

1 (a) Federal development projects and activities of
2 federal agencies which significantly affect coastal waters and
3 the adjacent shorelands of the state.

4 (b) Federal assistance projects that ~~which~~
5 significantly affect coastal waters and the adjacent
6 shorelands of the state and that ~~which~~ are reviewed as part of
7 the review process developed pursuant to Presidential
8 Executive Order 12372.

9 (c) Federally licensed or permitted activities
10 affecting land or water uses when such activities are in or
11 seaward of the jurisdiction of local governments required to
12 develop a coastal zone protection element as provided in s.
13 380.24 and when such activities involve:

14 1. Permits and licenses required under the Rivers and
15 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

16 2. Permits and licenses required under the Marine
17 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C.
18 ss. 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

19 3. Permits and licenses required under the Federal
20 Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et
21 seq., as amended, unless such permitting activities have been
22 delegated to the state pursuant to said act.

23 4. Permits and licenses relating to the transportation
24 of hazardous substance materials or transportation and dumping
25 which are issued pursuant to the Hazardous Materials
26 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
27 33 U.S.C. s. 1321, as amended.

28 5. Permits and licenses required under 15 U.S.C. ss.
29 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C.
30 ss. 1331-1356 for construction and operation of interstate gas
31 pipelines and storage facilities.

1 6. Permits and licenses required under the Federal
2 Power Act, 16 U.S.C. ss. 791a et seq., as amended; the Public
3 Utility Regulatory Policies Act, 16 U.S.C. ss. 2601 et seq.,
4 as amended; the Energy Policy Act, 42 U.S.C. ss. 13201 et
5 seq., as amended; or the Atomic Energy Act, 42 U.S.C. ss. 2100
6 et seq., as amended for the siting and construction of ~~any~~ new
7 electrical power plants and the relicensing of existing power
8 plants as defined in s. 403.503(12), as amended.

9 7. Permits and licenses required under the Mining Law
10 of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral
11 Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the
12 Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et
13 seq., as amended; the Federal Land Policy and Management Act,
14 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the
15 Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; or the OCS
16 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for
17 drilling, mining, pipelines, geological and geophysical
18 activities, or rights-of-way on public lands and permits and
19 licenses required under the Indian Mineral Development Act, 25
20 U.S.C. ss. 2101 et seq., as amended, for drilling, ~~and~~ mining,
21 pipelines, geological and geophysical activities, or
22 rights-of-way on public lands and permits and licenses
23 required under the Indian Mineral Development Act, 25 U.S.C.
24 ss. 2101 et. seq., as amended.

25 8. Permits and licenses for areas leased under the OCS
26 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
27 leases and approvals of exploration, development, and
28 production plans.

29 ~~9. Permits for pipeline rights of way for oil and gas~~
30 ~~transmissions.~~

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1 ~~9.10.~~ Permits and licenses required under the for
2 Deepwater Port Act of 1974, ~~ports under~~ 33 U.S.C. s. 1501 et.
3 seq. 1503, as amended.

4 ~~10.11.~~ Permits required for the taking of marine
5 mammals under the Marine Mammal Protection Act of 1972, as
6 amended, 16 U.S.C. s. 1374.

7 (d) Federal activities within the territorial limits
8 of neighboring states when the Governor and the department
9 determine that significant individual or cumulative impact to
10 the land or water resources of the state would result from the
11 activities.

12 (4) The department shall monitor activities that are
13 subject to a federal license or permit that is not listed in
14 paragraph (3)(c). Unless the department determines that such
15 an activity is likely to result in significant individual or
16 cumulative impact to the land or water resources of the state,
17 such activities are not subject to federal consistency review
18 by the state.

19 ~~(5)(4)~~ The department may ~~is authorized to~~ adopt rules
20 establishing procedures for conducting consistency reviews of
21 activities, uses, and projects for which consistency review is
22 required pursuant to subsections (1), (2), and (3). Such rules
23 shall include procedures for the expeditious handling of
24 emergency repairs to existing facilities for which consistency
25 review is required. The department may ~~is~~ also ~~authorized to~~
26 adopt rules prescribing the data and information needed for
27 the review of consistency certifications and determinations.
28 When an environmental impact statement required by the
29 National Environmental Policy Act has been prepared for a
30 specific activity, use, or project that is subject to federal
31 consistency review under this section, such statement shall be

1 presumed to constitute the data and information that is
2 necessary for the state's review of the consistency of any
3 federal activity on the outer continental shelf or any other
4 federal activity, use, or project that the department deems
5 significant. This presumption does not apply to an
6 environmental impact statement that is prepared for a federal
7 activity, use, or project that is separate from the activity,
8 use, or project that the state is reviewing for consistency,
9 regardless of whether the separate project is related or
10 unrelated to the project under review.

11 ~~(5) In any coastal management program submitted to the~~
12 ~~appropriate federal agency for its approval pursuant to this~~
13 ~~act, the department shall specifically waive its right to~~
14 ~~determine the consistency with the coastal management program~~
15 ~~of all federally licensed or permitted activities not~~
16 ~~specifically listed in subsection (3).~~

17 Section 2. This act shall take effect July 1, 2005.

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20 SENATE SUMMARY

21 Revises limits on consistency review by the state of
22 certain federal activities, uses, and projects relating
23 to electrical power plants, drilling, mining, pipelines,
24 geological and geophysical activities, and rights-of-way
25 on public lands and deepwater ports under the federal
26 Coastal Zone Management Act. Prohibits state review of
27 certain activities subject to certain federal permits
28 absent a finding by the Department of Environmental
29 Protection. Creates a presumption that the state has
30 sufficient data to conduct a consistency review of a
31 federal activity when an environmental impact statement
has been prepared. Eliminates a requirement that the
department waive its review of certain federally licensed
or permitted activities.