

[Former 33 CFR 148.737] – What environmental standards must an applicant follow?

RECOMMENDED ENVIRONMENTAL STANDARDS

In constructing and operating a deepwater port, the deepwater port must comply with all applicable Federal, State, and tribal environmental statutes. For the purposes of information, a list of Federal environmental statutes and Executive Orders (E.O.s) that may apply includes but is not limited to:

- 1) **ABANDONED SHIPWRECK ACT OF 1988**, as amended, 43 U.S.C. 2102, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_abndshipwreck.pdf

- 2) **AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978 (AIRFA)**, as amended, 42 U.S.C. 1996, *et. seq*

<https://www.gpo.gov/fdsys/pkg/STATUTE-92/pdf/STATUTE-92-Pg469.pdf>

https://www.fs.fed.us/spf/tribalrelations/documents/policy/statutes/American_Indian_Religious_Freedom_Act.pdf

- 3) **ANTIQUITIES ACT OF 1906**, as amended, 16 U.S.C. 433, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_antiact.pdf

<https://www.nps.gov/archeology/tools/laws/nagpra.htm>

- 4) **ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (AHPA)**, as amended, 16 U.S.C. 470 aa-ll, *et. seq.*;

https://www.nps.gov/history/local-law/FHPL_ArchHistPres.pdf

- 5) **ARCHEOLOGICAL RESOURCES PROTECTION ACT OF 1979 (AHPA)**, as amended, 16 U.S.C. 470 aa-ll, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_archsrcsprot.pdf

- 6) **ARCHITECTURAL BARRIERS ACT**, 42 U.S.C. 4151, *et. seq.*;

https://www.fs.fed.us/recreation/programs/accessibility/Architectural_Barriers.htm;

<https://www.access-board.gov/attachments/article/1029/ABAstandards.pdf>

- 7) **CLEAN AIR ACT OF 1970** CAA), as amended, Pub. L. 95-95, 42 U.S.C. 7401, *et. seq.*;
<https://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap85.pdf>
<https://www.epa.gov/clean-air-act-overview/clean-air-act-text>
- 8) **CLEAN WATER ACT OF 1972** (CWA), as amended, Pub. L. 95-217, 33 U.S.C. 1251, *et. seq.*;
<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title33/pdf/USCODE-2011-title33-chap26.pdf>
<https://www.epa.gov/laws-regulations/summary-clean-water-act>
- 9) **COASTAL BARRIERS RESOURCES ACT OF 1982** (CBRA), as amended, Pub. L. 97-348, 16 U.S.C. 3510, *et. seq.*;
<https://legcounsel.house.gov/Comps/Coastal%20Barrier%20Resources%20Act.pdf>
http://www.thecre.com/fedlaw/legal14coast/coastal_barrier_resources_act_lm.htm
- 10) **COASTAL ZONE MANAGEMENT ACT OF 1972** (CZMA), as amended, Pub. L. 92-583, 16 U.S.C. 1451, *et. seq.*;
<https://legcounsel.house.gov/Comps/Coastal%20Zone%20Management%20Act%20Of%201972.pdf>
- 11) **COMMUNITY RESPONSE FACILITATION ACT OF 1996**, (CERFA), as amended, (CERFA), 42 U.S.C. 9620, *et. seq.*;
<https://www.epa.gov/fedfac/community-environmental-response-facilitation-act>
- 12) **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980** (CERCLA), also commonly referred to as Superfund, Pub. L. 96-510, 26 U.S.C. 4611, *et. seq.*;
<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap103.htm>
- 13) **CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS** E.O. 13175, 65 FR 67249;
<https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>
- 14) **CORAL REEF PROTECTION**, E.O. 13089, 63 FR 32701;
<https://www.gpo.gov/fdsys/pkg/FR-1998-06-16/pdf/98-16161.pdf>
- 15) **EMERGENCY PLANNING AND THE COMMUNITY RIGHT-TO-KNOW ACT OF 1986**, as amended, 42 U.S.C. 11001-11050, *et. seq.*;
<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter116&edition=prelim>

(16) ENDANGERED SPECIES ACT OF 1973 (ESA), as amended, Pub. L. 93-205, 16 U.S.C. 1531, *et. seq.*;

<https://legcounsel.house.gov/Comps/Endangered%20Species%20Act%20Of%201973.pdf>

(17) ENERGY EFFICIENCY AND WATER CONSERVATION AT FEDERAL FACILITIES, E.O. 12902, 59 FR 11463;

<https://www.archives.gov/files/federal-register/executive-orders/pdf/12902.pdf>

(18) ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL AGENCIES, E.O. 12114, 44 FR 1957;

https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/CEQ_EffectsAbroad_21MAR1979.pdf

(19) ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970, as amended, Pub. L. 98-581, 42 U.S.C. 4371, *et. seq.*;

<http://www.gccga.com/assets/environmental-quality-improvement-act.pdf>

(20) FARMLAND PROTECTION POLICY ACT OF 1981, as amended, Pub. L. 97-98, 7 U.S.C. 4201, *et. seq.*;

<https://www.gpo.gov/fdsys/pkg/USCODE-2002-title7/pdf/USCODE-2002-title7-chap73.pdf>

(21) FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS, E.O. 12898, 59 FR 7629;

<https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

(22) FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS, E.O. 12088, 43 FR 47707;

<https://www.archives.gov/federal-register/codification/executive-order/12088.html>

(23) FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT OF 1947, as amended, Pub. L. 86-139, 7 U.S.C. 135, *et. seq.*;

<https://www.epa.gov/enforcement/federal-insecticide-fungicide-and-rodenticide-act-fifra-and-federal-facilities>

(24) FEDERAL RECORDS ACT OF 1950, as amended, 44 U.S.C. 2101, *et. seq.*;

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title44/pdf/USCODE-2011-title44-chap21.pdf>

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title44/pdf/USCODE-2011-title44-chap31.pdf>

<https://www.archives.gov/records-mgmt/faqs/federal.html>

(25) FEDERALISM, E.O. 13132, 64 FR 43255;

<https://www.gpo.gov/fdsys/pkg/FR-1999-08-10/pdf/99-20729.pdf>

(26) FISH AND WILDLIFE ACT OF 1956, Pub. L. 85-888, 16 U.S.C. 742, *et. seq.*;

<https://www.animallaw.info/statute/us-conservation-fish-and-wildlife-act-1956>

(27) FISH AND WILDLIFE COORDINATION ACT OF 1980, as amended, (Pub. L. 85-624, 16 U.S.C. 661, *et. seq.*;

<https://www.fws.gov/laws/lawsdigest/fwcoord.html>

<https://www.fws.gov/ecological-services/es-library/pdfs/fwca.pdf>

(27) FISHERIES CONSERVATION AND RECOVERY ACT OF 1976, as amended, Pub. L. 94-265, 16 U.S.C. 1801, *et. seq.*;

<https://www.gpo.gov/fdsys/pkg/STATUTE-90/pdf/STATUTE-90-Pg331.pdf>

<https://legcounsel.house.gov/Comps/Magnuson-stevens%20Fishery%20Conservation%20And%20Management%20Act.pdf>

(28) FLOOD DISASTER PROTECTION ACT OF 1973, as amended, 42 U.S.C. 4001, *et. seq.*;

https://www.fema.gov/media-library-data/20130726-1545-20490-9247/frm_acts.pdf

(29) FLOOD PLAIN MANAGEMENT AND PROTECTION, E.O. 11988, 42 FR 26951;

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title18-vol2/pdf/CFR-2017-title18-vol2-part725.pdf>

(30) GREENING THE GOVERNMENT THROUGH LEADERSHIP IN ENVIRONMENTAL MANAGEMENT, E.O. 13148, 65 FR 24595; 63 FR 49643;

<https://www.gpo.gov/fdsys/pkg/WCPD-2000-05-01/pdf/WCPD-2000-05-01-Pg891.pdf>

(31) HISTORIC SITES ACT OF 1935, as amended, 16 U.S.C. 46, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_histsites.pdf

(32) INDIAN SACRED SITES, E.O. 13007, 61 FR 26771;

<https://www.gpo.gov/fdsys/pkg/FR-1996-05-29/pdf/96-13597.pdf>

(33) INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS, E.O. 12372, 47 FR 30959;

<https://www.archives.gov/federal-register/codification/executive-order/12372.html>

(34) INVASIVE SPECIES, E.O. 13112, 64 FR 6183;

<https://obamawhitehouse.archives.gov/the-press-office/2016/12/05/executive-order-safeguarding-nation-impacts-invasive-species>

(35) LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION'S CENTRAL CITIES, E.O. 13006, 61 FR 26071;

<https://www.wbdg.org/FFC/FED/EO/eo13006.pdf>

(36) MAGNUSON-STEVENS FISHERIES CONSERVATION MANAGEMENT ACT OF 1976, as amended, 16 U.S.C. 1801, *et. seq.*;

<https://www.whistleblowers.org/storage/docs/wildlife/magnuson-stevens%20fishery%20conservation%20and%20management%20act.pdf>

<https://naturalresources.house.gov/magnusonstevens/>

(37) MARINE MAMMAL PROTECTION ACT (MMPA), as amended, Pub. L. 92-522, 16 U.S.C. 1361;

<https://legcounsel.house.gov/Comps/Marine%20Mammal%20Protection%20Act%20Of%201972.pdf>

<https://www.mmc.gov/about-the-commission/our-mission/marine-mammal-protection-act/>

(38) MARINE PROTECTED AREAS, E.O. 13158, 65 FR 24909;

<https://www.gpo.gov/fdsys/pkg/WCPD-2000-05-29/pdf/WCPD-2000-05-29-Pg1230.pdf>

(39) MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972, as amended, Pub. L. 92-532, 16 U.S.C. 1431, *et. seq.*

<https://legcounsel.house.gov/Comps/Marine%20Protection,%20Research,%20And%20Sanctuaries%20Act%20Of%201972.pdf>

(40) MIGRATORY BIRD TREATY ACT OF 1972, as amended, 16 U.S.C. 703-712, *et. seq.*;

<https://www.fws.gov/le/USStatutes/MBTA.pdf>

<https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>

(41) NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT OF 1990, as amended, Pub. L. 91-190, 42 U.S.C. 4321, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_nagpra.pdf

<https://www.nps.gov/archeology/tools/laws/nagpra.htm>

(42) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA), Pub. L. 91-190, 42 U.S.C. 4321,

https://www.whitehouse.gov/sites/whitehouse.gov/files/ceq/NEPA_full_text.pdf

(43) NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA), as amended, Pub. L. 89-665, 16 U.S.C. 470, *et. seq.*;

https://www.nps.gov/history/local-law/fhpl_histprsvt.pdf

(44) NATIONAL MARINE SANCTUARIES ACT OF 1972 (NAGPRA), 25 U.S.C. 3001, *et. seq.*;

<https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/national/nmsa.pdf>

https://www.nps.gov/history/local-law/FHPL_NtlMarineSanct.pdf

(45) NOISE CONTROL ACT OF 1972, Pub. L. 92-574, 42 U.S.C. 4901, *et. seq.*;

<https://www.law.cornell.edu/uscode/text/42/chapter-65>

(46) PLANNING FOR FEDERAL SUSTAINABILITY IN THE NEXT DECADE (formerly FEDERAL LEADERSHIP IN ENVIRONMENTAL, ENERGY AND ECONOMIC PERFORMANCE (E.O. 13514 superseded by E.O. 13693; E.O. 13834 revoked E.O. 13693));

<https://www.fedcenter.gov/programs/eo13514/>

<https://www.gpo.gov/fdsys/pkg/FR-2015-03-25/pdf/2015-07016.pdf>

<https://sftool.gov/learn/annotation/447/executive-order-13693-revoked-planning-federal-sustainability-decade>

(47) POLLUTION PREVENTION ACT OF 1990 (PPA), 42 U.S.C. 13101-13109, *et. seq.*;

<https://www.law.cornell.edu/uscode/text/42/chapter-133>

(48) PROTECTION AND ENHANCEMENT OF CULTURAL ENVIRONMENTAL QUALITY, E.O. 11593, 36 FR 8921;

<https://www.wbdg.org/FFC/FED/EO/eo11593.pdf>

(49) PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY, E.O. 11514, 35 FR 4247;

<https://www.wbdg.org/FFC/FED/EO/eo11514.pdf>

(50) PROTECTION OF CHILDREN FROM ENVIRONMENTAL HEALTH AND SAFETY RISKS, E.O. 13045, 62 FR 19885;

<https://www.gpo.gov/fdsys/pkg/FR-1997-04-23/pdf/97-10695.pdf>

(51) PROTECTION OF WETLANDS, E.O. 11990, 42 FR 26961;

<https://www.archives.gov/federal-register/codification/executive-order/11990.html>

(52) RECREATIONAL FISHERIES, E.O. 12962, 60 FR 307695;

<https://www.gpo.gov/fdsys/pkg/WCPD-1995-06-12/pdf/WCPD-1995-06-12-Pg995-2.pdf>

(53) RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA), Pub. L. 94-580, 42 U.S.C. 6901, *et. seq.*;

<https://www.gpo.gov/fdsys/pkg/STATUTE-90/pdf/STATUTE-90-Pg2795.pdf>

<https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>

(54) RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS, E.O. 13186, 66 FR 3853;

<https://www.gpo.gov/fdsys/pkg/WCPD-2001-01-15/pdf/WCPD-2001-01-15-Pg77.pdf>

(55) SAFE DRINKING WATER ACT OF 1996 (SDWA), Pub. L. 93-523, 42, U.S.C. 201, *et. seq.*;

<https://www.gpo.gov/fdsys/pkg/CPRT-106SPRT67528/pdf/CPRT-106SPRT67528.pdf>

<https://www.epa.gov/sdwa>

(56) STRENGTHENING FEDERAL ENVIRONMENTAL, ENERGY, AND TRANSPORTATION MANAGEMENT, E.O. 13423, 72 FR 3919;

<https://www.energy.gov/sites/prod/files/2014/03/f11/eo13423.pdf>

(57) TOXIC SUBSTANCES CONTROL ACT OF 1976 (TSCA), 7 U.S.C. 136, *et. seq.*;

<https://legcounsel.house.gov/Comps/Toxic%20Substances%20Control%20Act.pdf>

<https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act>

(58) WILD AND SCENIC RIVERS ACT OF 1968, Pub. L. 90-542, 16 U.S.C. 1271, *et. seq.*

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title16/html/USCODE-2011-title16-chap28.htm>