

**MODEL FEDERAL CONSISTENCY DETERMINATION
FOR FEDERAL AGENCIES**

The CZMA requires that “each federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs”, 16 U.S.C. 1456(c)(1)(A).

Minnesota has an approved Coastal Management Program (CMP) which is based on existing state statutes and rules as outlined in “*Minnesota’s Lake Superior Coastal Program*” document. Part V, Chapter 6 of the document defines the program process regarding federal consistency.

This section details the analysis by which the [federal agency] has determined that its [project title or description of action/activity] is consistent to the maximum extent practicable with the enforceable policies of *Minnesota’s Lake Superior Coastal Program*.

The [federal agency] has determined that the [project title or description of action/activity] affects the land or water uses or natural resources of Minnesota’s coastal area in the following manner:

[Provide analysis or effects or reference pages of NEPA document if appropriate.]

The [federal agency] has evaluated the following relevant enforceable policies of *Minnesota’s Lake Superior Coastal Program*:

[Describe state CZM program enforceable policies]

Based on the following information, data and analysis the [federal agency] finds that the [project] is consistent to the maximum extent practicable with *Minnesota’s Lake Superior Coastal Program*.

[Provide information, data and analysis supporting the determination of consistency with *Minnesota’s Lake Superior Coastal Program*.]

By this determination that the [project] is consistent to the maximum extent practicable with *Minnesota’s Lake Superior Coastal Program*, the State of Minnesota is notified that it has 45 days (plus any appropriate extension under 15 C.F.R. 930.41(b)) from the receipt of this letter in which to agree or disagree with the [federal agency’s] determination. The agreement or disagreement of the State of Minnesota with the federal agency’s consistency determination shall be sent to:

[provide federal agency contact]

_____ Signature	_____ Title
_____ Date	

Coastal Management Consistency Form

Enforceable Policies and Authorities

Appropriate State Agency

Coastal Land Management

- | | |
|--|------------------------------|
| <input type="checkbox"/> Shoreland Management Act
Minn. Stat. § 103F .201 - 103 F .221 | DNR Waters |
| <input type="checkbox"/> Statewide Standards for “Management of Shoreland Areas”
Minn. Rules 6120.2500-6120.3900 | DNR Waters |
| <input type="checkbox"/> North Shore Management Plan
Minn. Rules 6120.2800 | North Shore Management Board |
| <input type="checkbox"/> Floodplain Management
Minn. Rules 6120.5000 - 6120.6200 | DNR Waters |
| <input type="checkbox"/> Floodplain Management Act
Minn. Stat. ch. 103F | DNR Waters |

Coastal Water Management

- | | |
|---|---|
| <input type="checkbox"/> Protected Water Program
Minn. Stat. ch. 103G | DNR Waters |
| <input type="checkbox"/> Water Permits
Minn. Rules 6115.0010 - 6115.0810 | DNR Waters |
| <input type="checkbox"/> Water Appropriation
Minn. Stat. §103G .271 - 103G .315 | DNR Waters |
| <input type="checkbox"/> Dams
Minn. Rules 6115.0300 | DNR Waters |
| <input type="checkbox"/> Wetlands
Minn. Stat. §103G .221 - 103G .2373 | DNR Waters
Board of Water & Soil Resources |
| <input type="checkbox"/> Wetland Conservation Act Rules
Minn. Rules ch. 8420 | Board of Water & Soil Resources |

Air Quality

- | | |
|---|--------------------------|
| <input type="checkbox"/> Pollution Control Agency (Powers, duties)
Minn. Stat. ch. 116 | Pollution Control Agency |
| <input type="checkbox"/> Acid Deposition Controls
Minn. Rules ch. 7021 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permit Fees
Minn. Rules ch. 7002 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permits
Minn. Rules ch. 7001 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permits
Minn. Rules ch. 7007 | Pollution Control Agency |
| <input type="checkbox"/> Air Quality Rules
Minn. Rules ch. 7005 | Pollution Control Agency |
| <input type="checkbox"/> Ambient Air Quality Standards
Minn. Rules chps. 7009, 7017, 7019 | Pollution Control Agency |

- Stationary Source Air Standards**
Minn. Rules ch. 7011
- Mobile Source Air Quality Standards**
Minn. Rules ch. 7023
- Lead-based Paints**
Minn. Rules ch. 7025
- Noise Standards**
Minn. Rules ch. 7030

Water Quality

- Waste Treatment Facilities**
Minn. Rules ch. 7048
- Water Pollution Control Act**
Minn. Stat. ch. 115
- Water Quality Standards**
Minn. Rules ch. 7050
- Water Quality Standard - Standard Implementation, and Non-degradation Standard for Great Lakes Initiative Pollutants in the Lake Superior Basin**
Minn. Rules ch. 7052
- NPDES & State Disposal Permits**
Minn. Rules ch. 7001
- NPDES & Storm Water Permits**
Minn. Rules ch. 7002
- Animal Feedlots**
Minn. Rules ch. 7020
- Onsite Septic Systems**
Minn. Rules ch. 7080
- Oil and Hazardous Substances**
Minn. Rules ch. 7100
- Underground Waters**
Minn. Rules ch. 7060
- Agricultural Chemical Liability, Incidents and Enforcement**
Minn. Stat. ch. 18D
- Groundwater Protection Act**
Minn. Stat. ch. 103H
- Safe Drinking Act**
Minn. Stat. ch.144
- Drinking Water Rules**
Minn. Rules ch. 4720
- Wells, Borings, and Underground Uses**
Minn. Stat. ch. 103I
- Waste Management**
Minn. Stat. ch. 115A

- Sewage Sludge Management**
Minn. Rules ch. 7040
- Hazardous Waste**
Minn. Rules ch. 7045
- Minnesota Well Code**
Minn. Rules ch. 4725
- Environmental Response and Liability**
Minn. Stat. ch. 115B
- Waste Treatment Facilities**
Minn. Rules ch. 7048
- Solid Waste Management**
Minn. Rules ch. 7035
- Underground Storage Tanks**
Minn. Rules ch. 7150
- Above Ground Storage Tanks**
Minn. Rules ch. 7151
- Petroleum Contaminated Soil Management**
Minn. Rules ch. 7037

Fish and Wildlife Management

- Aquaculture**
Minn. Stat. §17.46
- Exotic Species**
Minn. Stat. §18.317 and
Minn. Stat. §84.966-84.9691
- Fishing**
Minn. Stat. ch. 97C
- Game and Fish**
Minn. Stat. ch. 97A
- Game and Fish Rules**
Minn. Rules chps. 6200-6290
- Hunting**
Minn. Stat. ch. 97B
- Aquatic Plan Management Program**
Minn. Stat. §84.092
- Threatened and Endangered Species**
Minn. Stat. §84.0895

Forest Management

- State Timber Act**
Minn. Stat. ch. 90
- Permission to Start Fires**
Minn. Stat. §88.17

Mineral Resources

- Iron Ore/Taconite Leasing Program**
Minn. Stat. §93.14 - 93.28

- Metallic Minerals Leasing Program**
Minn. Rules ch. 6125 DNR Division of Minerals
- Metallic Minerals Leasing Program**
Minn. Stat. §93.08 - 93.12 DNR Division of Minerals
- Metallic Minerals Leasing Program**
Minn. Stat. §93.25 DNR Division of Minerals
- Mineland Reclamation Program**
Minn. Stat. §93.44 - 93.51 DNR Division of Minerals
- Mining Reclamation**
Minn. Rules ch. 6130 DNR Division of Minerals
- Nonferrous Mining**
Minn. Rules ch. 6131 DNR Division of Minerals
- Peat Leasing Program**
Minn. Stat. §92.5 DNR Division of Minerals
- Peatland Reclamation**
Minn. Rules ch. 6132 DNR Division of Minerals

Energy

- Minnesota Power Plant Siting Act**
Minn. Stat. §116C .51-.69 MN Environmental Quality Board
- Pipelines**
Minn. Stat. §116I .01-.11 MN Environmental Quality Board
- Utility Companies, Permit to Cross State-Owned Lands**
Minn. Stat. §84.415 DNR Bureau of Real Estate Mgmt.
- Utility Crossings of Public Lands and Waters**
Minn. Rules 6135.0100 - 6135.1800 DNR Bureau of Real Estate Mgmt.

Environmental Review

- Minnesota Environmental Policy Act**
Minn. Stat. ch. 116D MN Environmental Quality Board
- Water Quality**
Minn. Rules 4410.0200 - 4410.8000 MN Environmental Quality Board