



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Operations

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REFERENCE: Nationwide Consistency Determination for the Office of Marine and Aviation Operations
Vessel Operations Undertaken in Maine Coastal Zone, 2023 – 2038

Mrs. Leyden and Mr. Burrowes,

This notice serves as the federal Nationwide Consistency Determination for the referenced action, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.) for the implementation of activities that may have reasonably foreseeable effects on coastal users or resources of Maine’s coastal zone.

This Nationwide Consistency Determination discusses the potential effects from vessel operations undertaken by the National Oceanic and Atmospheric Administration’s (NOAA) Office of Marine and Aviation Operations (OMAO) on the coastal uses and/or resources commonly addressed by the management programs and/or similar coastal policy documents of the 34 participating states and territories. Specifically, the rationale for determining consistency with the enforceable coastal policies of Maine are presented separately in Appendix A. This Nationwide Consistency Determination relies extensively upon the activity description and analyses in the OMAO Programmatic Environmental Assessment (PEA) for Vessel Operations, which was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§ 4321 et seq.) and covers the 2023 – 2038 timeframe. The Draft PEA is available online at <https://www.oma.noaa.gov/marine-operations/noaa-vessel-operations-draft-pea>.

Based on the information, data, and analysis contained herein and in the Draft PEA, OMAO has determined that the Proposed Action is consistent with the enforceable policies of the Maine Coastal Zone Management Program.

Pursuant to 15 CFR § 930.41(a), Maine has 60 days from the receipt of this letter to concur with or object to this Nationwide Consistency Determination, or to request an extension under 15 CFR § 930.41(b). Maine concurrence will be presumed if Maine’s response is not received by OMAO on the 60th day after receipt of this determination.

Thank you for assisting the Office of Marine and Aviation Operations with this important program. Please submit your questions, comments, and other responses by email to Lt. Cmdr. Laura Dwyer at omaenvironmental.compliance@noaa.gov or by phone at 863-606-6846.



Sincerely,

Jesse Stark, CAPT/NOAA

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CZMA CONSISTENCY DETERMINATION LETTER FOR OMAO VESSEL OPERATIONS

1.0 INTRODUCTION

This Nationwide Consistency Determination (CD) addresses the potential effects on any coastal use or resource of the 34 U.S. states, commonwealths, and territories that participate in the Coastal Zone Management Act (CZMA) program from vessel operations undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Office of Marine and Aviation Operations (OMAO). Specifically, this Nationwide CD considers vessel operations activities undertaken in the 2023 - 2038 timeframe.

OMAO is one of six Line Offices (LOs) within NOAA.¹ Section 3 of this Nationwide CD provides a summary of OMAO's vessel operations. This Nationwide CD does not address all OMAO activities, nor does it address actions undertaken by other NOAA LOs.

OMAO prepared this CD pursuant to the CZMA of 1972, as amended, and 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for the implementation of activities that may have reasonably foreseeable effects on coastal uses or resources of the coastal zones of individual states. Under the CZMA, federal agency activities with coastal effects are required to be consistent to the maximum extent practicable with federally approved enforceable policies of a state's Coastal Zone Management Program.

Federal agency activities must be consistent to the maximum extent practicable with the standards that underlie a state's permit requirements. However, Federal agencies do not have to apply for or obtain a state permit unless required by another Federal law (15 CFR 930.39(e); 2020 OCM Federal Consistency Overview; and 65 Fed. Reg. 77124, 77139-40 (2000)). Under the CZMA implementing regulations, "The amount of detail in the evaluation of the enforceable policies, activity description and supporting information shall be commensurate with the expected coastal effects of the activity." 15 CFR 930.39(a).

Due to the expansive geographic scope of the Proposed Action, which includes the entirety of the U.S. Exclusive Economic Zone (EEZ), internal waters, and areas beyond the U.S. EEZ, OMAO has elected for a nationwide approach to undergo CZMA consultations. Per 15 CFR 930.36(e)(1), "A Federal agency may provide States with consistency determinations for Federal agency activities that are national or regional in scope (e.g., rulemaking, national plans), and that affect any coastal use or resource of more than one State. Many States share common coastal management issues and have similar enforceable policies, e.g., protection of a particular coastal resource. The Federal agency's national or regional consistency determination should, at a minimum, address the common denominator of these policies, i.e., the common coastal effects and management issues, and thereby address different States' policies with one discussion and determination."

This Nationwide CD relies extensively upon the activity descriptions and analyses found in the OMAO *Programmatic Environmental Assessment (PEA) for NOAA Vessel Operations*, which was prepared in accordance with the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] §§ 4321, et seq.). The Draft PEA is available [here](#)² and is incorporated by reference to this CD. The Draft PEA was published on December 21, 2023 and the public comment period for the Draft PEA closed on January 31, 2024.

The activities to be implemented by OMAO are described in the Draft PEA, Chapter 2 – Description of the Proposed Action and the Alternatives. Reasonably foreseeable environmental effects are described in the Draft PEA, Chapter 3 – Affected Environment and Environmental Consequences.

¹ <https://www.noaa.gov/about/organization/noaa-organization-chart>

² <https://www.oma.noaa.gov/marine-operations/noaa-vessel-operations-draft-pea>

1.1 PROPOSED ACTION, SCOPE, AND IMPACTS

The Draft PEA contains a programmatic NEPA analysis covering a fifteen-year period of OMAO vessel operations. The Proposed Action evaluated in the Draft PEA is to continue OMAO vessel operations as the NOAA fleet is modernized by updating vessels in the existing fleet and replacing aging vessels with new vessels built specifically to support NOAA missions. OMAO determined that a programmatic approach was appropriate for the Proposed Action because OMAO conducts a suite of similar agency actions associated with vessel operations throughout U.S. waters, the U.S. EEZ, and in areas outside of U.S. jurisdiction. This Draft PEA is a comprehensive document that provides detailed analyses of the environmental impacts of vessel operations based on regional conditions, habitat types, species, and other factors. However, the Draft PEA does not identify the specific time or place for individual activities over the next fifteen years. The analysis will be used to inform OMAO leadership and the public on the environmental impacts of these activities to support tiered, project-level decision-making. Section 1.3 of the Draft PEA contains detailed information on the programmatic scope of the analysis.

The geographic scope of the Draft PEA encompasses oceans from the U.S. territorial sea baseline to the U.S. EEZ, extending to the international maritime boundaries with Canada and Mexico and including the U.S. portions of the Great Lakes. The action area is organized into five operational areas: Greater Atlantic Region, Southeast Region, West Coast Region, Alaska Region, and Pacific Islands Region. The Draft PEA also considers OMAO's operations in areas outside of U.S. jurisdiction. For the purpose of this Nationwide CD, OMAO vessel operations should be presumed to take place anywhere within the defined geographic scope, subject to applicable mitigation measures.

OMAO vessel operations include routine activities such as vessel movement, anchoring, waste handling and discharges, and vessel repair and maintenance. For the purposes of performance and acceptance testing, calibrating, training, and troubleshooting, OMAO may also operate active acoustic systems and other sensors, data collection systems, uncrewed marine and aircraft systems, and small boats and conduct over the side operations. The Draft PEA covers only those OMAO vessel operations that occur when the NOAA vessel is underway (i.e., when it is either moving in open water or is secured in a specific location in open water) and not operating under project instructions from another NOAA LO or organizations outside of NOAA. Operations associated with non-OMAO projects conducted on OMAO vessels are covered under the project instructions issued by the responsible NOAA LO or outside organization and are outside the scope of the OMAO activities analyzed in the Draft PEA. Section 2.1.1 and Table 2.1-1 of the Draft PEA further describe the scope of OMAO activities considered.

The Proposed Action would allow for the continued vessel operations that support NOAA's primary missions of charting and hydrographic surveying; assessment and management of living marine resources; oceanographic monitoring, research, and modeling; and emergency response. The need for the Proposed Action is to maintain uninterrupted operational fleet capabilities as vessels age and reach the end of their design service life, necessitating modernization of the NOAA fleet. The Draft PEA assesses three alternatives to the Proposed Action: Alternative A, the No Action Alternative, reflecting the vessel operations of the current NOAA fleet, comprised of fifteen vessels currently in operation (up to seven of which could exceed their design service life by 2038) and four vessels under construction; Alternative B, under which OMAO would modernize the current fleet and optimize at-sea capabilities through mid-life repairs, integrating new technologies, and the construction of up to four additional ships; and Alternative C, which includes an overall funding increase of 20 percent and the construction of another two ships in addition to the fleet modernization and optimization activities under Alternative B. The anticipated environmental impacts do not differ in magnitude between the three alternatives; therefore, this Nationwide CD provides effects determinations for the Proposed Action overall without regard to the specific alternative preferred. The anticipated impacts from Alternatives A, B, or C would be adverse,

ranging from negligible to moderate, and insignificant, except for the environmental consequences to socioeconomic resources which are anticipated to be beneficial and moderate, and the environmental consequences to environmental justice which are anticipated to be both adverse and beneficial, minor, and insignificant. For a comparison of impacts between the alternatives, see Section 3.14 and Table 3.14-1 of the Draft PEA.

1.2 OTHER FEDERAL AGENCY CONSULTATIONS

In addition to providing this National CD to states under CZMA, OMAO is engaging in interagency coordination and consultation on the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), and Magnuson-Stevens Fishery Conservation and Management Act (MSA) for Essential Fish Habitat (EFH). Such consultation involves coordination with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). The Proposed Action would not result in take of migratory birds, so no consultation is required under the Migratory Bird Treaty Act (MBTA). No activities included in the Proposed Action are anticipated to occur in or otherwise affect marine sanctuaries, but in the event that OMAO conducts any activities in sanctuaries, OMAO would consider whether such an activity meets the standard for consultation under the National Marine Sanctuaries Act (NMSA). OMAO does not anticipate any impacts to historic properties under the Proposed Action; however, if OMAO activities are found to have the potential to affect historic properties, OMAO would perform Section 106 consultations with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and other required agencies under the National Historic Preservation Act (NHPA).

2.0 CONSISTENCY STATEMENT

Based on a review of the applicable sections of the CZMA (16 U.S.C. § 1456(c)), the relevant enforceable policies of the applicable management programs, and the data presented in this National CD, including the Draft PEA that is incorporated by reference, OMAO's Proposed Action and Draft PEA will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of each of the 34 federally-approved state and territory Coastal Zone Management Programs.

2.1 CONSISTENCY DETERMINATION APPROACH

OMAO thoroughly reviewed 34 federally-approved state and territory Coastal Zone Management Programs and/or similar coastal policy documents to determine their applicability to the OMAO Proposed Action. The Federal Consistency regulations provide that a National CD should address the "common denominator of these policies, i.e., the common coastal effects and management issues, and thereby address different states' policies with one discussion and one determination" (15 CFR 930.36(e)(1)). Therefore, based on the review of each Coastal Zone Management Program, OMAO identified coastal resources and issues that were commonly discussed in the enforceable policies of states and territories, thereby comprising the "common denominator" of coastal effects. These coastal resources and the impacts to them from the Proposed Action are discussed in Section 4. A summary of the enforceable coastal policies of each of the 34 state and territory Coastal Zone Management Programs that were analyzed for the Proposed Action is presented in Section 5. The rationale for the consistency determination pertaining to Maine is provided in Appendix A.

2.2 REVIEW PERIOD

Pursuant to 15 CFR 930.41, the 34 coastal states and territories that may be affected by the Proposed Action are given 60 days (plus appropriate extensions) from the issuance of the National CD letter to concur with or object to it. Questions and comments may be directed to:

Lt. Cmdr. Laura Dwyer at omaoenvironmental.compliance@noaa.gov or by phone at 863-606-6846.

3.0 DESCRIPTION OF THE PROPOSED ACTIVITIES

Under all alternatives, OMAO would perform a variety of operations to support NOAA missions, including:

- Vessel Movement
- Anchoring
- Waste Handling and Discharges
 - Hazardous, Universal, and Special Waste Management
 - Solid Waste Management
 - Wastewater Management
 - Deck and Equipment Washdown Water Management
 - Oily Material Management
 - Ballast Water Management
 - Spill Response
- Vessel Repair and Maintenance
- Active Acoustic Systems Operations
- Other Sensors and Data Collection Systems Operations
- Uncrewed Marine Systems (UMS) Operations
- Uncrewed Aircraft Systems (UAS) Operations
- Small Boat Operations
- Over the Side (OTS), Crane, Davit, and Winch Operations
- Addition of new vessels to the NOAA fleet

Note that the number and type of vessels that would be added to the NOAA fleet would vary across alternatives. In addition to the activities listed above, new vessels would be integrated with greener technologies and, under Alternatives B and C, OMAO would implement additional measures for fleet modernization and optimization of OMAO's at-sea capabilities, as described in Chapter 2 of the Draft PEA. The anticipated impacts to the marine and coastal environment are dependent on the vessel operations performed as well as the geographic and temporal scope of the activities.

4.0 COASTAL EFFECTS OF THE PROPOSED ACTIVITIES

In the Draft PEA, OMAO analyzed potential impacts to air quality; water quality; acoustic resources; habitats; biological resources including marine mammals, sea turtles, fish, aquatic macroinvertebrates, seabirds, shorebirds, coastal birds, and waterfowl; cultural and historic resources; socioeconomic resources; environmental justice; hazardous, universal, and special waste; human health and safety; and climate change. Environmental consequences from the Proposed Action are anticipated to be adverse, ranging from negligible to moderate, and insignificant, except for the environmental consequences to socioeconomic resources which are anticipated to be beneficial and moderate, and the environmental consequences to environmental justice which are anticipated to be both adverse and beneficial, minor, and insignificant. These significance criteria are defined by resource and a more complete description of impacts is provided in Chapter 3 of the Draft PEA. The Proposed Action would facilitate continued vessel

operations to support NOAA's scientific data collection in marine, coastal, and freshwater environments, providing benefits to commerce, research, and stewardship of ecosystem resources. The sections below describe the coastal effects of proposed OMAO vessel operations organized by coastal resources and activities commonly addressed by the state enforceable policies, which include air quality, water quality, habitats, biological resources, cultural and historic resources, socioeconomic resources, and waste. A description of the best management practices (BMPs) that OMAO would implement to avoid or minimize adverse impacts to these resources is included below in Table 1 and in the Draft PEA.

4.1 AIR QUALITY

OMAO assessed the potential impacts to air quality from vessel operations. Some of OMAO's vessel operations would involve the use of diesel fuel, resulting in emissions of air pollutants including nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter, carbon monoxide (CO), and other hazardous air pollutants (HAPs) and air toxins. Incineration of shipboard wastes would generate emissions, such as NO_x, SO_x, and dioxins, and their effects would vary based on the type and amount of incinerated waste and the distance incineration occurs from shore. Vessel repair and maintenance could release ozone depleting substances (ODS) that may potentially affect air quality. The potential impacts to air quality would be minimized through compliance with Annex VI of the International Convention for the Prevention of Pollution by Ships (MARPOL), which specifically considers air pollution from ocean-going ships. NOAA vessels would also adhere to OMAO's policies, procedures, and instructions for air emissions. A summary of MARPOL Annex VI requirements is provided in Table 3.3-2 of the Draft PEA and a detailed assessment of air quality impacts can be found in Section 3.3.2 of the document. Overall, impacts to air quality under the Proposed Action would be adverse, negligible to minor, and insignificant.

4.2 WATER QUALITY

OMAO assessed the potential impacts to water quality from vessel operations. Some of OMAO's vessel operations could involve unauthorized discharge or accidental leakage or spillage of fuels, chemicals and other contaminants, wastewater, marine debris, and increased sedimentation/turbidity in coastal waters. The potential impacts to water quality would be minimized through compliance with MARPOL Annexes I (Regulations for the Prevention of Pollution by Oil), IV (Regulations for the Prevention of Pollution by Sewage from Ships), and V (Regulations for the Prevention of Pollution by Garbage from Ships), as well as with appropriate OMAO procedures, policies, and instructions. NOAA ships and other vessels maintain a National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP), which regulates discharges and provides instructions to manage water pollution streams. Marine Sanitation Devices (MSDs) receive, retain, and treat wastewater generated on all NOAA vessels. NOAA ships are also equipped with oily water separators (OWSs), which reduce the oil content of the effluent being discharged from the vessel. OMAO practices such as selecting areas for testing, training, and troubleshooting of equipment that would create the least disturbance, programming bottom sampling to avoid seafloor disturbance, avoiding shallow depths, and providing adequate anchor scope assist in minimizing sedimentation- and turbidity-related impacts. A comprehensive discussion of OMAO's water quality environmental compliance procedures is included in Section 3.4.1 of the Draft PEA and an assessment of impacts to water quality can be found in Section 3.4.2 of the document. Overall, impacts to water quality under the Proposed Action would be adverse, negligible to moderate, and insignificant.

4.3 HABITATS

OMAO assessed the potential impacts to habitats from vessel operations including freshwater habitat, estuarine habitat, shallow marine and oceanic habitat, coastal wetlands, and EFH. Anchoring and operation of sensors and data collection systems could physically impact bottom substrate, potentially

causing damage to habitats through the removal or reduction of shelter, vegetation, seafloor structure, and/or nutrients utilized by aquatic organisms. During vessel operations, OMAO properly secures anchors and avoids sensitive habitats as much as possible to minimize these impacts, though if adverse impacts to habitats were to occur, water currents and natural sedimentation would allow for habitat recovery. Physical disturbance could also result in increased sedimentation, turbidity, and chemical contaminants, potentially impacting dissolved oxygen levels and photosynthetic species, but adherence to required environmental compliance procedures reduces the likelihood of such events and the effects would largely be dissipated by prevailing currents. Increased ambient sound from vessel movement and active acoustic systems operations could degrade habitat value through the displacement of organisms or alteration of animal behavior, however, sounds generated from vessel operations would be infrequent and geographically widely distributed. Ballast water and waste discharge could facilitate the disposal of invasive species, though this impact is minimized by OMAO Procedure 'Ballast Water Management' and invasive species management practices for each vessel. Disruption of the water column could occur through the movement of vessels and equipment, but the effects are temporary and limited to the immediate vicinity of the disturbance. Vessels in coastal waters would operate in a manner to minimize habitat disturbance, and transiting vessels would follow deepwater routes as practicable, especially in EFH and Habitat Areas of Particular Concern (HAPC). The assessment of these impacts can be found in Section 3.6.2 of the Draft PEA. Overall, impacts to habitats under the Proposed Action would be adverse, minor, and insignificant.

4.4 BIOLOGICAL RESOURCES

OMAO assessed the potential impacts to marine mammals, sea turtles, fish, aquatic macroinvertebrates, seabirds, shorebirds, coastal birds, and waterfowl from vessel operations. Detailed analysis can be found in the following sections of the Draft PEA: Section 3.7.1.1 (Marine Mammals), Section 3.7.1.2 (Sea Turtles), Section 3.7.1.3 (Fish), Section 3.7.1.4 (Aquatic Macroinvertebrates), and Section 3.7.1.5 (Seabirds, Shorebirds, Coastal Birds, and Waterfowl). Among the impacts assessed, all wildlife categories could experience temporary behavioral disturbances due to increased ambient sound levels and temporary displacement from vessel presence, wake, or underwater turbulence. Injury or mortality of organisms is possible if accidental leakage of oil, fuel, and/or chemicals were to occur, though there are guidelines to minimize these effects in the unlikely event of a spill such as OMAO Procedure 'Shipboard Oil Pollution Emergency Plan & Non-Tank Vessel Response Plan (VRP/SOPEP)'. Although a vessel strike is very unlikely, debilitating injury or mortality of one or a few marine mammals or sea turtles could occur and impacts would be adverse and moderate, or greater, if an ESA-listed species is affected. Underwater OMAO operations such as the use of anchors and bottom grab samplers would result in temporary disturbances to the water column and seafloor, potentially impacting sea turtles, fish, aquatic macroinvertebrates, and birds, but these activities would only affect the immediate vicinity of a vessel and organisms would be expected to return to disturbed areas shortly after displacement. Impacts to individual organisms or populations are anticipated to be temporary and localized to regional as vessels travel, allowing biological resources to recover from potential disturbances caused by OMAO vessel operations activities. The assessment of these impacts can be found in Section 3.7.2 of the Draft PEA. Mitigation measures to protect wildlife, fish, and habitats include implementing mandatory invasive species prevention procedures, maintaining safe distances from protected species, following vessel speed restrictions in specific protected species habitats (e.g., North Atlantic right whale), and avoiding anchoring on sensitive bottoms. The full list of mitigation measures can be found in Table 1. Overall, impacts to biological resources under the Proposed Action would be adverse, minor, and insignificant for all categories of wildlife.

4.5 CULTURAL AND HISTORIC RESOURCES

OMAO assessed the potential impacts to cultural and historic resources from vessel operations. Submerged cultural and historic resources such as shipwrecks or isolated artifacts from historic voyages could be physically damaged by vessel anchoring, but the occurrence of such an event would be highly unlikely. OMAO does not anchor on known shipwreck sites or other locations of cultural and historic significance. Vessels avoid anchoring in hard bottom areas unless in the case of an immediate emergency. Visual and noise impacts to historic properties would not occur because the overall integrity of a historic property's setting, feeling, or association is not affected by the presence of a vessel, which likely only lasts for a few hours or days. Visual and noise impacts to Traditional Cultural Properties (TCPs) and subsistence hunting and fishing areas from the presence of vessels and operation of active acoustic sources would be minimized through coordination with the appropriate groups, including the area's SHPO and/or THPO under Section 106 of the NHPA on a project-by-project basis as necessary. The assessment of these impacts can be found in Section 3.8.2 of the Draft PEA. Overall, impacts to cultural and historic resources under the Proposed Action would be adverse, minor, and insignificant.

4.6 SOCIOECONOMIC RESOURCES

Although OMAO's activities would not have any direct impacts on socioeconomic resources, the Proposed Action is essential to the coastal economy because it enables NOAA's LOs to rapidly and efficiently collect data to ensure safe navigation for coastal-dependent industries, assist local communities to plan for coastal resiliency in response to climate change, and provide accurate assessment of commercial fishery stock quotas to fishing industries and communities. OMAO oversees the operation, management, and maintenance of NOAA's fleet of vessels to support the organization's at-sea missions and long-term goals. Data collected using the NOAA fleet are used by both public and private consumers and are vital to the economy and health of the nation. For example, the National Ocean Service (NOS), one of NOAA's LOs, relies on hydrographic surveys to develop nautical charts, which facilitate safe and efficient marine navigation. The value of weather forecast improvements based on research by the Office of Oceanic and Atmospheric Research (OAR) can be quantified in avoided evacuations, which result in saved lives and realized economic value. Therefore, the distribution and availability of data collected as an indirect result of OMAO's vessel operations could benefit ocean economy stakeholders by increasing the efficiency and risk management of ocean-related operations. Impacts to socioeconomic resources are discussed in detail in Section 3.9.2 of the Draft PEA and would be beneficial, moderate, and insignificant.

4.7 WASTE

OMAO assessed the potential impacts to waste from vessel operations. The generation, storage, handling, transfer, and disposal of hazardous, universal, and special waste occur as a result of OMAO vessel operations. NOAA vessels that generate such waste could potentially impact the affected environment by discharging waste in areas in which it did not previously exist. Ships are responsible for communicating with NOAA shoreside support facilities regarding the amount of potentially hazardous waste generated and stored onboard. Ships minimize their waste by substituting with less hazardous products where possible. Improper storage, handling, transfer or disposal of substances could have adverse impacts to the marine environment as well as human health and safety, but requirements for waste management established by OMAO Procedure 'Hazardous, Universal, and Special Waste Management' minimize the occurrence of unauthorized practices. In the rare event that an accidental discharge or spill were to occur, the impacts would be minor to moderate. NOAA vessels are subject to the requirements of MARPOL Annex V, which covers garbage from ships, under the Act to Prevent Pollution from Ships (APPS), minimizing the likelihood of accidental discharges and spills. The assessment of these impacts can be found in Section 3.11.2 of the Draft PEA.

NOAA vessels also generate solid waste (plastics, recyclables, dry trash, food waste, and incinerator ash), greywater, sewage, deck and equipment washdown wastewater, and oily materials. OMAO manages accidental spills of fuel, chemicals, and other contaminants that may occur from operations such as tank overflow during fueling operations, fuel transfer operations, accidental spills of hazardous chemicals used for vessel and equipment repair and maintenance, or unintentional discharge of sewage, bilge water, or ballast water into the surrounding environment. OMAO has extensive procedures in place to avoid and minimize impacts from these wastes to coastal waters, as described in Section 2.2.3 of the Draft PEA. Overboard discharge of solid waste does not occur; these wastes are instead transferred to shoreside facilities for disposal once the ship is moored alongside a dock. The NPDES VGP program regulates the discharge of greywater from NOAA vessels to the environment incidental to normal vessel operations within 3 nautical miles (nm) [5.6 km] of U.S. shores and NOAA vessels are equipped with MSDs to treat sewage generated onboard. Decks and equipment are rinsed with saltwater or freshwater or an environmentally safe all-purpose cleaner and, when possible, decks are washed down beyond 3 nm from shore to reduce impact to nearshore areas. All ships maintain an OWS which treats oily bilge water prior to discharge. Overall, impacts from wastes generated by the Proposed Action to coastal resources would be adverse, negligible to moderate, and insignificant.

Table 1: OMAO Vessel Operations Best Management Practices

Triggering Event	Crew Response
At all times while in transit or conducting drills or training	Do not attempt to feed, touch, ride, or otherwise intentionally interact with any marine protected species.
	Avoid areas where Navy exercises are being conducted and other hazards using information from Local Notice to Mariners.
	Maintain a watch for protected species at all times. OMAO follows the Standards of Training, Certifications, and Watchkeeping for Seafarers (STCW) and maintains watchstanders at all times while underway.
	Have species identification keys for corals, ESA-listed fishes, abalone, and seagrasses available on all vessels.
One or more cetaceans (whales, dolphins, or porpoises) are sighted while a vessel is underway	Attempt to remain parallel to the animal's course if feasible. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
An Endangered Species Act (ESA)-listed marine mammal is identified while a vessel is underway	Remain at least 100 yards from large whales, and 50 yards from dolphins, porpoises, seals, and sea lions. Federal law requires vessels to remain 100 yards away from humpback whales in Hawaii and Alaska waters, 200 yards from killer whales in Washington State inland waters, and 500 yards away from North Atlantic right whales throughout U.S. waters.
An ESA-listed whale is sighted within 100 yards of the forward path of a vessel	Reduce speed if moving. Maintain distance from the whale. If possible, steer a course that increases the distance from the whale at a speed of 10 knots or less until a 457 m (500 yd) separation distance has been established. Continue to monitor the whale until it has moved outside of the vessel's path, and proceed with caution. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should continue to be exercised after the whale has moved away.
One or more sea turtles are sighted or sargassum is sighted while a vessel is underway	Attempt to maintain a distance of 50 yards (45 meters) or greater whenever possible.
	Avoid sargassum if possible, to prevent impact on sea turtle hatching habitat.

Triggering Event	Crew Response
Nighttime vessel operation	Vessel operators operating at night would use the appropriate lighting to comply with navigation rules and best safety practices. Crewmembers are posted during vessel operations at nighttime.
Entry into North Atlantic right whale critical habitat	Report into the Mandatory Ship Reporting System.
<p>Before proceeding with operations onboard a vessel 65 feet or longer in any North Atlantic right whale seasonal management areas, when those areas are active. See maps and coordinates at https://www.fisheries.noaa.gov/national/endered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales</p>	<p>Maintain a vessel speed of 10 knots or less.</p> <p>Check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, the WhaleAlert app (www.whalealert.org), and Notices to Mariners.</p>
Transit areas cross North Pacific right whale habitat	Avoid transit through North Pacific right whale critical habitat. For unavoidable transits, maintain a vessel speed of 10 knots or less.
Entry into Rice's whale areas (Core Distribution Area [CDA] and the 100 m to 400 m isobath in the Gulf of Mexico)	<ol style="list-style-type: none"> a. Minimize all transits b. Do not exceed 10 knots c. Do not enter at night. If vessels are present in the CDA/isobath at night, the vessel must be anchored, moored, or otherwise immobile.
Entry into sensitive Steller sea lion areas	Maintain a vessel distance of at least 3 nm from Steller sea lion rookeries, major haulouts, and other critical habitats listed in 50 CFR 223.202 or Marmot Island.
<p>Entry into sturgeon and sawfish critical habitat as shown at https://www.fisheries.noaa.gov/resource/map/atlantic-sturgeon-critical-habitat-map-and-gis-data</p>	All vessels in coastal waters will operate in a manner to minimize propeller wash and sea floor disturbance, and transiting vessels should follow deep-water routes (e.g., marked channels), as practicable, to reduce disturbance to sturgeon and sawfish critical habitat.

Triggering Event	Crew Response
<p>https://www.fisheries.noaa.gov/resource/map/smalltooth-sawfish-critical-habitat-map-and-gis-data</p> <p>https://data.noaa.gov/dataset/dataset/green-sturgeon-critical-habitat-gis-data1</p>	
Sighting of any injured, dead, or entangled ESA-listed species, especially right whales	Report sighting immediately to the U.S. Coast Guard at VHF Ch. 16 and the appropriate Marine Mammal Health and Stranding Response Network. Contact information is available at https://www.fisheries.noaa.gov/report
Sightings of critically endangered cetaceans including North Atlantic right whale, North Pacific right whale, Southern Resident killer whale, Main Hawaiian Island insular false killer whale, and Rice’s whale	Report sighting within two hours of occurrence when practicable and no later than 24 hours after occurrence (to https://www.fisheries.noaa.gov/report). Right whale sightings in any location may also be reported to the U.S. Coast Guard and through the WhaleAlert App (http://www.whalealert.org/).
Sighting of any protected marine species within 100 yards of the vessel	Do not discharge.
Vessel and equipment maintenance	Implement mandatory invasive species prevention procedures including, but not limited to, vessel and equipment washdown, cleaning, and de-ballasting. Seawater ballast is limited to only those ships with ballast water treatment systems, and the seawater must be treated before it can be discharged.
Operating or maintaining a vessel, in conjunction with the Vessel General Permit	Use anti-fouling coatings.
	Clean hull regularly to remove aquatic nuisance species.
	Avoid cleaning of hull in critical habitat.
	Use minimally toxic, biodegradable, phosphate-free cleaners.
Operating or maintaining a vessel	Avoid discharging any material not expressly allowed in national marine sanctuaries (see 15 CFR 922 for list of regulations for each sanctuary).
	Rinse anchor with high-powered hose after retrieval.

Triggering Event	Crew Response
	Maintain a contingency plan to control toxic materials.
	Store appropriate materials aboard to contain and clean potential spills.
	All materials and equipment placed in the water will be free of pollutants.
	Operators should perform daily pre-work equipment inspections for cleanliness and leaks. All heavy equipment operations should be postponed or halted should a leak be detected, and will not proceed until the leak is repaired and equipment cleaned.
Sighting of any protected marine species within 100 yards of the work area	Suspend deployment of all instruments and autonomous systems. Work already in progress may continue if that activity is not expected to adversely affect the animal(s).
Anchoring	Use designated anchorage areas when available. If a designated anchorage area is not available, anchor in mud or sand, and avoid anchoring on corals and hard bottom, in seagrass, and in abalone critical habitat as defined at https://media.fisheries.noaa.gov/2022-05/ch_2021mapseries_AbaloneBlack.jpg .
	Minimize anchor drag (i.e., provide adequate anchor scope).
Bottom sampling for sediment verification	Avoid testing of bottom sampling equipment on coral reefs, shipwrecks, obstructions, or hard bottom areas.
Equipment/Autonomous Systems Deployment	Stiffer line materials should be used for towing and kept taut during operations to reduce the potential for entanglement in bottom features such as coral habitats and shipwrecks.
	In the event entanglements occur, prepare a written summary with photographs to document the incident for NMFS.
AUV operation	Equipment such as AUVs would be programmed and operated to avoid sea floor disturbance during testing and training.
Small boat operations	While operating in shallow water, reduce speeds and proceed with caution to avoid bottom disturbance; avoid critical habitat.
Operating vessels in polar bear habitat	Ensure that vessels maintain a 1.6-kilometer (km) (1 mile [mi]) separation distance from polar bears observed on ice, land, or water.
	Be alert to potential presence of polar bears, visually monitor the area and adjacent waters. Be especially vigilant for swimming bears. If a swimming bear(s) is encountered,

Triggering Event	Crew Response
	<p>allow it to continue unhindered. Never approach, herd, chase, or attempt to lure swimming bear(s). Reduce speed when visibility is low and avoid sudden changes in travel direction.</p> <p>Navigate slowly, steer around polar bears, and do not approach, circle, pursue, or otherwise force bears to change direction when observed in the water.</p> <p>Avoid multiple changes in direction and speed and do not restrict bears' movements on land or sea.</p> <p>Do not conduct activities within 1.6 km (1 mi) of known or suspected polar bear dens.</p>
Operating vessels in Pacific walrus habitat	<p>Maintain an appropriate minimum distance from walrus haulouts on ice or land: Marine vessels less than 15 m (50 ft) in length – 1 km (0.5 nm); Marine vessels 15 m or more but less than 30 m (100 ft) in length – 1.8 km (1 nm); and Marine vessels 30 m (100 ft) or more in length – 5.5 km (3 nm).</p> <p>Reduce noise levels near haulouts. Avoid abrupt maneuvers, sudden changes in engine noise, using loud speakers, loud deck equipment, or other operations that produce noise when in the vicinity of walrus haulouts. Note that sound carries a long way across the water and often reverberates off of cliffs and bluffs adjacent to coastal walrus haulouts, amplifying noise.</p> <p>Reduce speed and maintain a minimum distance of 0.8 km (0.5 mi) from groups of walrus in the water. Do not operate the vessel in such a way as to separate members of a group of walrus from other members of the group.</p> <p>If walrus approach the vessel or are found to be in close proximity, place boat engines in neutral and allow the animals to pass. If vessel safety considerations prevent this, carefully steer around animals.</p> <p>When weather conditions require, such as when visibility drops, adjust speed accordingly to avoid the likelihood of injury to walrus.</p>
Operating vessels in northern sea otter habitat	Do not operate vessels in such a way as to separate sea otters from other members of their group.

Triggering Event	Crew Response
	If northern sea otters are observed in groups of fewer than 10 animals, do not approach within 100 m (109 yd). If the group size is greater than 10, do not approach within 500 m (547 yd).
Operating vessels in manatee habitat (U.S. Gulf coast and Atlantic Coast as far north as the Chesapeake Bay)	All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. All crews shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees.
	All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
	Observe water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 15 m (50 ft) of the operation. Activities will not resume until the manatee(s) has moved beyond the 15-m (50-ft) radius of the vessel, or until 30 minutes elapses if the manatee(s) has not reappeared within 15 m (50 ft) of the vessel. Animals must not be herded away or harassed into leaving.
	Any collision with or injury to a manatee shall be reported immediately. To report dead, debilitated, or distressed manatees, call 1-877-WHALE HELP (1-877-942-5343). NOAA Fisheries also has created a Dolphin & Whale 911 telephone app that can be used to direct calls to the nearest stranding response helpline.

General Notes:

OMAO follows all laws and regulations as they pertain to vessel operations; the following Best Management Practices (BMPS) are implemented to further reduce environmental impacts.

These requirements do not apply when (1) compliance would create an imminent threat to a person or vessel, or (2) to the extent that a vessel cannot comply because it is restricted in its ability to maneuver.

Projects involving direct take of protected species are NOT included in the scope of the OMAO Programmatic Environmental Assessment or these BMPs. NOAA Line Offices would be required to complete the regulatory compliance requirement for such projects on their own.

OMAO has discretion on the location and duration of the following activities: transiting, training, calibration and testing of equipment, and small boat operations.

5.0 RELEVANT ENFORCEABLE POLICIES

Table 2 below summarizes the coastal enforceable policies that were analyzed against OMAO’s vessel operations described in the Draft PEA. The Proposed Action was found to be consistent with all enforceable policies that would apply to OMAO’s vessel operations. The table provides the title of the enforceable policies and the consistency determination for all 34 state and territory Coastal Zone Management Programs. Appendix A provides the regulatory background and description of the policies, and the rationale for the determination, pertaining to Maine.

Table 2. Consistency Determination of OMAO’s Vessel Operations with State Enforceable Policies

Enforceable Policy Title	Consistency Determination
ALABAMA	
General Rules Applicable To All Uses Subject To The Alabama Coastal Area Management Plan (ACAMP)	Consistent
Dredging And/Or Filling	Consistent
Mitigation	Not relevant
Marinas	Not relevant
Piers, Docks, Boathouses, And Other Pile-Supported Structures	Not relevant
Shoreline Stabilization And Erosion Mitigation	Not relevant
Canals, Ditches, And Boatslips	Not relevant
Construction And Other Activities On Gulf Front_Beaches And Dunes	Consistent
Groundwater Extraction	Not relevant
Siting, Construction And Operation Of Energy_Facilities	Not relevant
Commercial And Residential Development	Not relevant
Discharges To Coastal Waters	Consistent
AMERICAN SAMOA	
A. As a requirement for approval, all projects shall satisfy or be conditioned to satisfy the following criteria.	Consistent
B. Ensure consistency with the provisions of this chapter and the sections on the following:	Consistent
C. Archaeological/cultural/historic resources	Consistent
D. Commercial agricultural development	Not relevant
E. Major facility siting	Not relevant
F. Marine resources, reef, and fisheries protection and development	Consistent
G. Recreation and public access	Consistent
H. Water and air quality	Consistent
I. Unique Areas	Consistent
A. Special Management Areas.	Consistent
B. Designated Special Management Areas	Consistent
C. Policy for Special Management Areas	Consistent

Enforceable Policy Title	Consistency Determination
D. Procedures to establish a Special Management Area	Not relevant
E. Criteria for designation or modification of a Special Management Area	Not relevant
A. Wetlands	Not relevant
B. Delineation of Wetlands.	Not relevant
C. Policy on wetlands	Consistent
D. Wetlands jurisdictional limits.	Not relevant
E. Wetland buffer and prohibited activity.	Not relevant
F. Wetlands regulated activities; permitted and prohibited projects, uses or activities; and violations.	Consistent
A. Coastal hazards policy	Consistent
B. Shoreline development policy	Not relevant
C. Soil erosion policy.	Not relevant
CALIFORNIA	
Policies as standards; resolution of policy conflicts	Not relevant
Access; recreational opportunities; posting	Consistent
Development not to interfere with access	Not relevant
New development projects	Not relevant
Public facilities; distribution	Not relevant
Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals	Not relevant
Implementation of public access policies; legislative intent	Not relevant
Protection of certain water-oriented activities	Consistent
Oceanfront land; protection for recreational use and development	Consistent
Private lands; priority of development purposes	Consistent
Oceanfront lands; aquaculture facilities; priority	Consistent
Upland areas	Consistent
Recreational boating use; encouragement; facilities	Consistent
Marine resources; maintenance	Consistent
Biological productivity; water quality	Consistent
Oil and hazardous substance spills	Consistent
Diking, filling or dredging; continued movement of sediment and nutrients	Consistent
Commercial fishing and recreational boating facilities	Consistent
Economic, commercial, and recreational importance of fishing	Consistent
Construction altering natural shoreline	Not relevant
Water supply and flood control	Not relevant
Environmentally sensitive habitat areas; adjacent developments	Consistent

Enforceable Policy Title	Consistency Determination
Prime agricultural land; maintenance in agricultural production	Not relevant
Agricultural land; determination of viability of uses; economic feasibility evaluation	Not relevant
Lands suitable for agricultural use; conversion	Not relevant
Productivity of soils and timberlands; conversions	Not relevant
Archaeological or paleontological resources	Consistent
Location; existing developed area	Not relevant
Scenic and visual qualities	Consistent
Maintenance and enhancement of public access	Not relevant
Minimization of adverse impacts	Not relevant
Public works facilities	Not relevant
Terms or conditions on sewage treatment plant development; prohibition	Not relevant
Priority of coastal-dependent developments	Not relevant
Location or expansion	Not relevant
Tanker facilities; use and design	Not relevant
Oil and gas development	Not relevant
Refineries or petrochemical facilities	Not relevant
Thermal electric generating plants	Not relevant
Legislative findings and declarations; offshore oil transportation	Not relevant
Governor or designee; coordination of activities concerning offshore oil transport and refining; duties	Not relevant
CALIFORNIA – BCDC	
Fish, Other Aquatic Organisms and Wildlife	Consistent
Water Quality	Consistent
Tidal Marshes and Tidal Flats	Consistent
Subtidal Areas	Consistent
Environmental Justice and Social Equity	Consistent
Climate Change	Consistent
Dredging	Consistent
Commercial Fishing	Consistent
Recreation	Consistent
Public Access	Consistent
Appearance, Design, and Scenic Views	Consistent
Managed Wetlands	Consistent
Navigational Safety and Oil Spill Prevention	Consistent

Enforceable Policy Title	Consistency Determination
CONNECTICUT	
General Resources	Consistent
Beaches & Dunes	Not relevant
Bluffs & Escarpments	Not relevant
Coastal Hazard Area	Not relevant
Coastal Waters & Estuarine Embayments	Consistent
Developed Shorefront	Not relevant
Freshwater Wetlands and Watercourses	Consistent
Intertidal Flats	Consistent
Islands	Consistent
Rocky Shorefront	Not relevant
Shellfish Concentration Areas	Consistent
Shorelands	Not relevant
Tidal Wetlands	Consistent
General Development	Consistent
Boating	Not relevant
Coastal Recreation And Access	Consistent
Coastal Structures and Filling	Not relevant
Cultural Resources	Consistent
Dams, Dikes and Reservoirs	Not relevant
Dredging and Navigation	Consistent
Energy Facilities	Not relevant
Fisheries	Consistent
Fuel, Chemicals And Hazardous Materials	Consistent
Open Space and Agricultural Lands	Not relevant
Ports and Harbors	Consistent
Sewer and Water Lines	Not relevant
Solid Waste	Consistent
Transportation	Not relevant
Water Dependent Uses	Not relevant
DELAWARE	
Policy 5.1	Consistent
Policy 5.2	Not relevant
Policy 5.3	Consistent
Policy 5.4	Consistent
Policy 5.5	Consistent
Policy 5.6	Consistent
Policy 5.7	Not relevant
Policy 5.8	Consistent
Policy 5.9	Not relevant
Policy 5.10	Consistent

Enforceable Policy Title	Consistency Determination
Policy 5.11	Consistent
Policy 5.12	Not relevant
Policy 5.13	Not relevant
Policy 5.14	Consistent
Policy 5.15	Not relevant
Policy 5.16	Not relevant
Policy 5.17	Consistent
Policy 5.18	Not relevant
Policy 5.19	Consistent
Policy 5.20	Consistent
Policy 5.21	Not relevant
Policy 5.22	Consistent
Policy 5.23	Not relevant
Policy 5.24	Consistent
Policy 5.25	Not relevant
FLORIDA	
Beach and Shore Preservation	Not relevant
Intergovernmental Programs: Growth Policy; County and Municipal Planning; Land Development Regulation	Not relevant
State and Regional Planning	Consistent
Emergency Management	Consistent
State Lands	Consistent
State Parks and Preserves	Consistent
Land Acquisitions for Conservation or Recreation	Not relevant
Florida Greenways and Trails Act	Not relevant
Historical Resources	Consistent
Commercial Development and Capital Improvements	Not relevant
Transportation Administration	Not relevant
Transportation Finance and Planning	Not relevant
Water Resources	Not relevant
Outdoor Recreation and Conservation Lands	Consistent
Pollutant Discharge Prevention and Removal	Consistent
Energy Resources	Not relevant
Fish and Wildlife Conservation	Consistent
Land and Water Management	Consistent
Public Health: General Provisions	Consistent
Mosquito Control	Not relevant
Environmental Control	Consistent
Building Construction Standards	Not relevant
Soil and Water Conservation	Not relevant
Aquaculture	Consistent

Enforceable Policy Title	Consistency Determination
GEORGIA	
The Georgia Air Quality Act	Consistent
The Georgia Aquaculture Development Act	Consistent
The Georgia Boat Safety Act	Consistent
The Coastal Management Act	Consistent
The Coastal Marshlands Protection Act	Consistent
The Georgia Safe Dams Act	Not relevant
The Georgia Safe Drinking Water Act of 1977	Not relevant
The Endangered Wildlife Act	Consistent
The Georgia Environmental Policy Act (GEPA)	Consistent
The Georgia Erosion and Sedimentation Act	Consistent
Officially titled Ownership and custody of wildlife; privilege to hunt, trap, or fish; general offenses, provides the ownership of, jurisdiction over, and control of all wildlife to be vested in the State of Georgia.	Not relevant
The Groundwater Use Act	Not relevant
The Georgia Hazardous Waste Management Act	Consistent
Georgia's Heritage Trust Act of 1975	Consistent
Historic Areas	Consistent
The Georgia Natural Areas Act	Consistent
Georgia's Oil and Gas and Deep Drilling Act	Not relevant
Phosphate Mining	Not relevant
Revocable License Program	Not relevant
The Right of Passage Act	Consistent
The Mountain and River Corridor Protection Act	Consistent
The Georgia Scenic Rivers Act of 1969	Consistent
The Georgia Scenic Trails Act	Not relevant
Standards for individual sewage management systems	Consistent
Master collecting and picker's permits; hours for taking shellfish; and recreational harvesting	Not relevant
The Georgia Comprehensive Solid Waste Management Act	Consistent
Georgia's Surface Mining Act	Not relevant
The Protection of Tidewaters Act	Not relevant
The Underground Storage Tank Law	Not relevant
Georgia Water Quality Control Act	Consistent
The Water Wells Standards Act of 1985	Not relevant
The Wildflower Preservation Act	Consistent
GUAM	
Shore Area Development	Consistent
Urban Development	Not relevant
Rural Development	Not relevant
Major Facility Siting	Not relevant

Enforceable Policy Title	Consistency Determination
Hazardous Areas	Not relevant
Housing	Not relevant
Transportation	Not relevant
Erosion and Siltation	Not relevant
Air Quality	Consistent
Water Quality	Consistent
Fragile Areas	Consistent
Living Marine Resources	Consistent
Visual Quality	Consistent
Recreational Areas	Consistent
Public Access	Not relevant
Agricultural Lands	Not relevant
HAWAII	
Recreational Resources	Consistent
Historic Resources	Consistent
Scenic and Open Space Resources	Consistent
Coastal Ecosystems	Consistent
Economic Uses	Consistent
Coastal Hazards	Consistent
Managing Development	Not relevant
Public Participation	Consistent
Beach Protection	Not relevant
Marine Resources	Consistent
ILLINOIS	
Rivers, Lakes, and Streams Act	Consistent
Floodway Construction in Northeastern Illinois	Not relevant
Allocation of Water from Lake Michigan	Not relevant
Fish and Aquatic Life Code	Consistent
Illinois Endangered Species Act	Consistent
Public Utilities Act	Not relevant
Environmental Protection Act, Title II: Air Pollution	Consistent
Environmental Protection Act, Title III: Water Pollution	Consistent
Regulation of Public Waters	Consistent
Shore Lands for Park Use Act	Not relevant
Navigable Waters Obstruction Act	Consistent
Interagency Wetlands Policy Act of 1989	Consistent
Illinois Natural Areas Preservation Act	Consistent
Illinois Historic Preservation Act	Consistent
Archeological and Paleontological Resources Protection Act	Consistent
INDIANA	

Enforceable Policy Title	Consistency Determination
Water Quality - WATER QUALITY STANDARDS	Consistent
Water Quality - WASTEWATER PERMIT PROGRAM (NPDES PERMIT PROGRAM)	Consistent
Water Quality - SECTION 401 WATER QUALITY CERTIFICATION PROGRAM	Consistent
Water Quality - GENERAL AUTHORITY OVER WATER QUALITY IMPAIRMENT	Consistent
Natural Areas, Fisheries, Wildlife, and Native and Exotic Species - NONGAME AND ENDANGERED WILDLIFE PROGRAM (NEWP)	Consistent
Natural Areas, Fisheries, Wildlife, and Native and Exotic Species - SPORT AND COMMERCIAL FISHING ON LAKE MICHIGAN	Consistent
Natural Areas, Fisheries, Wildlife, and Native and Exotic Species - NUISANCE SPECIES IMPORTATION	Consistent
Natural Areas, Fisheries, Wildlife, and Native and Exotic Species - PEST AND PATHOGEN MANAGEMENT	Consistent
Recreation, Access, and Cultural Resources - WATERCRAFT USE NEAR BATHING BEACHES	Consistent
Recreation, Access, and Cultural Resources - WATERCRAFT USE	Consistent
Recreation, Access, and Cultural Resources - NATIONAL REGISTER OF HISTORIC PLACES	Consistent
Recreation, Access, and Cultural Resources - ARTIFACTS OR BURIAL OBJECTS	Consistent
Recreation, Access, and Cultural Resources - SHIPWRECKS	Consistent
Recreation, Access, and Cultural Resources - INDIANA CULTURAL RESOURCES MANAGEMENT PLAN	Consistent
Economic Development - DREDGING	Consistent
Pollution Prevention, Recycling, Reuse, and Waste Management - SOLID WASTE MANAGEMENT	Consistent
Pollution Prevention, Recycling, Reuse, and Waste Management - HAZARDOUS WASTE MANAGEMENT	Consistent
Air Quality - OPERATING PERMIT	Consistent
Property Rights - LITTERING	Consistent
Property Rights - OPEN DUMPING	Consistent
Property Rights - WASTE DISPOSAL	Consistent
LOUISIANA	
Guideline B (Conformance with Applicable Laws)	Consistent
Guideline D (Involuntary Acquisition or Taking of Property)	Not relevant
Guideline E (Grants and Donations)	Consistent
Guideline F (Factors to Determine Guideline Compliance)	Consistent

Enforceable Policy Title	Consistency Determination
Guideline G (Adverse Impacts to Avoid)	Consistent
Guideline H (Consistency to the Maximum Extent Practicable)	Consistent
Guideline I (Multiple Concurrent Uses)	Consistent
MAINE	
Natural Resources Protection Act	Consistent
Protection and Improvement of Air	Consistent
Protection and Improvement of Waters Act	Consistent
Maine Hazardous Waste, Septage and Solid Waste Management Act	Consistent
Solid Waste Management and Recycling Law	Not relevant
Oil Discharge Prevention & Pollution Control Law	Consistent
Maine Endangered Species Act	Consistent
MARYLAND	
Core Policies 5.1.1. Quality of Life Policy 1 - Air Quality	Consistent
Core Policies 5.1.1. Quality of Life Policy 2 - Noise	Consistent
Core Policies 5.1.1. Quality of Life Policy 4 – Protection of State Lands and Cultural Resources	Consistent
Core Policies 5.1.1. Quality of Life Policy 5 – Natural Character & Scenic Value of Rivers & Waterways	Consistent
Core Policies 5.1.1. Quality of Life Policy 9 – Public Outreach	Consistent
Waste & Debris Management 5.1.2. Waste & Debris Management Policy 1 – Hazardous Waste Management	Consistent
Waste & Debris Management 5.1.2. Waste & Debris Management Policy 2 – Hazardous Waste Management in Port of Baltimore	Consistent
Water Resources Protection & Management 5.1.3. Water Resources Protection & Management Policy 1 – Pollution Discharge Permit.	Consistent
Water Resources Protection & Management 5.1.3. Water Resources Protection & Management Policy 2 – Protection of Designated Uses	Consistent
Water Resources Protection & Management 5.1.3. Water Resources Protection & Management Policy 3 – Prohibition of Harmful Toxic Impacts	Consistent
Water Resources Protection & Management 5.1.3. Water Resources Protection & Management Policy 5 – Use of Best Available Technology or Treat to Meet Standards	Consistent
Water Resources Protection & Management 5.1.3. Water Resources Protection & Management Policy 9 – Unpermitted Dumping of Used Oil	Consistent

Enforceable Policy Title	Consistency Determination
Coastal Resources 5.2.6 Living Aquatic Resources Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife	Consistent
Coastal Resources 5.2.6 Living Aquatic Resources Policy 3 – Protection of State Fishery Sanctuaries & Management Resources	Consistent
Living Aquatic Resources Policy 7 – Non-Tidal Habitat Protection & Mitigation	Consistent
Coastal Resources 5.2.6 Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic Organisms	Consistent
Coastal Use 5.3.10 Sewage Treatment Policy 1 – Protection of State Waters for Designated Uses	Consistent
Coastal Use 5.3.10 Sewage Treatment Policy 2 – Waste Must Be Treated Prior To Discharge to Protect Designated Uses	Consistent
Coastal Use 5.3.10 Sewage Treatment Policy 3 – Wastes May Not Be Disposed of in a Manner that Likely Creates a Nuisance or Causes Ground or Water Contamination	Consistent
Sewage Treatment Policy 4 – Waste May Not Be Discharged Into the Patuxent & Severn Rivers & Their Tributaries	Consistent
Coastal Use 5.3.10 Sewage Treatment Policy 5 – Sewage Sludge May Not Be Discharged Into the Chesapeake Bay, or the Bay’s Tidewater Tributaries Within 5 Miles of Hart-Miller-Pleasure Island Chain	Consistent
MASSACHUSETTS	
Coastal Hazards Policy #1	Not relevant
Coastal Hazards Policy #2	Consistent
Coastal Hazards Policy #3	Not relevant
Energy Policy #1	Not relevant
Habitat Policy #1	Consistent
Habitat Policy #2	Consistent
Ocean Resources Policy #1	Consistent
Ocean Resources Policy #2	Not relevant
Ocean Resources Policy #3	Consistent
Ports and Harbors Policy #1	Consistent
Ports and Harbors Policy #2	Not relevant
Ports and Harbors Policy #3	Not relevant
Ports and Harbors Policy #4	Not relevant
Protected Areas Policy #1	Consistent
Protected Areas Policy #2	Not relevant
Protected Areas Policy #3	Consistent
Public Access Policy #1	Not relevant

Enforceable Policy Title	Consistency Determination
Water Quality Policy #1	Consistent
Water Quality Policy #2	Consistent
Water Quality Policy #3	Consistent
MICHIGAN	
Water Resources Protection	Consistent
Watercraft Pollution Control	Consistent
Inland Lakes and Streams	Consistent
Wetlands Protection	Consistent
Shorelands Protection and Management	Consistent
Great Lakes Submerged Lands	Consistent
Endangered Species Protection	Consistent
Aboriginal Records and Antiquities	Consistent
MINNESOTA	
Shoreline Development	Consistent
Floodplain Management	Not relevant
Coastal Shoreline Erosion	Not relevant
County, Municipal and Township Planning and Development	Not relevant
Protected Waters Program	Consistent
Water Appropriation Permits	Not relevant
Dam Safety	Not relevant
Wetlands Programs	Consistent
Air Quality	Consistent
Water Quality	Consistent
Ground Water Protection	Not relevant
Water Supply	Not relevant
Waste Management	Consistent
Fish and Wildlife Management	Consistent
Forest Management	Not relevant
Mineral Resources	Not relevant
Minnesota Environmental Rights Act (MERA)	Consistent
Minnesota Environmental Policy Act (MEPA)	Consistent
Environmental Review Program	Consistent
MISSISSIPPI	
Docks, Piers, Boat Shelters (including boathouses), and Hoists	Not relevant
Boat Ramps	Not relevant
Marinas, Boat Basins, and Boat Slips	Not relevant
Bulkheads, Seawalls, Breakwaters, Groins and Jetties	Not relevant
Cables, Pipelines and Transmission Lines	Not relevant
Transportation	Not relevant

Enforceable Policy Title	Consistency Determination
Channels and Access Canals	Not relevant
Dredged Material Disposal	Consistent
Tidal Marsh and Watershed Impoundments	Not relevant
Drainage Canals or Ditches	Not relevant
Oil and Gas Exploration and Production	Not relevant
Other Mineral Extraction	Not relevant
Facilities Requiring Water for Cooling or Heating	Not relevant
Activities Affecting Coastal Wetlands	Consistent
Filling Other Than Dredged Material Disposal	Not relevant
Dockside Casinos	Not relevant
Intake and Discharge Structures	Not relevant
Dredging/Excavation	Consistent
NEW HAMPSHIRE	
Protection of Coastal Resources – Enforceable Policy 1	Consistent
Protection of Coastal Resources – Enforceable Policy 2	Consistent
Protection of Coastal Resources – Enforceable Policy 3	Not relevant
Protection of Coastal Resources – Enforceable Policy 4	Consistent
Protection of Coastal Resources – Enforceable Policy 5	Consistent
Protection of Coastal Resources – Enforceable Policy 6	Consistent
Recreation and Public Access – Enforceable Policy 7	Consistent
Managing Coastal Development – Enforceable Policy 8	Consistent
Managing Coastal Development – Enforceable Policy 9	Not relevant
Managing Coastal Development – Enforceable Policy 10	Consistent
Managing Coastal Development – Enforceable Policy 11	Consistent
Managing Coastal Development – Enforceable Policy 12	Not relevant
Coastal Dependent Uses – Enforceable Policy 13	Consistent
Coastal Dependent Uses – Enforceable Policy 14	Consistent
Preservation of Historic and Cultural Resources – Enforceable Policy 15	Consistent
Marine and Estuarine Research and Education – Enforceable Policy 16	Consistent
NEW JERSEY	
Coastal Zone Management Rules	Consistent
Freshwater Wetlands Protection Act	Consistent
Stormwater Management Rules	Not relevant
New Jersey Pollutant Discharge Elimination System Rules	Consistent
Meadowlands District Regulations	Not relevant
Waterfront Development Law	Not relevant
Wetlands Act of 1970	Consistent
Coastal Area Facility Review Act	Not relevant

Enforceable Policy Title	Consistency Determination
Hackensack Meadowlands Reclamation and Development Act	Not relevant
Freshwater Wetlands Protection Act	Consistent
Law concerning the transportation of dredged materials containing polychlorinated biphenyls	Consistent
Meadowlands District Master Plan	Not relevant
Memorandum of Agreement between the NJDEP and the New Jersey Meadowlands Commission	Not relevant
Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits	Not relevant
NEW YORK	
New York Development Policy 1	Consistent
New York Development Policy 2	Consistent
New York Development Policy 3	Consistent
New York Development Policy 4	Consistent
New York Development Policy 5	Consistent
New York Development Policy 6	Consistent
New York Fish and Wildlife Policy 7	Consistent
New York Fish and Wildlife Policy 8	Consistent
New York Fish and Wildlife Policy 9	Consistent
New York Fish and Wildlife Policy 10	Consistent
New York Flooding and Erosion Hazards Policy 11	Not relevant
New York Flooding and Erosion Hazards Policy 12	Not relevant
New York Flooding and Erosion Hazards Policy 13	Not relevant
New York Flooding and Erosion Hazards Policy 14	Not relevant
New York Flooding and Erosion Hazards Policy 15	Consistent
New York Flooding and Erosion Hazards Policy 16	Not relevant
New York Flooding and Erosion Hazards Policy 17	Not relevant
New York General Policy 18	Consistent
New York Public Access Policy 19	Consistent
New York Public Access Policy 20	Not relevant
New York Recreation Policy 21	Not relevant
New York Recreation Policy 22	Not relevant
New York Historic and Scenic Resources Policy 23	Consistent
New York Historic and Scenic Resources Policy 24	Consistent
New York Historic and Scenic Resources Policy 25	Consistent
New York Agricultural Lands Policy 26	Not relevant
New York Energy and Ice Management Policy 27	Not relevant
New York Energy and Ice Management Policy 28	Not relevant
New York Energy and Ice Management Policy 29	Not relevant
New York Water and Air Resources Policy 30	Consistent

Enforceable Policy Title	Consistency Determination
New York Water and Air Resources Policy 31	Not relevant
New York Water and Air Resources Policy 32	Not relevant
New York Water and Air Resources Policy 33	Not relevant
New York Water and Air Resources Policy 34	Consistent
New York Water and Air Resources Policy 35	Consistent
New York Water and Air Resources Policy 36	Consistent
New York Water and Air Resources Policy 37	Consistent
New York Water and Air Resources Policy 38	Not relevant
New York Water and Air Resources Policy 39	Consistent
New York Water and Air Resources Policy 40	Not relevant
New York Water and Air Resources Policy 41	Consistent
New York Water and Air Resources Policy 42	Consistent
New York Water and Air Resources Policy 43	Consistent
New York Wetlands Policy 44	Consistent
Long Island Sound Developed Coast Policy 1	Not relevant
Long Island Sound Developed Coast Policy 2	Consistent
Long Island Sound Developed Coast Policy 3	Consistent
Long Island Sound Natural Coast Policy 4	Not relevant
Long Island Sound Natural Coast Policy 5	Consistent
Long Island Sound Natural Coast Policy 6	Consistent
Long Island Sound Natural Coast Policy 7	Consistent
Long Island Sound Natural Coast Policy 8	Consistent
Long Island Sound Public Coast Policy 9	Consistent
Long Island Sound Working Coast Policy 10	Consistent
Long Island Sound Working Coast Policy 11	Consistent
Long Island Sound Working Coast Policy 12	Not relevant
Long Island Sound Working Coast Policy 13	Not relevant
NORTH CAROLINA	
Coastal Area Management Act (CAMA), Coastal Wetlands	Consistent
CAMA, Estuarine Waters	Consistent
CAMA, Public Trust Areas	Consistent
Use Standards for Ocean Hazard Areas	Not relevant
Coastal Areas that Sustain Remnant Species	Consistent
Significant Coastal Historic Architectural Resources	Consistent
Pollution of Waters	Consistent
CAMA, Maintenance and Repair	Consistent
Dredge and Fill Law	Consistent
NORTHERN MARIANA ISLANDS	
Definitions	Consistent
Conflicts with Regulations of Other CNMI Government Agencies	Not relevant

Enforceable Policy Title	Consistency Determination
General Standards for all CRM Permits	Not relevant
General Criteria for CRM Permits	Not relevant
Criteria; Areas of Particular Concern; Lagoon and Reefs	Consistent
Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands	Consistent
Specific Criteria; Areas of Particular Concern; Coral Reefs	Consistent
Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves	Consistent
Specific Criteria; Areas of Particular Concern; Shorelines	Consistent
Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas	Consistent
Specific Criteria; Areas of Particular Concern; Coastal Hazards	Consistent
Height Density, Setback, Coverage, and Parking Guidelines	Not relevant
Determination of Major Siting	Consistent
Specific Criteria for Major Sitings	Consistent
Mandatory Conditions	Consistent
Public Law No. 3-47	Consistent
DEQ Underground Injection Control Regulations	Not relevant
DEQ Drinking Water Regulations	Consistent
DEQ Well Drilling and Well Operations Regulations	Not relevant
DEQ Wastewater Treatment and Disposal Rules and Regulations	Consistent
DEQ Water Quality Standards	Consistent
OHIO	
Policy 1 – Lake Erie Coastal Erosion Area Management	Not relevant
Policy 2 – Shore Erosion Control	Not relevant
Policy 3 – Floodplain Management	Not relevant
Policy 4 – Flood Protection And Mitigation	Not relevant
Policy 5 - Shore Erosion and Flood Hazard Mitigation Assistance	Not relevant
Policy 6 - Water Quality	Consistent
Policy 7 - Environmental Contaminants; Prevention and Emergency Response	Consistent
Policy 8 – Nonpoint Source Pollution	Consistent
Policy 9 – Potable Water Supply	Not relevant
Policy 10 – Area of Concern Remedial Action Plans	Not relevant
Policy 11 – Ground Water	Not relevant
Policy 12 – Wetlands	Consistent
Policy 13 – Natural Areas and Features	Consistent
Policy 14 – Rare and Endangered Species	Consistent
Policy 15 – Exotic Species	Consistent
Policy 16 –Public Trust Lands	Consistent

Enforceable Policy Title	Consistency Determination
Policy 17 – Dredging and Dredged Material Disposal	Consistent
Policy 18 - Local Lakeshore Development	Not relevant
Policy 19 - Lake Erie Ports	Consistent
Policy 20 – Transportation Facilities	Not relevant
Policy 21 –Lakeshore Recreation And Access	Consistent
Policy 22 – Lake Erie Beaches and Public Bathing	Consistent
Policy 23 – Recreational Boating	Consistent
Policy 24– Fishing And Hunting	Consistent
Policy 25 – Surplus Public Property	Not relevant
Policy 26 – Preservation of Cultural Resources	Consistent
Policy 27 – Fisheries Management	Consistent
Policy 28– Fisheries Research And Interstate Cooperation	Consistent
Policy 29 – Wildlife Management	Consistent
Policy 30 – Air Quality	Consistent
Policy 31– Hazardous, Solid And Infectious Waste Management	Consistent
Policy 32 – Marina Facilities	Not relevant
Policy 33 – Visual And Aesthetic Quality	Consistent
Policy 34 –Energy Facility Siting	Not relevant
Policy 35– Energy Resource Storage And Transshipment	Consistent
Policy 36 – Oil And Natural Gas Drilling	Not relevant
Policy 37 – Offshore Mineral Extraction	Not relevant
Policy 38 – Surface Mining	Not relevant
Policy 39 –Water Diversion	Not relevant
Policy 40 – Lake Erie Water Levels	Not relevant
Policy 41 –Water Management	Not relevant
OREGON	
Fish and Wildlife Habitat Mitigation Policy (FWHMP), Definitions	Consistent
FWHMP; Implementation of Department Habitat Mitigation Requirements	Consistent
Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon	Consistent
State Waters and Ocean Resources; Wetlands; Removal and Fill	Consistent
State Lands Generally - South Slough National Estuarine Research Reserve	Consistent
Archaeological Objects and Sites	Consistent
Parks and Recreation; Ocean Shores	Consistent
Archeological Sites and Historic Material, Permits and conditions for excavation or removal of archaeological or historical material, rules, criminal penalty; Scenic Waterways; Designated scenic waterways	Consistent

Enforceable Policy Title	Consistency Determination
Sewage and Disposal Systems; Policy	Consistent
Hazardous Waste and Materials; Policy	Consistent
Environmental Quality Generally; Air Quality; and Water Quality	Consistent
Wildlife Administration; Hunting, Angling and Trapping Regulations; and Miscellaneous Wildlife	Consistent
Commercial Fishing and Fisheries; Policy	Consistent
Additional Fishery Requirements; Placing in waters fish harmful to food fish; Placing substances in water to drive fish from closed areas; Taking shellfish from marked beds without permission, disturbing beds; Destroying, injuring or taking fish near fishway; permits to take fish	Consistent
Discharge of ballast water	Consistent
Estuarine Resources	Consistent
Coastal Shorelands	Consistent
Beaches and Dunes	Not relevant
Ocean Resources	Consistent
Making Resource Use Decisions	Consistent
PENNSYLVANIA	
POLICY 1.1: Setback	Not relevant
POLICY 1.2: Structures	Not relevant
POLICY 1.3: Stormwater Management	Not relevant
POLICY 1.4: Technical Assistance	Not relevant
POLICY 1.5: Floodplains	Not relevant
POLICY 2.1: Dredging and Spoil Disposal	Consistent
POLICY 3.1: Support Fish Life	Consistent
POLICY 3.2: Stocking	Consistent
POLICY 4.1: Wetlands - Enforcement/Regulations	Consistent
POLICY 4.2: Wetlands - Direct Action	Not relevant
POLICY 5.1: Public Access for Recreation/Additional Access	Consistent
POLICY 5.2: Geographic Areas of Particular Concern (GAPC'S)	Consistent
POLICY 8.1: EFS/Permitting	Not relevant
POLICY 8.2: Energy Facilities/Natural Gas	Not relevant
POLICY 9.2: Water Quality	Consistent
POLICY 9.3: Air Quality	Consistent
POLICY 10.2: Participation	Consistent
POLICY 11.1: Aquatic Nuisance Species	Consistent
PUERTO RICO	
The PRCZMP as the coastal element of Puerto Rico's Land Use Plan (PRLUP)	Consistent

Enforceable Policy Title	Consistency Determination
Coastal hazards including floods (storm surges and tsunamis), geological risks, coastal erosion, and global warming and vulnerability to coastal hazards	Goals 1-7 Not relevant; Goal 8 Consistent
Wetlands	Consistent
Reefs	Consistent
Mangroves	Consistent
Dunes	Consistent
Beaches	Consistent
Wildlife	Consistent
Coastal Waters	Consistent
Coastal Forests	Not relevant
Historical Monuments and Archaeological Sites	Consistent
Coastal Development	Not relevant
Recreation	Consistent
Transportation	Not relevant
Fishing	Consistent
RHODE ISLAND	
Areas of Particular Concern	Consistent
Prohibitions and Areas Designated for Preservation	Consistent
Other Areas	Not relevant
Application Requirements	Not relevant
Monitoring Requirements	Not relevant
SOUTH CAROLINA	
Guidelines for Evaluation of All Projects	Consistent
Residential Development	Not relevant
Transportation Facilities	Not relevant
Coastal Industries	Not relevant
Commercial Development	Not relevant
Recreation and Tourism	Consistent
Marine Related Facilities	Not relevant
Wildlife and Fisheries Management	Consistent
Dredging	Consistent
Public Services and Facilities	Not relevant
Erosion Control	Not relevant
Energy and Energy-Related Facilities	Not relevant
Activities in Areas of Special Resource Significance	Consistent
Stormwater Management Guidelines	Not relevant
Mitigation Guidelines	Not relevant
TEXAS	
Policy for Major Actions	Consistent

Enforceable Policy Title	Consistency Determination
Policies for Construction of Electric Generating and Transmission Facilities	Not relevant
Policies for Construction, Operation, and Maintenance of Oil and Gas Exploration and Production Facilities	Not relevant
Policies for Discharges of Wastewater and Disposal of Waste from Oil and Gas Exploration and Production Activities	Not relevant
Policies for Construction and Operation of Solid Waste Treatment, Storage, and Disposal Facilities	Not relevant
Policies for Prevention, Response and Remediation of Oil Spills	Consistent
Policies for Discharge of Municipal and Industrial Wastewater to Coastal Waters	Consistent
Policies for Nonpoint Source (NPS) Water Pollution	Consistent
Policies for Development in Critical Areas	Consistent
Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands	Not relevant
Policies for Dredging and Dredged Material and Placement	Consistent
Policies for Construction in the Beach/Dune System	Not relevant
Policies for Development in Coastal Hazard Areas	Not relevant
Policies for Development Within Coastal Barrier Resource System Units and Otherwise Protected Areas on Coastal Barriers	Not relevant
Policies for Development in State Parks, Wildlife Management Areas or Preserves	Not relevant
Policies for Alteration of Coastal Historic Areas	Consistent
Policies for Transportation Projects	Not relevant
Policies for Emission of Air Pollutants	Consistent
Policies for Appropriations of Water	Not relevant
Policies for Levee and Flood Control Projects	Not relevant
VIRGINIA	
Tidal and Non-Tidal Wetlands	Consistent
Subaqueous Lands	Consistent
Dunes and Beaches	Not relevant
Chesapeake Bay Preservation Areas	Consistent
Marine Fisheries	Consistent
Wildlife and Inland Fisheries	Consistent
Plant Pests and Noxious Weeds	Consistent
Commonwealth Lands	Consistent
Point Source Air Pollution	Consistent
Point Source Water Pollution (DEQ)	Consistent
Nonpoint Source Water Pollution (DEQ)	Consistent

Enforceable Policy Title	Consistency Determination
Shoreline Sanitation (VDH)	Consistent
VIRGIN ISLANDS	
Tier I Development Policies	Consistent
Tier I Environmental Policies	Consistent
Tier I Amenity Policies	Not relevant
WASHINGTON	
Application of guidelines and master programs to agricultural activities.	Not relevant
Development permits—Grounds for granting—Administration by local government, conditions—Applications—Notices—Rescission—Approval when permit for variance or conditional use.	Not relevant
Selective commercial timber cutting, when.	Not relevant
Nonapplication to certain structures, docks, developments, etc., placed in navigable waters—Nonapplication to certain rights of action, authority—Floating homes and floating on-water residences must be classified as a conforming preferred use.	Not relevant
Designation of shorelines of statewide significance by legislature—Recommendation by director, procedure.	Not relevant
Height limitation respecting permits.	Not relevant
Persons, projects, and activities not required to obtain certain permits, variances, letters of exemption, or other local review.	Not relevant
Nonapplication to treaty rights.	Consistent
Oil or natural gas exploration in marine waters—Definitions—Application for permit—Requirements—Review—Enforcement.	Not relevant
Shoreline restoration projects—Relief from shoreline master program development standards and use regulations.	Not relevant
Liberal construction	Not relevant
Oil or Natural Gas Exploration Activities Conducted from State Marine Waters: Exploration activity permit system.	Not relevant
Shoreline Management Act—Streams And Rivers Constituting Shorelines Of The State	Consistent
Shoreline Management Act - Lakes Constituting Shorelines of the State	Consistent
Designation of Shorelands and Wetlands Associated with Shorelines of the State	Consistent
State Master Program Procedures and Master Program Guidelines	Not relevant
Washington State Water Pollution Control Act (WPCA)	Consistent

Enforceable Policy Title	Consistency Determination
Discharge of polluting matter in waters prohibited.	Consistent
Discharge of oil into waters of the state	Consistent
Water Quality Standards for Surface Waters of the State of Washington	Consistent
Washington State Clean Air Act	Consistent
Washington State Ocean Resources Management Act: Legislative policy and intent	Not relevant
Definitions	Consistent
Planning and Project Review Criteria	Consistent
Ocean Management Guidelines	Consistent
The Marine Spatial Plan (MSP) for Washington's Pacific Coast	Not Relevant
WISCONSIN	
Coastal water quality and quantity and coastal air quality	Consistent
Coastal natural areas, wildlife habitat and fisheries	Consistent
Community development	Consistent
Economic development	Consistent
Public Involvement	Consistent

APPENDIX A: RATIONALE FOR CONSISTENCY DETERMINATION

Regulatory Information	Enforceable Policy	Consistency Determination
	Maine	
38 Maine Revised Statutes Annotated (M.R.S.A.) 480-A to 480-HH	Natural Resources Protection Act	Consistent
38 M.R.S.A. 4	Protection and Improvement of Air	Consistent
38 M.R.S.A. 3	Protection and Improvement of Waters Act	Consistent
38 M.R.S.A. 38	Maine Hazardous Waste, Septage and Solid Waste Management Act	Consistent
38 M.R.S.A. 24	Solid Waste Management and Recycling Law	Not relevant
38 M.R.S.A. 600	Oil Discharge Prevention & Pollution Control Law	Consistent
12 M.R.S.A. 7751-7759	Maine Endangered Species Act	Consistent

Regulatory Information	Enforceable Policy	Enforceable Policy Description	Consistency Determination
38 Maine Revised Statutes Annotated (M.R.S.A.) 480-A to 480-HH	Natural Resources Protection Act	<p style="text-align: center;">Maine</p> <p>Maine's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State of Maine. A permit is required when an "activity" will be:</p> <ul style="list-style-type: none"> • Located in, on or over any protected natural resource, or • Located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland, or (B) certain freshwater wetlands. <p>An "activity" is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair or alteration of any permanent structure.</p>	<p>Consistent. The Proposed Action does not involve dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; draining or otherwise dewatering; filling, including adding sand or other material to a sand dune; or any construction, repair or alteration of any permanent structure. A Draft Programmatic Environmental Assessment has been prepared for OMAO vessel operations in U.S. Waters under the National Environmental Policy Act. The Draft PEA includes the analysis of potential impacts to air quality; water quality; acoustic environment; habitats; biological resources; cultural and historic resources; socioeconomic resources; environmental justice; hazardous, universal, and special waste; human health and safety; and climate change. Impacts are expected to be insignificant. OMAO is engaging in interagency coordination and consultation on environmental compliance regulations including the Marine Mammal Protection Act, Endangered Species Act, and Magnuson-Stevens Fishery Conservation and Management Act. OMAO intends to coordinate with the Maine State Historic Preservation Officer and Tribal Historic Preservation Officers regarding compliance with Section 106 of the National Historic Preservation Act as needed. Broad impacts to resources addressed by Maine's enforceable policies are described below.</p> <p>Habitats and Living Marine Resources: OMAO analyzed potential impacts to habitats; marine mammals; sea turtles; fish; aquatic macroinvertebrates; essential fish habitat; and seabirds, shorebirds, coastal birds, and waterfowl. OMAO assessed the potential risk to these resources from physical disturbances due to anchoring and operation of sensors and data collection systems (particularly grab samplers and sediment cores); behavioral impacts from increased ambient sounds from vessel movement and active acoustic systems operation; and water quality impacts due to the discharge of wastewaters and accidental fuel/chemical spills and leaks. OMAO would implement mitigation measures to protect wildlife, fish, and habitats including implementing mandatory invasive species prevention procedures, maintaining safe distances from protected species, following vessel speed restrictions in specific protected species habitats (e.g., North Atlantic right whale), and avoiding anchoring on sensitive bottoms. Additional mitigation measures proposed by OMAO to protect the integrity and function of habitats and living marine resources are further described in Appendix A. OMAO is also engaging in interagency coordination and consultation on environmental compliance regulations including the MMPA, ESA, and MSA to ensure protection of endangered wildlife. Overall, impacts to living resources and habitats would not be significant. (determination continued below)</p> <p>Disturbance to water bottoms: The Draft PEA covers bottom-disturbing OMAO vessel operations such as anchoring and data collection system operations (specifically grab samplers and sediment cores). While the choice of the vessel anchoring location is at the discretion of the ship's Commanding Officer or Master, OMAO does not anchor in known areas of coral, hard bottom, seagrass, or abalone critical habitat, except in an emergency situation. OMAO is only responsible for testing, calibrating, and training with the equipment onboard; therefore, OMAO has the discretion to select areas where they could create the least disturbance. Bottom sampling and other deployable equipment would be programmed and operated to avoid sea floor disturbance during testing and training. Best management practices would be followed, which include avoiding anchoring and bottom sampling on coral reefs, shipwrecks, obstructions, or hard bottom areas; ensuring all instruments in contact with the sea floor are properly secured to minimize bottom disturbance, and minimizing anchoring by providing adequate anchor scope. This would diminish potential adverse effects to state water bottoms to the maximum extent practicable. These bottom disturbing activities would affect a small area, would not happen frequently, and would not occur over a wide geographic area. The Draft PEA includes analysis of potential cumulative and indirect impacts, which are expected to be insignificant. (determination continued below)</p> <p>Water Quality: OMAO has procedures in place to ensure proper management, storage, and disposal of solid and hazardous waste, sewage, and wastewaters that are generated onboard NOAA vessels. These wastes are retained and appropriately stored on the ship until a time when they can be properly disposed of at shoreside waste collection facilities. Solid waste such as plastics and dry trash are typically processed in incinerators, which are only operated in areas as far from human settlement as possible. Overboard discharge of plastics, recyclables, dry trash, incinerator ash, and hazardous waste does not occur; these wastes are instead transferred to shoreside facilities for disposal once the ship is moored alongside a dock. The National Pollutant Discharge Elimination System Vessel General Permit program regulates wastewater discharges from NOAA vessels to the environment incidental to normal vessel operations. All NOAA ships and some attached small boats are equipped with Marine Sanitation Devices to receive, retain, and treat sewage generated onboard and oily water separators to minimize oil pollution. MSD discharges are authorized when a ship is beyond 3 nautical miles of shore and ships are prohibited from discharging greywater within 3 nm of shore if the ship still has available storage capacity. Any discharges within 3 nm of shore are required to be recorded in the ship's discharge logs. To minimize adverse effects to coastal waters and other resources, OMAO complies with the requirements of MARPOL Annex I (Regulations for the Prevention of Pollution by Oil), Annex IV (Regulations for the Prevention of Pollution by Sewage from Ships), Annex V (Regulations for the Prevention of Pollution by Garbage from Ships), and OMAO's water quality and waste environmental compliance procedures. OMAO vessel operations represent an extremely small fraction of overall vessel activity in the action area, which covers a very wide geographic area, and are dispersed throughout the action area. Any pollution that could potentially occur from OMAO vessel operations would be much smaller compared to the pollution caused by tankers, commercial cargo vessels, and other large ocean-transiting vessels. As such, any resulting impacts produced would be indistinguishable from those produced by all other vessels within the action area. Potential impacts on water quality would be insignificant. (determination continued below)</p> <p>Cultural and Historic Resources: OMAO does not anticipate any impacts to archaeological/historic properties as a result of the Proposed Action. In the future, if any OMAO activities are found to have the potential to affect such properties, then OMAO will engage with the Maine SHPO to perform a Section 106 consultation in compliance with the National Historic Preservation Act before conducting those activities. Vessel movement or the presence of a vessel nearby or visible from a nearshore historic property, a Traditional Cultural Property or a Traditional Cultural Landscape could disturb the purposefully designed view or vista (e.g., a historically significant view toward the open sea). Visual impacts to historic properties, TCPs, and TLCs from the presence of NOAA vessels are described in detail in Section 3.8.2 of the Draft PEA. As such, visual effects from vessel presence/movement would have no impact on the integrity of setting, feeling, and/or association of historic properties, TCPs, and TLCs along the coastlines and would therefore be insignificant. The Proposed Action does not involve the development of any water or related land resources that would impact the scenic value of a river or a waterway. The presence and movement of NOAA vessels would only temporarily impact the scenic value of coastal waterways as such activities would be short-lived, lasting no more than a few hours or days.</p> <p>Socioeconomics: Although OMAO's activities would not have any direct impacts on economic development, the Proposed Action is essential to the coastal economy because it enables NOAA's Line Offices to rapidly and efficiently collect data to ensure safe navigation for coastal-dependent industries, assist local communities to plan for coastal resiliency in response to climate change, and provide accurate assessment of commercial fishery stock quotas to fishing industries and communities. OMAO oversees the operation, management, and maintenance of NOAA's fleet of vessels to support the organization's at-sea missions and long-term goals. Data collected using the NOAA fleet are used by both public and private consumers and are vital to the economy and health of the nation. The distribution and availability of data collected as an indirect result of OMAO's vessel operations could benefit ocean economy stakeholders by increasing the efficiency and risk management of ocean-related operations. Impacts to socioeconomic resources are discussed in detail in Section 3.9.2 of the Draft PEA.</p>
38 M.R.S.A. 4	Protection and Improvement of Air	The State of Maine intends to control present and future sources of emission of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that reasonably insures the continued health, safety and general welfare of all of the citizens of the State; protects property values and protects plant and animal life.	Consistent. OMAO operations rely on diesel fuel to power the main engines and emergency diesel generators of NOAA vessels. Diesel fuel is combusted to generate power for vessel movement, UMS operations, and small boat operations. The release of diesel fuel combustion emissions into the atmosphere could potentially degrade air quality by releasing soot or particulate matter; nitrogen oxides which contribute to the production of ground-level ozone, or smog; hydrocarbons; carbon monoxide; and other hazardous air pollutants and air toxins. Additional sources of air pollution from OMAO vessel operations include emissions from incineration of shipboard waste and the release of ozone depleting substances during vessel repair and maintenance. The potential impacts to air quality from air emissions would be minimized through compliance with MARPOL Annex VI and adherence to OMAO's air quality environmental compliance procedures, as documented in Section 3.3.1.2 of the Draft PEA. Air emissions from NOAA vessels would be temporary and ephemeral as they would occur primarily over the ocean and would dissipate rapidly. NOAA vessels would be expected to contribute an extremely minimal amount of emissions compared to overall vessel activity in the action area, which covers a very wide geographic range. NOAA ships range in size from 124 feet to 274 feet, with small boats or launches ranging in size from 15 feet to 30 feet. Alternatively, ocean-going vessels and other ship traffic such as tankers, cargo ships, container ships, and cruise ships generally vary in size from several hundred feet to over a thousand feet, with the size of the worldwide fleet greatly outnumbering the size of the NOAA fleet. In comparison, this would render any type of air emissions from NOAA vessels (such as from diesel combustion, waste incineration, and release of ODSs) as a nearly undetectable fraction of overall emissions. All NOAA vessels are required to abide by all policies, procedures, and regulations related to air emissions, in addition to voluntary compliance with MARPOL Annex VI and as such, potential impacts to air quality would be insignificant.

38 M.R.S.A. 3	Protection and Improvement of Waters Act	Applicable policies contained in the Protection and Improvement of Waters Act include the control of water pollution and aquatic nuisance species.	<p>Consistent. The Proposed Action does not include any development. The Draft PEA analyzes the effects of OMAO's vessel operations on water quality, as discussed in Section 3.4 of the document.</p> <p>OMAO vessel operations such as vessel movement, waste handling and discharges, vessel repair and maintenance, UMS operations, small boat operations, and OTS handling, crane, davit, and winch operations would generate or utilize fuels, chemicals, other contaminants, wastewater, and marine debris that could result in the unauthorized discharge or accidental leakage or spillage of these substances that would potentially affect water quality. The potential impacts from pollution would be minimized by OMAO's compliance with MARPOL Annex I (Regulations for the Prevention of Pollution by Oil), Annex IV (Regulations for the Prevention of Pollution by Sewage from Ships), Annex V (Regulations for the Prevention of Pollution by Garbage from Ships), and adherence to OMAO's water quality environmental compliance procedures, as documented in Section 3.4.1.2 of the Draft PEA. NOAA vessels and ships maintain a NPDES VDP to control water pollution by regulating vessel discharges to the environment incidental to normal vessel operations within 3 nm of U.S. shores and in federally protected waters. Additionally, most vessels are equipped with a MSD to treat their sewage and wastewater, and have OWSs to minimize oil pollution. Appropriate BMPs would be implemented in the event of an oil spill, as documented in the Shipboard Oil Pollution Emergency Plan & Non-Tank Vessel Response Plan. OMAO vessel operations represent an extremely small fraction of overall vessel activity in the action area, which covers a very wide geographic area, and are dispersed throughout the action area. Any pollution that could potentially occur from OMAO vessel operations would be much smaller compared to potential spills caused by tankers, commercial cargo vessels, and other large ocean-transiting vessels. As such, any resulting impacts produced would be indistinguishable from those produced by all other vessels within the action area. Potential impacts on water quality would be insignificant. (determination continued below)</p> <p>OMAO has procedures in place to ensure proper management, storage, and disposal of solid and hazardous waste generated onboard NOAA vessels. These wastes are retained and appropriately stored on the ship until a time when they can be properly disposed of at shore waste collection facilities. Solid waste such as plastics and dry trash are typically processed in incinerators, which are only operated in areas as far from human settlement as possible. Overboard discharge of plastics, recyclables, dry trash, and incinerator ash does not occur; these wastes are instead transferred to shore waste collection facilities for disposal once the ship is moored alongside a dock. All waste discharges and/or waste transfers are recorded in the Garbage Record Book. Hazardous, universal, and special wastes are retained and appropriately stored on the ship until a time when they can be properly disposed of at shore waste collection facilities. These wastes are never discharged overboard. As such, potential impacts on water quality from solid and hazardous wastes would be insignificant.</p>
38 M.R.S.A. 38	Maine Hazardous Waste, Septage and Solid Waste Management Act	It is the policy of the State of Maine to pursue and implement an integrated approach to hazardous and solid waste management, which shall be based on the following priorities: reduction of waste generated at the source, including both the amount and toxicity of waste; waste reuse; waste recycling; waste composting; waste processing which reduces the volume of waste needing disposal, including waste-to-energy technology; and land disposal.	<p>Consistent. OMAO has procedures in place to ensure proper management, storage, and disposal of solid and hazardous waste generated onboard NOAA vessels. These wastes are retained and appropriately stored on the ship until a time when they can be properly disposed of at shore waste collection facilities. Solid waste such as plastics and dry trash are typically processed in incinerators, which are only operated in areas as far from human settlement as possible. Overboard discharge of plastics, recyclables, dry trash, and incinerator ash does not occur; these wastes are instead transferred to shore waste collection facilities for disposal once the ship is moored alongside a dock. All waste discharges and/or waste transfers are recorded in the Garbage Record Book. This logbook is required to comply with revised MARPOL 72/78, Annex V as amended by Resolution MEPC.201(62) and with USCG Garbage Pollution Regulations in 33 CFR Part 151.</p> <p>Hazardous, universal, and special wastes are retained and appropriately stored on the ship until a time when they can be properly disposed of at shore waste collection facilities. These wastes are never discharged overboard. To minimize adverse effects to coastal waters and other resources from the hazardous waste, OMAO complies with the requirements of the applicable MARPOL Annexes, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and OMAO's policies, procedures, and instructions that pertain to such wastes. A detailed analysis of impacts from hazardous waste to coastal resources is presented in Section 3.11.2 of the Draft PEA.</p>
38 M.R.S.A. 24	Solid Waste Management and Recycling Law	Maine's Solid Waste Management and Recycling Law specifies goals for municipalities to reduce annual waste tonnage and increase recycling.	Not relevant. These policies are applicable to Maine municipalities.
38 M.R.S.A. 600	Oil Discharge Prevention & Pollution Control Law	The transfer of oil, petroleum products and their by-products between vessels and onshore facilities and vessels within the jurisdiction of the State and state waters and the transportation and other handling of oil in inland areas of the State are hazardous undertakings; that spills, discharges and escape of oil, petroleum products and their by-products occurring as a result of procedures involved in the transfer, storage and other handling of such products pose threats of great danger and damage to the marine, estuarine, inland surface water and adjacent terrestrial environment of the State; to owners and users of shorefront property; to public and private recreation; to citizens of the State and other interests deriving livelihood from marine and inland surface water related activities; and to the beauty of the Maine coast and inland waters; that such hazards have frequently occurred in the past, are occurring now and present future threats of potentially catastrophic proportions, all of which are expressly declared to be inimical to the paramount interests of the State as set forth in this subchapter and that such state interests outweigh any economic burdens imposed by the Legislature upon those engaged in transferring and other handling of oil, petroleum products and their by-products and related activities.	<p>Consistent. OMAO vessel operations such as vessel movement, waste handling and discharges, vessel repair and maintenance, UMS operations, small boat operations, and OTS handling, crane, davit, and winch operations would generate or utilize fuels, chemicals, other contaminants, wastewater, and marine debris that could result in the unauthorized discharge or accidental leakage or spillage of these substances that would potentially affect water quality. The potential impacts from pollution would be minimized by OMAO's compliance with MARPOL Annex I (Regulations for the Prevention of Pollution by Oil), Annex IV (Regulations for the Prevention of Pollution by Sewage from Ships), Annex V (Regulations for the Prevention of Pollution by Garbage from Ships), and adherence to OMAO's water quality environmental compliance procedures, as documented in Section 3.4.1.2 of the Draft PEA. NOAA vessels and ships maintain a NPDES VDP to control water pollution by regulating vessel discharges to the environment incidental to normal vessel operations within 3 nm of U.S. shores and in federally protected waters. Additionally, most vessels are equipped with a MSD to treat their sewage and wastewater, and have OWSs to minimize oil pollution. Appropriate BMPs would be implemented in the event of an oil spill, as documented in the Shipboard Oil Pollution Emergency Plan & Non-Tank Vessel Response Plan. OMAO vessel operations represent an extremely small fraction of overall vessel activity in the action area, which covers a very wide geographic area, and are dispersed throughout the action area. Any pollution that could potentially occur from OMAO vessel operations would be much smaller compared to potential spills caused by tankers, commercial cargo vessels, and other large ocean-transiting vessels. As such, any resulting impacts produced would be indistinguishable from those produced by all other vessels within the action area. Potential impacts on water quality would be insignificant.</p>
12 M.R.S.A. 7751-7759	Maine Endangered Species Act	The State of Maine finds that various species of fish or wildlife have been and are in danger of being rendered extinct within the State, and that these species are of esthetic, ecological, educational, historical, recreational and scientific value to the people of the State. The Legislature, therefore, declares that it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend.	<p>Consistent. OMAO analyzed potential impacts to habitats; marine mammals; sea turtles; fish; aquatic macroinvertebrates; essential fish habitat; and seabirds, shorebirds, coastal birds, and waterfowl. OMAO assessed the potential risk to these resources from physical disturbances due to anchoring and operation of sensors and data collection systems (particularly grab samplers and sediment corers); behavioral impacts from increased ambient sounds from vessel movement and active acoustic systems operation; and water quality impacts due to the discharge of wastewaters and accidental fuel/chemical spills and leaks. OMAO would implement mitigation measures to protect wildlife, fish, and habitats including implementing mandatory invasive species prevention procedures, maintaining safe distances from protected species, following vessel speed restrictions in specific protected species habitats (e.g., North Atlantic right whale), and avoiding anchoring on sensitive bottoms. Additional mitigation measures proposed by OMAO to protect the integrity and function of habitats and living marine resources are further described in Appendix A. OMAO is also engaging in interagency coordination and consultation on environmental compliance regulations including the MMPA, ESA, and MSA to ensure protection of endangered wildlife. Overall, impacts to living resources and habitats would not be significant.</p> <p>NOAA is responsible for the stewardship of the nation's ocean resources and habitats. Timely, geographically-driven, and capabilities-dependent access to the sea supports the sustainability and economic value of fisheries; promotes resiliency of fishing communities and working waterfronts; protects and recovers threatened and endangered species; and maintains and restores healthy coastal habitats for living marine resources (e.g., seabirds, coral, seagrass, fish, sea turtle, and marine mammal species). NOAA's other primary mission support areas include charting and hydrographic surveying; oceanographic monitoring, research, and modeling; and emergency response. OMAO's vessel operations support NOAA's ecosystem stewardship by maintaining NOAA's fleet of vessels, equipment, and systems at mission-readiness levels and facilitating all of NOAA's at-sea missions and data collection requirements. Data collected using the NOAA fleet are used by both public and private consumers and are vital to the economy and health of the nation. The distribution and availability of data collected as an indirect result of OMAO's vessel operations could help in the conservation and management of endangered species and their habitats.</p>