

APPENDIX E – LAWS, PERMITS, APPROVALS, AND CONSULTATIONS REQUIRED

The Pebble Project would be required to follow numerous federal laws and executive orders, and obtain permits and approvals from federal, state, and local governments. The key federal laws and Executive Orders pertaining to this Environmental Impact Statement (EIS) are described below. Table E-1 lists the permits, approvals and consultations typically required for development and operation of a hardrock mine in Alaska.

E1.1 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The National Environmental Policy Act (NEPA) of 1969 (42 United States Code [USC] 4321 et seq.) applies to all federal agencies and ~~is triggered by "major federal action[s]"~~ ~~their decisions~~ that have the potential to affect the human environment. It establishes the procedures that federal agencies follow to make major decisions in a public forum, while disclosing the environmental implications of the potential decision.

The ~~president's~~ President's Council on Environmental Quality (CEQ) has issued NEPA regulations and guidance for all agencies. NEPA requires implementation of the appropriate level of NEPA process (public involvement and document preparation) to be conducted with respect to a major federal action that has the potential to significantly affect the human environment.

This EIS was prepared according to the US Army Corps of Engineers (USACE) regulations implementing NEPA (33 Code of Federal Regulations [CFR] Part 230), which state that an EIS must provide detailed information regarding the proposed action and alternatives, the environmental impacts of the alternatives, potential mitigation measures, and any adverse environmental impacts that cannot be avoided if the proposal is implemented. This EIS includes analysis of measures to avoid and minimize impacts to fish, wildlife, habitats, and other resources and also addresses compensatory mitigation for impacts which cannot be avoided or minimized. It must be demonstrated that these factors have been considered by decision makers prior to undertaking actions such as issuing permits.

E1.2 CLEAN WATER ACT (1972)

Section 404 of the Clean Water Act (CWA) requires that a USACE permit be obtained for the placement or discharge of dredged and/or fill material into Waters of the US (WOUS), including jurisdictional wetlands (33 USC 1344). The USACE defines wetlands as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The USACE evaluates proposed actions for compliance with the Section 404(b)(1) Guidelines, which were developed by the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. The EPA reviews and comments on permit applications for compliance with Section 404(b)(1) Guidelines and other statutes and authorities under their jurisdiction.

Under Section 402 of the CWA, discharges to surface waters from construction, operations, and reclamation of the Pebble Project would require compliance with the National Pollutant Discharge Elimination System, administered by the Alaska Department of Environmental Conservation (ADEC) as the Alaska Pollutant Discharge Elimination System (APDES). The EPA provides oversight of the state-issued wastewater permits subject to the requirements of the APDES. During construction, the Alaska Construction General Permit would require a Storm Water Pollution Prevention Plan (SWPPP). During operations, the discharges from advanced pit

dewatering would also be subject to the APDES program and depending on the method of disposal domestic wastewater could require APDES coverage.

E1.3 RIVERS AND HARBORS ACT (1899)

Section 10 of the Rivers and Harbors Act (RHA) of 1899 requires that a USACE permit be obtained for construction of structures, or work in and/or affecting navigable waters of the US (NWUS) (33 USC 403), which includes excavation or deposition of material in navigable waters, or other actions that could affect the course, location, condition, or capacity of these waters.

E1.4 ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (1980)

The Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96-487 (16 USC 3101–3233) added 106 million acres to federal conservation system units in Alaska. ANILCA includes a number of provisions intended to allow for infrastructure and economic growth in general, travel and access in conservation system units, and pursuit of a subsistence lifestyle while protecting resource values. ANILCA helps provide context for evaluation of potential effects to the landscape, but ANILCA provisions do not apply beyond designated federally managed land boundaries and do not apply to the lands for the proposed Pebble Project.

ANILCA is a multifaceted law; two titles of particular note to this EIS include:

- Title VIII of ANILCA defines subsistence as customary and traditional uses of wild renewable resources by rural Alaska residents (Section 803), establishes a subsistence priority on federal public lands and waters (Section 804), and provides for a system of regional advisory councils to ensure the participation of rural residents in subsistence management (Section 805). Section 810 of ANILCA requires analysis of impacts to subsistence from federal land use decisions. Section 811 ensures reasonable access to subsistence resources on federal public lands, including the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes, subject to reasonable regulation.
- Title IX of ANILCA clarifies the implementation of ANCSA and the Alaska Statehood Act Section 906(k) requires state concurrence on selected lands prior to granting a right-of-way (ROW).

E1.5 ALASKA NATIVE CLAIMS SETTLEMENT ACT (1971)

Alaska Native regional and village corporations own lands and minerals in the project area under the provisions of Alaska Native Claims Settlement Act (ANCSA) (43 USC 1601, et seq.).

The Pebble Project transportation corridor connecting the Amakdedori port to the mine site crosses both state land and land patented under ANCSA. ANCSA corporations were invited to participate in the National Historic Preservation Act (NHPA) Section 106 process for cultural resource identification and mitigation.

E1.6 PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

The Pipeline Safety, Regulatory Certainty, and Job Creation Act (49 USC 60101) was enacted to improve and examine the state of pipeline safety regulations. Enforcement falls under the jurisdiction of the Pipeline and Hazardous Materials Safety Administration (PHMSA), the agency that regulates and enforces the operations of pipeline transportation systems in the US and

oversees pipeline infrastructure. The PHMSA has the primary responsibility for the issuance of Department of Transportation special permits and approvals for hazardous materials and for natural gas and hazardous liquid pipelines. Special permits authorize a person to perform a function outside of PHMSA regulations or to not perform a function currently required under the PHMSA regulations. Approvals authorize the transportation of designated hazardous materials (i.e. explosives) or the performance of a designated hazardous materials function (i.e. cylinder retester) under the PHMSA regulations.

E1.7 CLEAN AIR ACT (1970)

The Clean Air Act (CAA) of 1970, with amendments in 1990, addresses standards for many categories of air pollutants and defines how the EPA implements its regulatory authority for air quality (42 USC 85). The requirements of this law encompass many pollution sources, provide health-based standards, and identify control methods to reduce the emission of common air pollutants. The potential construction and operations of a mine and power plant would introduce activities that are associated with particle pollution and ground-level ozone pollution. Both of these forms of air pollution, and others, have known health effects and would be subject to further evaluation under federal- and state-implemented air quality management programs. Implementation of the CAA has been delegated to the State of Alaska; therefore, the ADEC would issue any air permits associated with this project. EPA provides oversight of the state-issued air permits.

E1.8 ENDANGERED SPECIES ACT (1973)

The Endangered Species Act (ESA) of 1973 was enacted to conserve species that have been found to be at risk of extinction in all or a substantial portion of their ranges, and to conserve the ecosystems and habitats upon which they rely. The US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA)-Fisheries/National Marine Fisheries Service (NMFS) have regulatory authority for implementing the ESA. In general, USFWS is responsible for managing the terrestrial animal and plant species listed as endangered and threatened, and generally coordinates related issues for terrestrial and freshwater species, while NOAA-Fisheries/NMFS is responsible for most marine mammals and anadromous fish species. Some marine mammals, including the northern sea otter, are managed by USFWS. Pebble Project vessel traffic would traverse areas where threatened or endangered species occur.

E1.9 NATIONAL HISTORIC PRESERVATION ACT LAWs

~~The Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended), the Archaeological Resources Protection Act of 1979, the Antiquities Act of 1906, and the Alaska Historic Preservation Act (1974) guide the management of cultural resources and requires federal agencies, prior to making a decision, to take into account the effects of any "undertaking" on "historic properties". Under Section 106 of the NHPA (36 CFR Part 800), federal agencies are required to consider the effect of their actions on historic properties listed on, or eligible for inclusion on, the National Register of Historic Places (National Register).~~

~~The NHPA authorizes the Advisory Council on Historic Preservation (ACHP) to administer and promulgate regulations implementing the Section 106 process (36 CFR 800). The NHPA acknowledges that places of traditional religious and cultural significance to federally recognized tribes, including Native Americans or Alaska Natives tribes, to be considered eligible for inclusion on the National Register. The NHPA also requires federal agencies to consult with federally recognized tribes regarding historic properties of traditional religious and cultural significance during the Section 106 process.~~

Comment [WF1]: The Archaeological Resources Protection Act and the Antiquities Act do not apply to this project as it is not located on federal public lands or Indian lands.

The Alaska Historic Preservation Act also does not apply because this is a federal permitting action.

~~The ACHP's regulation establish a four-step process by which federal agencies fulfill their Section 106 obligations. This process requires federal agencies a process of consultation with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Office (SHPO), Indian (or Alaska Native) tribes, local governments, and other interested parties to initiate the Section 106 process by determining that the federal action is an undertaking and invite consulting parties; to identify historic properties that may be affected by the undertaking; and determine the effects of the action-undertaking on those resources historic properties; and seeking to resolve any adverse effects through a avoidance, minimization, or mitigation. At every step of this process, the federal agency must consult with the State Historic Preservation Officer (SHPO), the ACHP, and federally recognized tribes. If historic properties would be adversely affected by a project, the agency must, again in consultation, resolve the effects through appropriate mitigation.~~

The Pebble Project has the potential to affect cultural resources and historic properties. 36 CFR 800.14 allows for the resolution of adverse effects from complex projects through negotiation of a programmatic agreement between federal agencies and ~~the consulting parties in the Section 106 process~~ the ACHP. ~~The Identification, documentation, and evaluation of historic properties and adverse effects, as well as proper avoidance, minimization, and mitigation inventory, documentation, and preservation of cultural resources and traditional cultural properties and mitigation of adverse impacts from~~ the Pebble Project ~~would will~~ be ~~based on accomplished through~~ programmatic agreement that is currently under development with consultation among PLP, the USACE, ACHP, Alaska SHPO, and tribal representatives.

E1.10 NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Comment [WF2]: NAGPRA does not apply to this project because it is not located on federal public lands or Tribal lands

Native American Graves Protection and Repatriation Act (NAGPRA, 25 USC 3001) ~~establishes, among other things, a legal regime to protect human remains, funerary objects, sacred objects, and objects of cultural patrimony that are located or discovered on federal public lands and tribal lands from unauthorized excavation or removal. NAGPRA also established procedures for the repatriation of such items to Indian tribes requires that discovery or disturbance of any human remains on federal or tribal lands in the project area must be accounted for and protected and/or properly returned to the tribe of origin.~~ The potential for impacts from the Pebble Project to resources protected under NAGPRA must be evaluated in the EIS.

E1.11 AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978

The American Indian Religious Freedom Act of 1978 (42 USC 1996) requires federal agencies to consider Native American religious concerns when a federal management decision has the potential to impact an Indian religious practice or a spiritually significant site (on both federal and non-federal lands affected by the federal action). The potential for impacts from the Pebble Project to activities protected under this act is evaluated in the EIS.

E1.12 MARINE MAMMAL PROTECTION ACT (1972)

The USFWS and NOAA-Fisheries/NMFS have regulatory authority for implementing the Marine Mammal Protection Act (MMPA) (16 USC 1361-1407), which prohibits the harassment, hunting, capture, or killing of marine mammals, or the attempt to harass, hunt, capture, or kill marine mammals. The law provides exceptions for authorized scientific research and subsistence uses by Alaska Natives. Actions that have potential to take marine mammals must be reviewed and approved by the regulating agencies. Pebble Project vessel traffic would traverse areas where marine mammals occur.

E1.13 MIGRATORY BIRD TREATY ACT (1918)

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-712) implements several international conventions to protect migratory birds. Following treaty amendments in 1997, regulations for subsistence bird harvests were established under the purview of the Alaska Migratory Bird Co-Management Council, operating under authority of the MBTA, as amended. Under the MBTA, takings are prohibited unless expressly authorized or exempted. This EIS addresses potential impacts of the project and associated infrastructure on all birds protected under the MBTA.

E1.14 BALD AND GOLDEN EAGLE PROTECTION ACT (1940, 1962)

The Bald and Golden Eagle Protection Act (16 USC 668, et seq.) provides for the protection of the bald eagle and the golden eagle by prohibiting, except under certain specified conditions, the take, possession, and commerce of such birds. Eagle take permits may be necessary for activities that result in removal of nests, loss of habitat, and disturbance of birds during construction, operations, and maintenance of the project. This EIS identifies the presence of eagles or their nests in the project area (along with associated infrastructure routes), and analyzes potential impacts of the project on both bald and golden eagles as protected under the Bald and Golden Eagle Protection Act. Alaska-specific information can be found at: <http://alaska.fws.gov/eaglepermit/index.htm>.

E1.15 FISH AND WILDLIFE COORDINATION ACT (1980)

The Fish and Wildlife Coordination Act (FWCA), as amended, (16 USC 661, et seq.), requires the agency that is authorized to permit or license changes in a water body to first consult with USFWS and the appropriate state fish and game agency. The FWCA provides that wildlife conservation receive equal consideration, and be coordinated with other features of the development project. The FWCA authorizes the USFWS to conduct surveys and investigations to determine the possible damage of proposed developments on wildlife resources, in order to make recommendations for preventing their loss or damage. The USFWS incorporates the concerns and findings of state and other federal agencies, including NOAA-Fisheries/NMFS, into a report that addresses wildlife factors and provides recommendations for mitigating or enhancing impacts to wildlife affected by a federally constructed, permitted, or licensed water development project. The term wildlife resources is explicitly defined to include "birds, fishes, mammals, and all other classes of wild animals and types of aquatic and land vegetation upon which wildlife is dependent" (16 USC 666 (b)). Additionally, the FWCA states that reports determining the possible damage to wildlife resources and an estimation of wildlife loss be made an integral part of any report prepared or submitted the agency with permitting authority (16 USC 662 (b),(f)).

E1.16 NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966, AS AMENDED

The National Wildlife Refuge System Administration Act (16 USC 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), established a unified mission for the National Wildlife Refuge System and a compatibility standard for assessing proposed uses within a refuge. The refuge system is dedicated to the conservation of fish, wildlife, and plant resources and their habitats in the refuge. Although the proposed project would not install infrastructure on a refuge, the activities of the Pebble Project have the potential to affect refuge land and resources.

E1.17 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

To provide for the conservation and management of sustainable fisheries, the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) sets forth a mandate for NOAA-Fisheries/NMFS, regional fishery management councils, and other federal agencies to identify and protect important marine and anadromous fish habitats (16 USC 1801-1883). Federal agencies must consult with NOAA-Fisheries/NMFS on actions or proposed actions authorized by the federal agency that may adversely affect Essential Fish Habitat (EFH). EFH includes habitats necessary to a species for spawning, breeding, feeding, or growth to maturity. The Pebble Project has potential to affect EFH.

E1.18 RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

Under this act, the EPA develops and implements regulatory programs to manage hazardous waste from generation until ultimate disposal, including issuing an identification number for any entity that generates hazardous wastes. Construction, operations, and reclamation of the proposed Pebble Project would generate wastes subject to Resource Conservation and Recovery Act (RCRA) rules (40 CFR 239 through 282).

E1.19 TOXIC SUBSTANCES CONTROL ACT OF 1976

Under the Toxic Substances Control Act (TSCA) of 1976 (15 USC 2601), the EPA develops and implements regulatory requirements for the testing of new and existing chemical substances and regulates the treatment, storage, and disposal of certain toxic substances. Construction, operations, and reclamation of the Pebble Project would involve chemical substances subject to TSCA rules.

E1.20 THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

The Mine Safety and Health Administration (MSHA) administers the provisions of the Mine Act (30 USC. 22) to enforce compliance with mandatory safety and health standards as a means to eliminate fatal accidents, to reduce the frequency and severity of non-fatal accidents, to minimize health hazards, and to promote improved safety and health conditions in the nation's mines. Operations of the Pebble Project would require compliance with MSHA standards.

E1.21 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (43 USC 103), sometimes referred to as Superfund, provides federal funding to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, EPA has authority to assure cooperation in the cleanup from responsible parties.

EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

E1.22 EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW ACT OF 1986

Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), the Emergency Planning & Community Right-to-Know Act (EPCRA) (42 USC 116) was enacted by

Congress as the national legislation on community safety. This law is designed to help local communities protect public health, safety, and the environment from chemical hazards.

To implement EPCRA, Congress requires each state to appoint a State Emergency Response Commission (SERC). The SERCs are required to divide their states into emergency planning districts and to name a Local Emergency Planning Committee (LEPC) for each district.

Broad representation by firefighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

E1.23 SAFE WATER DRINKING ACT OF 1974

The Safe Drinking Water Act (42 USC. 300 (f) et seq.) was established to protect drinking water in the US. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. This act authorizes the EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. State governments, which can be approved to implement these rules for the EPA, also encourage attainment of secondary standards (nuisance-related). Under the act, the EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids.

E1.24 OIL POLLUTION ACT OF 1990

The Oil Pollution Act (OPA) of 1990 (33 USC 40) streamlined and strengthened the EPA's ability to prevent and respond to catastrophic oil spills. The OPA requires oil storage facilities and vessels to submit plans detailing how they will respond to large discharges to the federal government. The OPA also requires the development of area contingency plans to prepare and plan for oil spill response on a regional scale.

E1.25 PORTS AND WATERWAYS SAFETY ACT OF 1972

The Ports and Waterways Safety Act (PWSA) of 1972 (33 USC 25) authorizes the US Coast Guard to establish vessel traffic services and separation schemes (VTSS) for ports, harbors, and other waters subject to congested vessel traffic. The VTSS apply to commercial ships, other than fishing vessels, weighing 300 gross tons (270 gross metric tons) or more. The OPA amended the PWSA to mandate that appropriate vessels must comply with the VTSS.

E1.26 OUTER CONTINENTAL SHELF LANDS ACT OF 1953

The Outer Continental Shelf Lands Act (OCSLA) of 1953 (43 USC 1331) requires the Department of Interior (DOI) to manage the orderly leasing, exploration, development, production, and decommissioning of oil and gas resources on the federal Outer Continental Shelf (OCS), while simultaneously ensuring protection of the human, marine, and coastal environments and assuring receipt of fair market value for the lands leased and the rights conveyed by the federal government. OCSLA also requires coordination with state and local governments affected by OCS development activities.

Under the OCSLA, the Bureau of Environmental Safety and Environmental (BSEE) is responsible for regulating and monitoring oil and gas operations on the federal OCS, promoting safety, and protecting the environment. BSEE approves ROW authorization for pipelines in federal OCS waters, and is responsible for approving ROW authorization for the subsea natural gas pipeline proposed in the Pebble Project EIS.

E1.27 EXECUTIVE MEMORANDUM OF APRIL 29, 1994, ON GOVERNMENT-TO-GOVERNMENT RELATIONS WITH NATIVE AMERICAN TRIBAL GOVERNMENTS, AND EXECUTIVE ORDER 13175 – CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENT

Federal agencies are instructed to operate within a government-to-government relationship with federally recognized tribes; tasked with consulting with potentially affected tribal governments prior to taking actions that affect federally recognized tribal governments; and must also evaluate the impact of federal government plans, projects, programs, and activities on tribal trust resources; and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities. The USACE, as the lead federal agency for this EIS, is required to consult with federally recognized tribes potentially affected by the Pebble Project.

E1.28 EXECUTIVE ORDER 11514 – PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

This order requires the EPA to review and evaluate the Draft and Final EIS for compliance with CEQ Guidelines.

E1.29 EXECUTIVE ORDER 11988 – FLOODPLAIN MANAGEMENT

This order requires federal agencies to establish procedures ensuring that the potential effects of flood hazards and floodplain management are considered for actions undertaken in a floodplain. Impacts to floodplains are to be avoided to the extent practicable. The Pebble Project has the potential to impact floodplains.

E1.30 EXECUTIVE ORDER 11990 – PROTECTION OF WETLANDS

This order requires federal agencies to avoid short- and long-term adverse impacts to wetlands whenever a practicable alternative exists. This EIS analyzes impacts to wetlands.

E1.31 EXECUTIVE ORDER 12898 – FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

This order instructs federal agencies to develop environmental justice (strategies to identify and address disproportionately high and adverse human health ~~or and~~ environmental effects of their programs, policies, and activities on minority populations and low-income populations. This order specifically requires federal agencies to consider these effects to (including Native American and Alaska Native communities, tribes).

E1.32 EXECUTIVE ORDER 12962 – RECREATIONAL FISHERIES

This order instructs federal agencies to evaluate proposed federal actions for potential effects to aquatic systems and recreational fisheries. The quantity, function, sustainable productivity, and distribution of aquatic resources are to be improved to the practicable extent permitted by law. This EIS analyzes potential impacts to aquatic systems and recreational fishing opportunities.

E1.33 EXECUTIVE ORDER 13007 – INDIAN SACRED SITES

This order requires federal agencies to accommodate access to and ceremonial uses of Indian sacred sites located on federal property by Indian religious practitioners, and to avoid adversely affecting the physical integrity of such sacred sites. This EIS analyzes the potential for impacts to Indian sacred sites.

E1.34 EXECUTIVE ORDER 13045 – PROTECTION OF CHILDREN FROM ENVIRONMENTAL HEALTH RISKS AND SAFETY RISKS

The order applies to economically significant rules under Executive Order 12866 (Regulatory Planning and Review) that concern an environmental health or safety risk that the EPA has reason to believe may disproportionately affect children. This EIS analyzes potential impacts to human health, including children.

E1.35 EXECUTIVE ORDER 13112 – INVASIVE SPECIES

This order instructs federal agencies to prevent the introduction of invasive species, control those that are introduced, and provide for the restoration of native species.

E1.36 EXECUTIVE ORDER 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS

This order requires federal agencies to avoid or minimize the impacts of their actions on migratory birds and take active steps to protect birds and their habitats.

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Federal		
Federal Laws and Executive Orders Common To Multiple Federal Agencies		
National Environmental Policy Act (NEPA) (42 USC 4321)	NEPA (1969) requires all federal agencies to prepare a detailed statement of the environmental effects of proposed major federal actions that may significantly affect the quality of the human environment.	<ul style="list-style-type: none"> Environmental Impact Statement
National Historic Preservation Act (NHPA) of 1966 (54 USC 300101 et seq.).	Prior to the issuance of a federal permit, federal agencies are responsible for taking into account the effects of the undertaking on historic properties, cultural, and archaeological sites and resources.	<ul style="list-style-type: none"> NHPA Section 106 Consultation, Section 106 Programmatic Agreement
US Army Corps of Engineers		
Clean Water Act (CWA) of 1972 (33 USC 1344)	Discharge of dredged or fill material into WOUS, including wetlands.	<ul style="list-style-type: none"> Department of the Army (DA) Permit
Rivers and Harbors Act (RHA) of 1899 (33 USC 403)	Work and/or construction of structures in, over, or under navigable WOUS, or which affects the course, location, condition, or capacity of such waters.	<ul style="list-style-type: none"> DA Permit
BSEE		
Title 30 Mineral Lands and Mining (30 CFR Part 250.1000-1019, Subpart J – Pipelines and Pipeline Rights of Way) Title 33 Navigation and Navigable Waters, Section 1321 – Oil and Hazardous Substance Liability (30 CFR Part 254.20-.30)	The Bureau of Safety and Environmental Enforcement (BSEE) is responsible for regulating and monitoring oil and gas operations on the federal OCS, promoting safety, and protecting the environment. BSEE approves ROW authorization for pipelines in federal OCS waters.	<ul style="list-style-type: none"> ROW Authorization for subsea natural gas pipeline in OCS waters.

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Legal Authority	Agency	Role
US Coast Guard		
<p>Ports and Waterways Safety Act (PWSA) of 1972</p> <p>Title 33 Navigation and Navigable Waters, Subchapter P, Ports and Waterways Safety (33 CFR 160 through 169)</p> <p>Title 33 Navigation and Navigable Waters, Subchapter J, Bridges (33 CFR 114 through Parts 118)</p>	<p>US Coast Guard (USCG) and Department of Homeland Security approve safety features in ports and waterways.</p> <p>USCG has authority over locations and clearances of bridges and causeways in or over navigable waters of the US (NWOUS).</p>	<ul style="list-style-type: none"> • Application for Cargo Transfer Operations • Port Operations Manual Approval • Facility Response Plans (FRPs) • Private Aids to Navigation Authorization • Vessel Inspections • Notice to Mariners • Bridge permits
Environmental Protection Agency		
Clean Air Act (CAA) of 1967, Amended 1977 (42 USC 7401 et seq.)	<p>The EPA conducts a review and evaluation on the environmental impact and adequacy of the Draft and Final EIS as authorized by Section 309 of the CAA.</p> <p>The EPA has oversight responsibilities of state-issued air permits.</p>	<ul style="list-style-type: none"> • Section 309 evaluation
Clean Water Act of 1972, Amended 1977 (33 USC 1251 et seq.) (40 CFR Parts 110 and 112)	<p>Section 311 – The EPA requires owners/operators to prepare and implement spill prevention, control, and counter-measure (SPCC) plans for facilities that store more than 1,320 gallons in aggregate in above-ground tanks with capacity of 55 gallons or more.</p> <p>Section 402 - The EPA oversees draft APDES permits and can object to proposed permit decisions.</p> <p>Section 404 – The EPA reviews and comments on permit applications for compliance with Section 404(b)(1) Guidelines and other statutes and authorities within their jurisdiction.</p>	<ul style="list-style-type: none"> • Oversight of SPCC Rule Requirements • Review of APDES permit applications • Review of DA permit applications pursuant to Section 404
Comprehensive Environmental Response, Compensation, and Liability Act.	Provides federal funding to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment.	<ul style="list-style-type: none"> • Authority to assure cooperation in the cleanup from responsible parties.
Oil Pollution Act (OPA) of 1990 (40 CFR Part 112.20)	Section 4202 of the OPA amended CWA Section 311(j) by requiring owners or operators of tank vessels, offshore facilities, and certain onshore facilities to prepare and submit Facility Response Plans (FRPs).	<ul style="list-style-type: none"> • Review of FRPs

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Legal Authority	Agency	Role
Resource Conservation and Recovery Act (RCRA)	Establishes criteria governing the management of hazardous waste. Any hazardous waste generated at a facility associated with the proposed project is subject to the hazardous waste regulations administered by the EPA.	<ul style="list-style-type: none"> Permits for the transportation and storage of hazardous waste material
Safe Drinking Water Act of 1974 (42 USC 300 (f) et seq.)	Requires EPA to set limits for maximum allowable levels of contaminants in public drinking water systems.	<ul style="list-style-type: none"> Sets standard for public drinking water quality
Toxic Substances Control Act (TSCA) of 1976 (15 USC 2601),	Develops and implements regulatory requirements for the testing of new and existing chemical substances and regulates the treatment, storage, and disposal of certain toxic substances.	<ul style="list-style-type: none"> Reporting requirements
Pipeline and Hazardous Materials Safety Administration		
Pipeline Safety Regulations (49 CFR Parts 190-199) Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 Public Law 109-468 The Pipeline Safety Statute (49 USC 60101-60301)	Pipeline transportation and pipeline facilities must meet the minimum safety standards as regulated and enforced by the PHMSA.	<ul style="list-style-type: none"> Meet minimum safety standards
Hazardous Materials Transportation Act (49 USC 1801-1819)	Hazardous materials must be transported according to US Department of Transportation regulations.	<ul style="list-style-type: none"> Hazardous materials registration
US Federal Aviation Act (14 CFR 61, 91, 119)	Federal Aviation Administration regulates air navigation facilities and air traffic control.	<ul style="list-style-type: none"> Notice of Landing Area Proposal (existing airstrip) Notice of Controlled Firing Area for Blasting Notice of construction, activation, and deactivation of airports
US Fish and Wildlife Service		
Bald and Golden Eagle Protection Act (16 USC 668)	USFWS permits relocation of bald and golden eagle nests that interfere with resource development or recovery operations.	<ul style="list-style-type: none"> Permits to take, haze, relocate or destroy birds or their nests, for public safety purposes

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Legal Authority	Agency	Role
Marine Mammal Protection Act (MMPA) (16 USC 1361 et seq.)	USFWS has regulatory authority for implementing the Marine Mammal Protection Act (MMPA) which prohibits the harassment, hunting, capture, or killing of marine mammals, or the attempt to harass, hunt, capture, or kill marine mammals. Requires Incidental Take Authorizations (ITAs) under Section 101(a)(5)(A) or (D) of the MMPA. Incidental Take Authorizations (ITAs) may be issued as either: 1) regulations and associated Letters of Authorizations, or 2) Incidental Harassment Authorizations (NOAA-Fisheries/NMFS also administers the MMPA).	<ul style="list-style-type: none"> ITAs (as necessary); Letters of Authorization or Incidental Harassment Authorizations.
Migratory Bird Treaty Act (MBTA) (16 USC 703)	USFWS implements provisions of the MBTA.	<ul style="list-style-type: none"> MBTA consultation
Endangered Species Act of 1973 (ESA) (16 USC 1531)	USFWS provides consultation on effects to threatened or endangered species, and to designated critical habitat, and issues incidental take authorizations. Species include terrestrial mammals, plants, birds, and several marine mammals (NOAA also administers the ESA).	<ul style="list-style-type: none"> ESA consultation, USACE Issuance of Biological Assessment, USFWS issuance of concurrence or Biological Opinion.
National Oceanic and Atmospheric Administration-Fisheries/National Marine Fisheries Service		
Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801-1883)	NOAA-Fisheries/NMFS provides consultation on the effects on EFH. EFH includes habitats necessary to a species for spawning, breeding, feeding, or growth to maturity.	<ul style="list-style-type: none"> EFH consultation
Marine Mammal Protection Act (MMPA) (16 USC 1361 et seq.)	NOAA-Fisheries/NMFS has regulatory authority for implementing the MMPA, which prohibits the harassment, hunting, capture, or killing of marine mammals, or the attempt to harass, hunt, capture, or kill marine mammals. Requires ITA under Section 101(a)(5)(A) or (D) of the MMPA. ITAs may be issued as either: 1) regulations and associated Letters of Authorizations, or 2) Incidental Harassment Authorizations (USFWS also administers the MMPA).	<ul style="list-style-type: none"> Incidental Take Authorization; Letters of Authorization or Incidental Harassment Authorizations.
Endangered Species Act of 1973 (ESA) (16 USC 1531)	NOAA-Fisheries/NMFS provides consultation on effects to threatened or endangered species, and to designated critical habitat, and issues incidental take authorizations. Species include most marine mammals (see USFWS species exceptions), and anadromous fish species (USFWS also administers the ESA).	<ul style="list-style-type: none"> ESA Consultation, USACE Issuance of Biological Assessment, NOAA-Fisheries/NMFS issuance of concurrence or Biological Opinion

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
US Department of the Treasury		
Treasury Department Order No. 120-1	US Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives requires that applicants obtain a Permit to Purchase Explosives for blasting prior to the purchase, storage, and use of explosives for conducting blasting activities.	<ul style="list-style-type: none"> License to transport explosives Permit and license for use of explosives
Federal Communications Commission		
Communications Act of 1934 (47 USC 151 et seq.)	Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite and cable, including radio licensing.	<ul style="list-style-type: none"> Radio license
US Department of Homeland Security		
Aviation and Transportation Security Act	Transportation Security Administration (TSA) oversees security for airports.	<ul style="list-style-type: none"> TSA Inspection Program at Airport Chemical Facility Anti-Terrorism Standards
<u>Advisory Council on Historic Preservation</u>		
<u>NHPA of 1966 (54 USC 300101 et seq.) (36 CFR pt. 800)</u>	<u>Federal agencies must consult with the ACHP during the Section 106 process and in the development of a programmatic agreement, and must allow the ACHP to comment on the undertaking's effects on historic properties.</u> <u>Where the ACHP has officially involved itself in the Section 106 process, a programmatic agreement cannot be executed without its signature.</u>	<ul style="list-style-type: none"> <u>Section 106 Consultation</u> <u>Section 106 Programmatic Agreement</u>
State		
Alaska Department of Environmental Conservation		
Clean Air Act of 1967, Amended 1977 (42 USC 7401 et seq.) Air Quality Control (18 Alaska Administrative Code (AAC) 50 et seq.)	ADEC issues Air Quality Control permits to construct and to operate. ADEC issues Title V Operating permits and prevention of significant deterioration (PSD) permits for air pollutant emissions under the CAA Amendments (Title V).	<ul style="list-style-type: none"> Air Quality PSD Permit Title V Operating Permit Air quality construction permit
Clean Water Act of 1972, Amended 1977 (33 USC 1251 et seq.)	Section 401 requires (for the USACE permit pursuant to Section 404) that ADEC certify that discharges into WOUS will comply with the CWA, the Alaska Water Quality Standards (18 AAC 70), and other applicable state laws.	<ul style="list-style-type: none"> Section 401 Water Quality Certification

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Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Clean Water Act of 1972, Amended 1977 (33 USC 1251 et seq.) Wastewater Disposal (18 AAC 72) Alaska Pollutant Discharge Elimination System (18 AAC 83) Water Quality Standards (18 AAC 70) Drinking Water Standards (18 AAC 80)	ADEC provides approval for domestic wastewater collection, treatment, and disposal plans for domestic wastewaters. ADEC requires a permit for disposal of domestic and non-domestic wastewater. ADEC is fully authorized to administer the EPA's NPDES program through the APDES overseen by EPA. Existing regulations at 18 AAC 15 (Administrative Procedures) and 18 AAC 72 were amended to comply with the CWA. New regulations, 18 AAC 83, were also promulgated in addition to amending the existing regulations. ADEC provides approval for treatment and disposal plans for industrial wastewaters.	<ul style="list-style-type: none"> • APDES permits • Review Storm Water Discharge Pollution Prevention Plans • Plans review of treatment systems • Plan Review for Non-Domestic Wastewater Treatment System • Plan Review and Construction Approval for Domestic Sewage System • Domestic wastewater disposal permit • Non-domestic wastewater disposal permit
Solid Waste Management (18 AAC Chapter 60) (AS 46.03.100)	ADEC reviews and approves solid waste processing and temporary storage facilities plans for handling and temporary storage of solid waste and landfills.	<ul style="list-style-type: none"> • Integrated Waste Management Permit/Plan Approval
Food Permit and Registration Requirements (18 AAC 31.020)	ADEC may issue permits for persons seeking to operate a food establishment.	<ul style="list-style-type: none"> • Food Establishment Permit
Drinking Water System Classification and Plan Approval (18 AAC 80.200)	ADEC may issue approval of public drinking water plans.	<ul style="list-style-type: none"> • Potable water well logs • Approval to Construct and Operate a Public Water Supply System • Public Water System Identification Number
Open Burning (18 AAC 50.065)	ADEC enforces air quality requirements for open burning, and requires a permit for controlled open burning of forest land, vegetative cover, fisheries, or wildlife habitat in excess of 40 acres annually.	<ul style="list-style-type: none"> • Air Quality Permit to Open Burn

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Oil and Hazardous Substances Pollution Control Regulations (18 AAC 75) (AS 46.04.040, 050)	ADEC requires production and terminal facilities having an effective above-ground or below-ground storage capacity of greater than 10,000 barrels (420,000 gallons) of refined petroleum products to prepare an Oil Discharge Prevention and Contingency Plan and provide Proof of Financial Responsibility.	<ul style="list-style-type: none"> Oil Discharge Prevention and Contingency Plan Operation of vessels and petroleum product barges on state waters Oil terminal/storage facility capable of storing 10,000 barrels or more Above-ground Storage Tank Program (>420,000 gallons)
Alaska Department of Fish and Game		
The Fish and Wildlife Conservation Act (FWCA) of 1980 (16 USC 2901) The Fish and Wildlife Conservation Act of 1980 (16 USC 661 et seq.)	The Alaska Department of Fish and Game (ADF&G) consults with USFWS about fish and wildlife resources to conserve or improve wildlife resources. ADF&G provides comments and recommendations to federal agencies pursuant to the FWCA.	<ul style="list-style-type: none"> Wildlife consultation Fish habitat permits
Anadromous Fish Act (Alaska Statute [AS] 16.05.871)	An individual or governmental agency notifies and obtains authorization from ADF&G for activities that could use, divert, obstruct, pollute, or change natural flow of specified anadromous fish streams.	<ul style="list-style-type: none"> Fish passage permits
Fishway Act (AS 16.05.841)	The Fishway Act requires that an individual or government agency notify and obtain authorization from the ADF&G for activities in or across a stream used by fish if it is determined that such uses or activities could represent an impediment to the efficient passage of resident or anadromous fish.	<ul style="list-style-type: none"> Fish passage sufficiency determination
Activities Requiring a Special Area Permit (5 AAC 95.420)	A special area permit must be obtained from the ADF&G for activities (except for lawful hunting, trapping, fishing, viewing, and photography) occurring in state game refuges, state recreation areas, across designated wild and scenic rivers, or through state parks.	<ul style="list-style-type: none"> Special area permits for designated areas
License, Permit, and Tag Fees; Surcharge; Miscellaneous Permits to Take Fish and Game (AS 16.05.340)	The ADF&G may issue a permit to collect fish and game, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose.	<ul style="list-style-type: none"> Permit to collect fish and game
Permit for Scientific, Educational, Propagative, or Public Safety Purposes (5 AAC 92.033)	The ADF&G may issue a permit for the taking, possessing, importing, or exporting of game for scientific, educational, propagative, or public safety purposes.	<ul style="list-style-type: none"> Fish collection permits for field studies

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Alaska Department of Natural Resources		
Alaska Historic Preservation Act (AS 41.35.010-.240) NHPA of 1966 (46 <u>54</u> USC 470 <u>300101</u> et seq.) (36 CFR pt. 800-106-140) Archaeological Resources Protection Act of 1979 (16 USC 470)	Section 106 of the NHPA requires consultation with the SHPO, and when there are effects on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP), with the ACHP, and federally recognized Indian tribes. SHPO issues a Field Archaeology Permit for archaeological fieldwork on state lands. The SHPO would also be consulted by the USACE. ADNR Office of History and Archaeology (OHA) issues a Cultural Resources Concurrence for developments that may affect historic or archaeological sites.	<ul style="list-style-type: none"> Section 106 Programmatic Agreement Archaeology collection permit Field archaeology permit
Material Sales (AS 38.05.550-565) Permits (AS 38.05.850) Mining Sites Reclamation Plan Approvals (AS 27.19) Plan of Operations Approval (11 AAC 86.800)	ADNR issues a Material Sales Contract for mining and purchase of gravel from state lands. ADNR issues ROW and land use permits for use of state land, ice road construction on state land, and state waters. ADNR approves mining reclamation plans on state, federal, municipal, and private land and water. ADNR approves the plan of operations for non-coal mines, and is required for all mining projects on state land. ADNR's Division of Mining, Land and Water, Mining Section issues this approval. ADNR requires a Millsite Lease for mine project facilities on state land. This lease gives the applicant a surface property right for the associated facilities. ADNR's Division of Mining, Land and Water, Mining Section issues this lease. ADNR requires a tideland lease for use of state-owned tidelands for marine facilities such as docks. For use of state-owned uplands, a lease is required for facilities such as transportation and staging facilities. The Pebble Project includes port structures below high tide lines. ADNR requires a permit from Division of Mining, Land and Water, Lands Section before constructing snow or ice roads on state land, or conducting overland travel. Crossings of fish-bearing water bodies by snow or ice roads also require authorization by The Alaska Department of Fish and Game, Division of Habitat prior to construction.	<ul style="list-style-type: none"> Material sales contract Mining license Reclamation plan approval Land use permits and leases Bonding and financial assurance approval Plan of Operations approval Millsite Lease approval Upland or Tideland Lease approval Snow or ice road approval.
Right-of-Way Leasing Act (AS 38.35.020)	The ADNR State Pipeline Coordinator's Office issues pipeline ROW leases for new pipeline and pipeline related construction and operation across state lands. The ADNR Commissioner signs the leases and the State Pipeline Coordinator manages the leases.	<ul style="list-style-type: none"> ROWs

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Water Use (AS 46.15)	ADNR issues a temporary water use permit for water use necessary for construction and operations. ADNR issues a water rights permit for appropriation of a significant amount of water on other than a temporary basis.	<ul style="list-style-type: none"> • Temporary Water Use permits • Appropriation of Water Permit/ Certificate to Appropriate Water
Duties and Powers of Department of Natural Resources, Limitations (AS 41.21.020) Section 6(f) of the Land and Water Conservation Fund (LWCF) (16 USC 4601 et seq.)	ADNR has the responsibility for outdoor recreation planning and administering the LWCF program within Alaska.	<ul style="list-style-type: none"> • Administer LWCF program
Water Management, Article 3 (Dam Safety) (11 AAC 93.150 - 201)	ADNR Dam Safety and Construction Unit issues certificates to construct and operate dams in Alaska	<ul style="list-style-type: none"> • Certificate of Approval to Construct, Modify, Remove, or Abandon a Dam • Certificate of Approval to Operate a Dam
Alaska Department of Public Safety (ADPS), Division of Fire and Life Safety		
General function of the Department of Public Safety with respect to fire protection (AS 18.70.010) Alaska Fire and Life Safety Regulations (13 AAC 50-55)	The Division of Fire and Life Safety has statewide jurisdiction for fire code enforcement and plan review authority, except in communities that have received deferrals—including the municipality of Anchorage, Fairbanks, University of Alaska Fairbanks, and Wasilla/Lakes.	<ul style="list-style-type: none"> • Approval to transport hazardous materials • Life and Fire Safety Plan checks • Plan Review Certificate of Approval for each building • Fire Marshal permits
2009 International Fire Code (IFC)	All fuel systems being developed to support port and airport operations during pipeline construction and operations must be reviewed and found to conform to the 2009 IFC requirements. Although explosive blasting is not anticipated to be used in the project, if used, the storage magazine type, location, and any barricade requirements must meet IFC requirements.	<ul style="list-style-type: none"> • 2009 IFC requirements
Alaska Department of Transportation and Public Facilities		
Chapter 25 Operations, Wheeled Vehicles: Oversize and Overweight Vehicles (17 AAC 25.300)	Alaska Department of Transportation and Public Facilities (ADOT&PF) issues permits for oversize or overweight vehicles.	<ul style="list-style-type: none"> • Oversize or overweight vehicle permits

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Chapter 25 Operations, Wheeled Vehicles: Transportation of Hazardous Materials, Hazardous Substances, or Hazardous Waste (17 AAC 25.200)	ADOT&PF regulates the transportation of hazardous materials, hazardous substances, or hazardous waste by vehicles.	<ul style="list-style-type: none"> Compliance with the transportation of hazardous materials, hazardous substances, or hazardous waste regulations.
Utility Permits (17 AAC 15.011)	ADOT&PF issues permits authorizing applicants to construct or install utility facilities in a department ROW.	<ul style="list-style-type: none"> Utility permits
Alaska Department of Labor, Standards and Safety		
Health Safety and Housing (AS 18.60.180), (8 AAC)	The Alaska Division of Labor Standards and Safety enforces Occupational Safety and Health Administration regulations, and ensures that project related activities meet standards and regulations for occupational health and safety.	<ul style="list-style-type: none"> Certificates of Inspection for Fired and Unfired Pressure Vessels Occupational Safety and Health (inspections and certificates) Employer Identification Number
Alaska Department of Health and Social Services		
Alaska Best Management Practices, Alaska Health Impact Assessment (HIA) Program	The HIA program evaluates the potential human health effects of new policies, programs, or development projects in Alaska through the use of existing public health surveillance data, medical literature reviews, and field studies.	<ul style="list-style-type: none"> HIA
Alaska Department of Military Affairs		
Emergency Planning Districts and Committees, Plan Review (AS 26.23.073, .077)	Planning and reporting requirements for facilities that handle, store, and/or manufacture hazardous materials.	<ul style="list-style-type: none"> Hazardous chemical inventories
Alaska Division of Homeland Security & Emergency Management		
Hazardous Chemicals, Materials, and Wastes (AS 29.35.500)	The State Emergency Response Commission enforces reporting and planning requirements for facilities that handle, store, and/or manufacture hazardous materials.	<ul style="list-style-type: none"> Hazardous chemical inventories

Table E-1 : Permits, Approvals, and Consultations Required

Legal Authority	Agency	Role
Local		
Lake and Peninsula Borough		
Lake and Peninsula Borough Title 9 Development Permit (09.07.10-90) Large Project Permit (09.08.010-110) Flood Hazard Management and Flood Insurance (09.09.010-050)	The Lake and Peninsula Borough requires a development permit and large project permit for the mine and road area in the borough.	<ul style="list-style-type: none"> • Zoning • Plan review and construction permits • Solid waste
Kenai Peninsula Borough		
Kenai Peninsula Borough Title 17 (17.10.185, 17.08-50)	The Kenai Peninsula Borough Land Management Division requires compliance with its code for utility or pipeline easements.	<ul style="list-style-type: none"> • Easements for utilities, pipelines, and travel ways
Tribal		
<u>NHPA of 1966 (54 USC 300101 et seq.) (36 CFR pt. 800)</u>	<u>The NHPA requires federal agencies to consult with any federally recognized tribe that ascribes traditional religious and cultural significance to historic properties within the undertaking's area of potential effects.</u> <u>Federal agencies must engage in such consultation in identifying historic properties, evaluating adverse effects, resolving adverse effects, and developing a programmatic agreement.</u>	<ul style="list-style-type: none"> • <u>Section 106 Consultation.</u> • <u>Section 106 Programmatic Agreement</u>

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