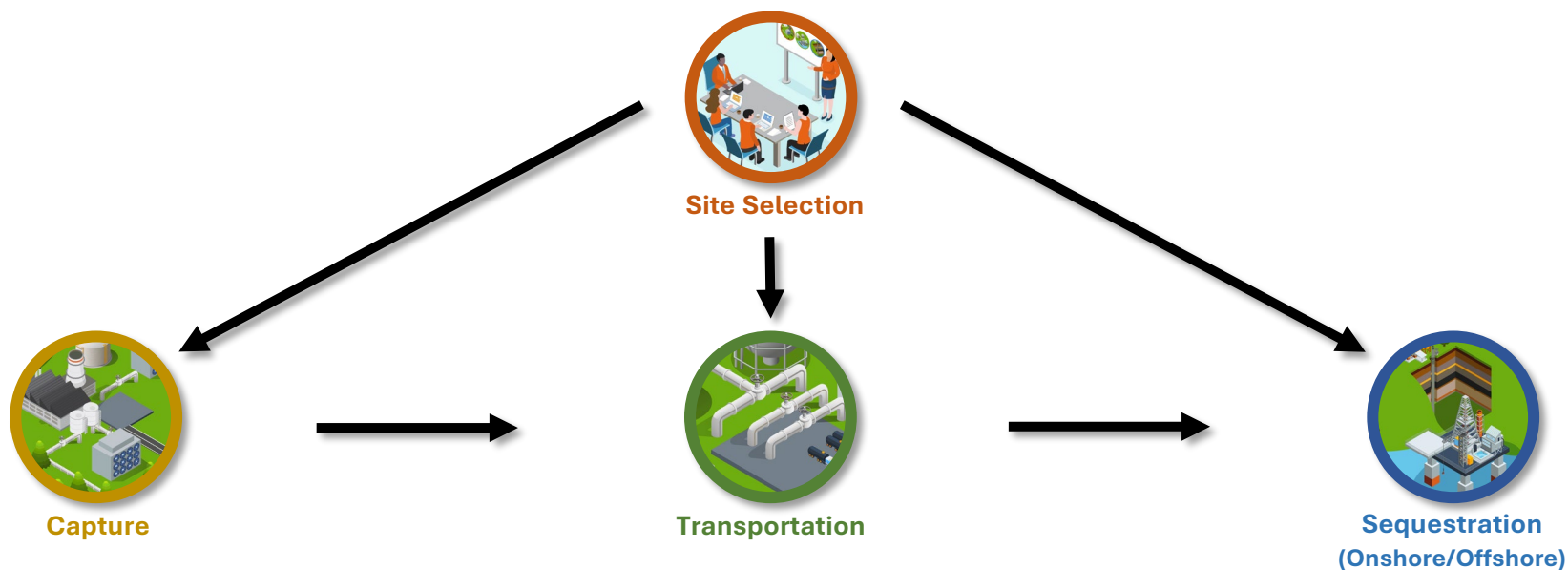


## Regulatory and Statutory Authorities Relevant to Carbon Capture and Sequestration (CCS) Projects



Carbon Capture and Sequestration (CCS) projects are diverse and complex. In many cases, a number of private, local, state, tribal, and/or federal agencies will be involved in authorizing requests for CCS projects. The table below presents a list of the regulatory and statutory authorities that may be relevant to the development of a CCS project in the United States. It provides an overview of the types of permits and permissions that may be needed for CCS; however, the applicable permits and reviews will depend on the characteristics of the particular project. These authorities are divided into those that may apply to project site selection, carbon dioxide (CO<sub>2</sub>) point source capture, CO<sub>2</sub> transportation, and CO<sub>2</sub> sequestration. This table does not include relevant tax credits or other available funding opportunities. Information in this table was assembled by EPA's UIC Program in consultation with other federal agencies and EPA offices with equities in CCS.

The following table is not meant to be an exhaustive or authoritative list of all permits and permissions required for a particular project, but rather only to guide and inform the reader of potentially applicable requirements. For instance, not all the requirements identified below may be required for a particular project, and there may be other requirements not identified below. Inclusion on this list should not be read as EPA's independent determination that a listed permit or permission is required. EPA's UIC program anticipates that as CCS develops in the coming years, the information in the table will need to be updated. The UIC program has an interest in ensuring the accuracy of the information contained in this table and welcomes input at any time.



## Authorities Related to Site Selection

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Various local regulations	Local land use permitting and zoning	Surface (developed area)	Local government agencies
Various state and local regulations	Surface and groundwater use/rights permitting	Surface (water bodies); subsurface (groundwater)	Various state specific authorities, i.e., based on individual state riparian rights or ground water management rules
National Environmental Policy Act (NEPA)	Environmental Assessments and Environmental Impact Statements for major federal actions	Air, surface (e.g., emissions source, pipeline), subsurface	Agencies responsible for permitting major federal actions
Endangered Species Act (ESA)	Consultations regarding endangered or threatened species and their habitats	Surface (water bodies, forested areas) and air	U.S. Department of the Interior, Fish & Wildlife Service; U.S. Department of Commerce, NOAA Fisheries
Fish and Wildlife Conservation Act/Fish and Wildlife Coordination Act	Consultations about non-game fish and wildlife species and their habitats	Surface (water bodies, forested area)	U.S. Department of the Interior, Fish and Wildlife Service; State wildlife agencies
National Historic Preservation Act (NHPA)	Tribal consultations and evaluations of impacts to sites on the National Register of Historic Places	Surface (developed/community area), subsurface, seabed	Agencies responsible for permitting major actions in collaboration with National Park Service, State and Tribal Historic Preservation Officers, and Local governments certified as having qualified preservation programs
Various state authorities, acts, or regulations	Pore space use or ownership	Subsurface	State/Local agencies
Various state oil and gas authorities, acts, or regulations	Pooling, spacing, unitization, and/or associated mineral rights or lease holds in depleted oil and gas fields	Subsurface	State specific Oil & Gas regulatory entities
Emergency Planning and Community Right to Know Act (EPCRA)	Reporting and emergency planning in the event of releases of listed extremely hazardous substances	Surface, subsurface	U.S. EPA, with involvement of state/local government and tribes (Applies only if contamination occurs)
Federal Land Policy and Management Act (FLPMA)	Development of Resource Management Plans	Surface (any lands or interest managed by the Bureau of Land Management)	U.S. Department of the Interior, Bureau of Land Management Service; applies on federal lands
Rights-of-Way for Pipelines through federal lands	Obtaining special use permits or rights-of-way on federal lands	Surface (federal lands)	U.S. Department of Agriculture, U.S. Forest Service; U.S. Department of Defense, U.S. Army Corps of Engineers; U.S. Department of the Interior; applies on federal lands
Mineral Leasing Act (MLA)	Leasing for federal minerals	Surface (lands)	U.S. Department of the Interior, Bureau of Land Management; U.S. Department of Agriculture, U.S. Forest Service

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
National Forest Management Act	Land and Resource Management Planning for multiple uses within National Forests and Grasslands	Surface (federal lands)	U.S. Department of Agriculture, U.S. Forest Service; applies on federal lands
General Military Law; Part IV: Service Supply and Property	Issuance of leases of non-excess military property; easements for rights-of-way for military departments; and acceptance of funds to cover administrative expenses.	Air, surface (land and waterbodies), subsurface (federal lands)	U.S. Department of Defense, U.S. Army Corps of Engineers
Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	Responding in the event of releases of contaminants that present an imminent and substantial danger to the environment	Surface, subsurface	U.S. EPA, Office of Emergency Management (Applies only if contamination occurs)
Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	Voluntary program governed by the statutory eligibility criteria to coordinate interagency efforts, eliminate needless duplication, and engage federal agencies and project sponsors to foster improved communication and clarify expectations	Air, surface (land and water bodies) (e.g., emissions source, pipeline), subsurface	Federal Permitting Improvement Steering Council in collaboration with federal agencies
Consultation and Coordination with Indian Tribal Governments (E.O. 13175)	Regular and meaningful consultation and collaboration with tribes	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking actions with tribal implications
Environmental Justice (E.O. 12898)	<ol style="list-style-type: none"> <li>1) Identify and address disproportionately high and adverse human health or environmental effects of actions on minority and low-income populations; and</li> <li>2) promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation</li> </ol>	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking action that may impact communities with environmental justice concerns
Coastal Zone Management Act (CZMA)	Requires federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with enforceable policies of a state's federally-approved coastal management program	Surface (coastal and ocean), subsurface (coastal and ocean)	U.S. Department of Commerce, NOAA, Office for Coastal Management in collaboration with state agencies
Magnuson-Stevens Fishery Conservation and Management Act	Consultations regarding adverse effects to essential fish habitat	Surface (water bodies), subsurface	U.S. Department of Commerce, NOAA Fisheries
Marine Mammal Protection Act (MMPA)	Incidental Take Authorization for unintentional taking of small numbers of marine mammals. Requires public review/comment, monitoring, and reporting of take to verify negligible impact.	Waters under the jurisdiction of the United States (ocean)	U.S. Department of Commerce, NOAA Fisheries

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
The Bald and Golden Eagle Protection Act	Consultations regarding bald eagles and their habitats if these species are present in the project area	Surface	U.S. Department of the Interior, U.S. Fish and Wildlife Service
The Migratory Bird Treaty Act	Consultations regarding migratory birds and their habitats if these species are present in the project area	Surface	U.S. Department of the Interior, U.S. Fish and Wildlife Service
Clean Water Act (CWA)	Section 404/Section 401 permitting for discharge of dredge or fill materials	Surface (water bodies) on federal or non-federal lands	U.S. Department of Defense, U.S. Army Corps of Engineers; U.S. EPA, Office of Wetlands, Oceans and Watersheds
Rivers and Harbors Act of 1899	Permitting for construction of any structure or other alterations in or over any navigable waters of the United States	Surface (water bodies) on federal or non-federal lands	U.S. Department of Defense, U.S. Army Corps of Engineers
10 U.S.C. Sections 2667 and 2668	Obtaining rights-of-way on military or civil works lands	Surface	U.S. Department of Defense, U.S. Army Corps of Engineers
33 U.S.C. Section 408	Taking Possession of, use of, or injury to harbor or river improvements. Section 408 program verifies that changes to authorized Civil Works projects will not be injurious to the public interest and will not impair the usefulness of a project.	Surface	U.S. Department of Defense, U.S. Army Corps of Engineers
Marine Protection, Research, and Sanctuaries Act (MPRSA)	Implements the London Convention in the United States. Permitting for the transportation for the purposes of dumping and for dumping itself (disposition of material) into ocean waters and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf).	Ocean waters seaward of the baseline from which the territorial sea is measured and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf)	U.S. EPA HQ Office of Wetlands, Oceans, and Watersheds and the seven coastal EPA Regions
Outer Continental Shelf Lands Act	Grant a lease, easement, or right-of-way on the Outer Continental Shelf for activities that provide for, support, or are directly related to the injection of a CO <sub>2</sub> stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.	Air, Surface (ocean waters), and Subsurface (offshore)	U.S. Department of the Interior, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement



## Authorities Related to CO<sub>2</sub> Capture

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Clean Air Act (CAA)	Developing Monitoring, Reporting, and Verification (MRV) plans under the Greenhouse Gas (GHG) Reporting Rule	Air	U.S. EPA, Office of Air and Radiation, Office of Atmospheric Protection, Climate Change Division
Clean Air Act (CAA)	State Implementation Plans and National Emission Standards for Hazardous Air Pollutants and New Source Review (NSR) permitting under Title V	Air	U.S. EPA, Office of Air and Radiation, Office of Air Quality Planning and Standards (U.S. Department of the Interior is reviewing CAA requirements for carbon sequestration in the outer continental shelf)
Clean Water Act (CWA)	National Pollutant Discharge Elimination System permitting	Waters of the U.S.	U.S. EPA, Office of Water, Office of Wastewater Management, or states
National Environmental Policy Act (NEPA)	Environmental Assessments and Environmental Impact Statements for major Federal actions	Air, surface (e.g., emissions source, pipeline), subsurface	Agencies responsible for permitting major Federal actions
National Historic Preservation Act (NHPA)	Tribal consultations and evaluations of impacts to sites on the National Register of Historic Places	Surface (developed/ community area), subsurface, seabed	Agencies responsible for permitting major actions in collaboration with National Park Service, State and Tribal Historic Preservation Officers, and Local governments certified as having qualified preservation programs
Fish and Wildlife Conservation Act/Fish and Wildlife Coordination Act	Consultations about non-game fish and wildlife species and their habitats	Stream or other body of water	U.S. Department of the Interior, Fish and Wildlife Service; State wildlife agencies
Coastal Zone Management Act (CZMA)	Requires federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with enforceable policies of a State's federally-approved coastal management program	Surface (coastal and ocean), subsurface (coastal and ocean)	U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management in collaboration with state agencies
Magnuson-Stevens Fishery Conservation and Management Act	Consultations regarding adverse effects to essential fish habitat	Surface, subsurface	U.S. Department of Commerce, NOAA Fisheries
Marine Mammal Protection Act (MMPA)	Incidental Take Authorization for unintentional taking of small numbers of marine mammals. Requires public review/comment, monitoring, and reporting of take to verify negligible impact.	Waters under the jurisdiction of the U.S (ocean)	U.S. Department of Commerce, NOAA Fisheries
General Military Law; Part IV: Service Supply and Property	Issuance of leases of non-excess military property; easements for rights-of-way for military departments; and acceptance of funds to cover administrative expenses.	Air, surface (land and waterbodies), subsurface (federal lands)	U.S. Department of Defense, U.S. Army Corps of Engineers

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Endangered Species Act (ESA)	Consultations regarding endangered or threatened species and their habitats	Surface (water bodies, forested and grassland areas), air	U.S. Department of the Interior, Fish & Wildlife Service; U.S. Department of Commerce, NOAA Fisheries
Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	Responding in the event of releases of contaminants that present an imminent and substantial danger to the environment	Surface, subsurface	U.S. EPA, Office of Emergency Management (Applies only if contamination occurs)
Emergency Planning and Community Right to Know Act (EPCRA)	Reporting and emergency planning in the event of releases of listed extremely hazardous substances	Surface, subsurface	U.S. EPA, with involvement of state/local government and tribes (Applies only if contamination occurs)
10 U.S.C. Sections 2667 and 2668	Obtaining rights-of-way on military or civil works lands	Surface	U.S. Department of Defense, U.S. Army Corps of Engineers
Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	Voluntary program governed by the statutory eligibility criteria to coordinate interagency efforts, eliminate needless duplication, and engage federal agencies and project sponsors to foster improved communication and clarify expectations	Air, surface (e.g., emissions source, pipeline), subsurface	Federal Permitting Improvement Steering Council in collaboration with federal agencies
Consultation and Coordination with Indian Tribal Governments (E.O. 13175)	Regular and meaningful consultation and collaboration with tribes	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking actions with tribal implications
Environmental Justice (E.O. 12898)	<ol style="list-style-type: none"> <li>1) Identify and address disproportionately high and adverse human health or environmental effects of actions on minority and low-income populations; and</li> <li>2) promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation</li> </ol>	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking action that may impact communities with environmental justice concerns
Various state acts/regulations	Surface water use/rights permitting	Surface (water bodies)	Various state specific authorities, i.e., based on individual state riparian rights
Various local regulations	Condemnation procedures for Eminent Domain authority	Surface (emissions source, pipeline, road), subsurface	State specific authorities
Various local regulations	Local land use permitting	Surface (developed area)	Local government agencies



## Authorities Related to CO<sub>2</sub> Transportation

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Hazardous Materials Transportation Act	Permitting and packaging procedures for covered hazardous materials	Surface (pipelines, roads, rails) including on the seabed	U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration
Hazardous Liquid Pipeline Safety Act	Developing/implementing public education programs about pipeline safety	Surface (pipelines, roads, rails)	U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration
Clean Air Act (CAA)	Prevention of Significant Deterioration/New Source, including Ambient Air Quality Standards, Nonattainment NSR permitting	Air	U.S. EPA, Office of Air and Radiation, Office of Air Quality Planning and Standards
Marine Protection, Research, and Sanctuaries Act (MPRSA)	Implements the London Convention in the United States. Permitting for the transportation for the purposes of dumping and for dumping itself (disposition of material) into ocean waters and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf).	Ocean waters seaward of the baseline from which the territorial sea is measured and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf)	U.S. EPA HQ Office of Wetlands, Oceans, and Watersheds and the seven coastal EPA Regions
Various state acts/regulations	Permitting for truck/carrier, rail transport, or shipping of CO <sub>2</sub>	Surface (pipelines, roads, rails)	U.S. and state Departments of Transportation
National Environmental Policy Act (NEPA)	Environmental Assessments and Environmental Impact Statements for major federal actions	Air, surface (e.g., emissions source, pipeline), subsurface	Agencies responsible for permitting major federal actions
National Historic Preservation Act (NHPA)	Tribal consultations and evaluations of impacts to sites on the National Register of Historic Places	Surface (developed/community area), subsurface, seabed	Agencies responsible for permitting major actions in collaboration with National Park Service, State and Tribal Historic Preservation Officers, and Local governments certified as having qualified preservation programs
Fish and Wildlife Conservation Act/Fish and Wildlife Coordination Act	Consultations about non-game fish and wildlife species and their habitats	Surface (water bodies, forested area)	U.S. Department of the Interior, Fish and Wildlife Service; State wildlife agencies
Coastal Zone Management Act (CZMA)	Requires federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be	Surface (coastal and ocean), subsurface (coastal and ocean)	U.S. Department of Commerce, NOAA, Office for Coastal Management in collaboration with state agencies

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
	consistent with enforceable policies of a state's federally-approved coastal management program		
Magnuson-Stevens Fishery Conservation and Management Act	Consultations regarding adverse effects to essential fish habitat	Surface, subsurface	U.S. Department of Commerce, NOAA Fisheries
Marine Mammal Protection Act (MMPA)	Incidental Take Authorization for unintentional taking of small numbers of marine mammals. Requires public review/comment, monitoring, and reporting of take to verify negligible impact.	Waters under the jurisdiction of the United States (oceans)	U.S. Department of Commerce, NOAA Fisheries
General Military Law; Part IV: Service Supply and Property	Issuance of leases of non-excess military property; easements for rights-of-way for military departments; and acceptance of funds to cover administrative expenses.	Air, surface (land and waterbodies), subsurface (federal lands)	U.S. Department of Defense, U.S. Army Corps of Engineers
Endangered Species Act (ESA)	Consultations regarding endangered or threatened species and their habitats	Surface (water bodies, forested areas), air	U.S. Department of the Interior, Fish & Wildlife Service; U.S. Department of Commerce, NOAA Fisheries
Rights-of-Way for Pipelines through federal lands	Obtaining Special Use Permits or rights-of-way on federal lands	Surface (federal lands as defined in the authority)	U.S. Department of Agriculture, U.S. Forest Service; U.S. Army Corps of Engineers; U.S. Department of Interior; applies on federal lands
Federal Land Policy and Management Act (FLPMA)	Development of Resource Management Plans	Surface (any lands or interest managed by the Bureau of Land Management)	U.S. Department of the Interior, Bureau of Land Management Service; applies on federal lands
National Forest Management Act	Land and Resource Management Planning for multiple uses within National Forests and Grasslands	Surface (federal lands)	U.S. Department of Agriculture, U.S. Forest Service; applies on federal lands
Mineral Leasing Act (MLA)	Leasing for Federal Minerals	Surface (land)	U.S. Department of the Interior, Bureau of Land Management; U.S. Department of Agriculture, U.S. Forest Service; applies on federal lands
Outer Continental Shelf Lands Act	Grant a lease, easement, or right-of-way on the Outer Continental Shelf for activities that provide for, support, or are directly related to the injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.	Air and Surface (ocean waters)	U.S. Department of the Interior, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement
Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	Responding in the event of releases of contaminants that present an imminent and substantial danger to the environment	Surface, subsurface	U.S. EPA, Office of Emergency Management (Applies only if contamination occurs)
Resource Conservation and Recovery Act (RCRA)	Transportation of conditionally excluded carbon dioxide (CO <sub>2</sub> ) streams that are hazardous from the definition of hazardous waste must in compliance with U.S. Department of Transportation and, if applicable, state authority requirements	Surface (pipelines, roads, rails) and subsurface	U.S. EPA, Office of Land and Emergency Management, Office of Resource Conservation and Recovery
Emergency Planning and Community Right to Know Act (EPCRA)	Reporting and emergency planning in the event of releases of listed extremely hazardous substances	Surface, subsurface	U.S. EPA, with involvement of state/local government and tribes (Applies only if contamination occurs)



Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	Voluntary program governed by the statutory eligibility criteria to coordinate interagency efforts, eliminate needless duplication, and engage federal agencies and project sponsors to foster improved communication and clarify expectations	Air, surface (e.g., emissions source, pipeline), subsurface	Federal Permitting Improvement Steering Council in collaboration with federal agencies
Consultation and Coordination with Indian Tribal Governments (E.O. 13175)	Regular and meaningful consultation and collaboration with tribes	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking actions with tribal implications
Environmental Justice (E.O. 12898)	<ol style="list-style-type: none"> <li>1) Identify and address disproportionately high and adverse human health or environmental effects of actions on minority and low-income populations; and</li> <li>2) promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation</li> </ol>	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking action that may impact communities with environmental justice concerns
Various local regulations	Local land use permitting	Surface (developed area)	Local government agencies
Various local regulations	Condemnation procedures for Eminent Domain authority	Surface (emissions source, pipeline, road), subsurface	State specific authorities



## Authorities Related to CO<sub>2</sub> Sequestration

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Safe Drinking Water Act (SDWA)	Underground Injection Control (UIC) permitting	Subsurface (onshore and in offshore state waters)	U.S. EPA, Office of Ground Water and Drinking Water, permits issued by EPA regional UIC programs or EPA-approved state primacy programs
Clean Air Act (CAA)	Developing Monitoring, Reporting, and Verification (MRV) plans under the Greenhouse Gas (GHG) Reporting Rule (onshore and offshore)	Air	U.S. EPA, Office of Air and Radiation, Office of Atmospheric Protection, Climate Change Division
Clean Water Act (CWA)	National Pollutant Discharge Elimination System permitting (onshore and in offshore state waters)	Waters of the U.S	U.S. EPA, Office of Wastewater Management
Resource Conservation and Recovery Act (RCRA)	Certification for conditionally excluded (CO <sub>2</sub> ) streams that are hazardous from the definition of hazardous waste that are captured, transported, and injected into a Class VI well for purposes of geologic sequestration (onshore and in offshore state waters) and that have not been mixed with or otherwise co-injected with hazardous wastes	Surface (pipelines, roads, rails), subsurface	U.S. EPA, Office of Land and Emergency Management, Office of Resource Conservation and Recovery
Marine Protection Research and Sanctuaries Act (MPRSA)	Implements the London Convention in the United States. Permitting for the transportation for the purposes of dumping and for dumping itself (disposition of material) into ocean waters and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf).	Ocean waters seaward of the baseline from which the territorial sea is measured and the sub-seabed thereof (with the exception of CO <sub>2</sub> sequestration in sub-seabed geologic formations on the Outer Continental Shelf)	U.S. EPA Office of Wetlands, Oceans, and Watersheds and the seven coastal EPA Regions
Outer Continental Shelf Lands Act (OCSLA)	Grant a lease, easement, or right-of-way on the Outer Continental Shelf for activities that provide for, support, or are directly related to the injection of a CO <sub>2</sub> stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.	Air, Surface (ocean waters), subsurface (offshore)	U.S. Department of the Interior, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement

Authority	Action(s) Required	Affected Medium	Authorizing/Implementing Agency
Mineral Leasing Act (MLA)	Leasing for Federal Minerals (onshore)	Surface (land)	U.S. Department of the Interior, Bureau of Land Management; U.S. Department of Agriculture, U.S. Forest Service; applies on federal lands
Various state oil and gas authorities, acts, or regulations	Pooling, spacing, unitization, and/or associated mineral rights or lease holds in depleted oil and gas fields	Subsurface	State specific Oil & Gas regulatory entities
Various state authorities, acts, or regulations	Pore space use or ownership	Subsurface	State/Local agencies
Federal Land Policy and Management Act (FLPMA)	Resource Management Plan development	Surface (federal lands)	U.S. Department of the Interior, Bureau of Land Management; applies on federal lands
National Forest Management Act	Land and Resource Management Planning for multiple uses within National Forests	Surface (federal lands)	U.S. Department of Agriculture, U.S. Forest Service; applies on federal lands
National Environmental Policy Act (NEPA)	Environmental Assessments and Environmental Impact Statements for major federal actions	Air, surface (e.g., emissions source, pipeline), subsurface	Agencies responsible for permitting major federal actions (UIC permitting for storage is a NEPA-equivalent process)
National Historic Preservation Act (NHPA)	Tribal consultations and evaluations of impacts to sites on the National Register of Historic Places	Surface (developed/ community area), subsurface, seabed	Agencies responsible for permitting major actions in collaboration with National Park Service, State and Tribal Historic Preservation Officers, and Local governments certified as having qualified preservation programs
Various local regulations	Condemnation procedures for Eminent Domain authority	Surface (emissions source, pipeline, road), subsurface	State specific authorities
Fish and Wildlife Conservation Act/Fish and Wildlife Coordination Act	Consultations about non-game fish and wildlife species and their habitats	Surface (water bodies, forested area)	U.S. Department of the Interior, Fish and Wildlife Service; state wildlife agencies
Coastal Zone Management Act (CZMA)	Requires federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with enforceable policies of a state's federally-approved coastal management program	Surface (coastal and ocean), subsurface (coastal and ocean)	U.S. Department of Commerce, NOAA, Office for Coastal Management in collaboration with state agencies
Magnuson-Stevens Fishery Conservation and Management Act	Consultations regarding adverse effects to essential fish habitat	Surface, subsurface	U.S. Department of Commerce, NOAA Fisheries
Marine Mammal Protection Act (MMPA)	Incidental Take Authorization for unintentional taking of small numbers of marine mammals. Requires public review/comment, monitoring, and reporting of take to verify negligible impact.	Waters under the jurisdiction of the U.S (oceans)	U.S. Department of Commerce, NOAA Fisheries
General Military Law; Part IV: Service Supply and Property	Issuance of leases of non-excess military property; easements for rights-of-way for military departments; and acceptance of funds to cover administrative expenses.	Air, surface (land and waterbodies), subsurface (federal lands)	U.S. Department of Defense, U.S. Army Corps of Engineers
Endangered Species Act (ESA)	Consultations regarding endangered or threatened species and their habitats	Surface (water bodies, forested areas), air	U.S. Department of the Interior, Fish & Wildlife Service; U.S. Department of Commerce, NOAA Fisheries

<b>Authority</b>	<b>Action(s) Required</b>	<b>Affected Medium</b>	<b>Authorizing/Implementing Agency</b>
Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	Responding in the event of releases of contaminants that present an imminent and substantial danger to the environment	Surface, subsurface	U.S. EPA, Office of Emergency Management (Applies only if contamination occurs)
Emergency Planning and Community Right to Know Act (EPCRA)	Reporting and emergency planning in the event of releases of listed extremely hazardous substances	Surface, subsurface	U.S. EPA, with involvement of state/local government and tribes (Applies only if contamination occurs)
Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	Voluntary program governed by the statutory eligibility criteria to coordinate interagency efforts, eliminate needless duplication, and engage federal agencies and project sponsors to foster improved communication and clarify expectations	Air, surface (e.g., emissions source, pipeline), subsurface	Federal Permitting Improvement Steering Council in collaboration with federal agencies
Consultation and Coordination with Indian Tribal Governments (E.O. 13175)	Regular and meaningful consultation and collaboration with tribes	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking actions with tribal implications
Environmental Justice (E.O. 12898)	<ol style="list-style-type: none"> <li>1) Identify and address disproportionately high and adverse human health or environmental effects of actions on minority and low-income populations; and</li> <li>2) promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation</li> </ol>	Air, surface (land and waterbodies), subsurface	Federal agencies undertaking action that may impact communities with environmental justice concerns
Various state and local regulations	Surface and groundwater use/rights permitting	Surface (water bodies); subsurface (groundwater)	Various state specific authorities, i.e., based on individual state riparian rights or ground water management rules
Various local regulations	Local land use permitting	Surface (developed area)	Local government agencies