

(j) Provide personnel trained in oil spill mitigation; and

(k) Plan for safe and effective removal of the deepwater port in the event of its decommissioning.

**§ 148.730 What are the land use and coastal zone management criteria?**

In accordance with §148.715(b), the deepwater port proposal and reasonable alternatives will be evaluated on the basis of how well they:

(a) Accord with existing and planned land use, including management of the coastal region, for which purpose the proposal must be accompanied by a consistency determination from appropriate State agencies for any designated adjacent coastal State;

(b) Adhere to proposed local and State master plans;

(c) Minimize the need for special exceptions, zoning variances, or non-conforming uses;

(d) Plan flood plain uses in ways that will minimize wetlands loss, flood damage, the need for federally-funded flood protection or flood relief, or any decrease in the public value of the flood plain as an environmental resource; and

(e) Avoid permanent alteration or harm to wetlands, and take positive steps to minimize adverse effects on wetlands.

**§ 148.735 What are other critical criteria that must be evaluated?**

In accordance with §148.715(b), the deepwater port proposal and reasonable alternatives will be evaluated on the basis of how well they:

(a) Avoid detrimental effects on human health and safety;

(b) Pose no compromise to national security;

(c) Account for the historic, archeological, and cultural significance of the area, including any potential requirements for historical preservation;

(d) Minimize harmful impacts to minorities and children; and

(e) Plan for serious consideration of the proposal that offers the least potential for environmental harm to the region, or potential mitigation actions, when conflict exists between two or more proposed uses for a site.

**§ 148.737 What environmental statutes must an applicant follow?**

In constructing and operating a deepwater port, the 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: Abandoned Shipwreck Act (ASA), 43 U.S.C. 2102, *et. seq.*; American Indian Religious Freedom Act (AIRFA), 42 U.S.C. 1996, *et. seq.*; Antiquities Act, 16 U.S.C. 433, *et. seq.*; Archeological and Historic Preservation Act (AHPA), 16 U.S.C. 469; Archeological Resources Protection Act (AHPA), 16 U.S.C. 470 aa-ll, *et. seq.*; Architectural Barriers Act, 42 U.S.C. 4151, *et. seq.*; Clean Air Act (CAA), Pub. L. 95-95, 42 U.S.C. 7401, *et. seq.*; Clean Water Act of 1977 (CWA), Pub. L. 95-217, 33 U.S.C. 1251, *et. seq.*; Coastal Barrier Resources Act (CBRA), Pub. L. 97-348, 16 U.S.C. 3510, *et. seq.*; Coastal Zone Management Act (CZMA), Pub. L. 92-583, 16 U.S.C. 1451, *et. seq.*; Community Environmental Response Facilitation Act (CERFA), 42 U.S.C. 9620, *et. seq.*; 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.*; Consultation and Coordination With Indian Tribal Governments, E.O. 13175, 65 FR 67249; Coral Reef Protection, E.O. 13089, 63 FR 32701; Department of Transportation Act, Section 4(f), Pub. L. 89-670, 49 U.S.C. 303, Section 4(f), *et. seq.*; Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001-11050, *et. seq.*; Endangered Species Act of 1973 (ESA), Pub. L. 93-205, 16 U.S.C. 1531, *et. seq.*; Energy Efficiency and Water Conservation at Federal Facilities, E.O. 12902, 59 FR 11463; Environmental Effects Abroad of Major Federal Agencies, E.O. 12114, 44 FR 1957; Environmental Quality Improvement Act, Pub. L. 98-581, 42 U.S.C. 4371, *et. seq.*; Farmlands Protection Policy Act, Pub. L. 97-98, 7 U.S.C. 4201, *et. seq.*; Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, E.O. 12898, 59 FR 7629; Federal Compliance with Pollution Control Standards, E.O. 12088, 43 FR 47707; Federal Insecticide, Fungicide, and