of significant deterioration of air quality.	42 U.S.C. §§ 7474 and 7475
	Permits required under the Marine Protection,	33 U.S.C. §§ 1412

	Research and Sanctuaries Act of 1972. All other permits for water pollution control.	
335.8-1-.09	All other permits for air pollution control.	
	All permits for solid waste control.	
Department of Transportation	Permits for construction and modification of bridges and causeways in navigable waters.	33 U.S.C. §§ 401
	Permits for transporting hazardous substances and materials.	
	Licenses for deep-water ports.	15 C.F.R. §§ 158
Nuclear Regulatory Commission	Permits and licenses non-federal hydro-electric projects and associated transmission lines under Sections 4(e) and 15 of the Federal Power Act.	16 U.S.C. §§ 797(e) and 808
	Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act.	16 U.S.C. §§ 824A(b)
	Certificates required for the construction and operation of natural gas pipeline facilities, defined to include both interstate pipeline and terminal	15 U.S.C. §§ 717f(c)

	facilities under Section 7(c) of the Natural Gas Act.	
335-8-1-.09		
Department of the Interior	Permits and licenses required for all offshore activities related to mining and oil and gas operations.	33 U.S.C. §§ 181 et seq.
	Permits for the taking of an endangered species	Endangered Species Act 16 U.S.C. §§ 1531-1543
	Permits and licenses required for geothermal operations	Geothermal Steam Act of 1970.
Department of Agriculture	Permits for water easements and timbering activities on National U.S. Forest Service land.	43 U.S.C. §§ 1716.
	Permits and licenses for use and occupancy of lands for hotels, resorts, summer homes, stores and facilities for industrial, commercial, educational or public use.	16 U.S.C. §§ 497
Department of Energy	Permits for the construction, operation, siting or energy facilities.	
Department of Commerce	Permits for research involving taking endangered species or marine mammals or for taking of marine mammals for public display or incidental to commercial fishing.	Endangered Species Act of 1973; 16 U.S.C. §§ 1531-1543 Marine Mammal Protection Act; 16 U.S.C. §§ 1361-1407.