



McChesney, Gerry <gerry\_mcchesney@fws.gov>

## Coastal Consistency Determination

1 message

Roberson, Patricia <patricia\_roberson@fws.gov>  
To: Gerry McChesney <gerry\_mcchesney@fws.gov>

Mon, Feb 11, 2019 at 12:51 PM

Hi Gerry,

Maybe we included too much time for the coastal consistency review (although you can probably never have too much time). This is the text from a document title Federal Consistency in a Nutshell.

### COMMISSION REVIEW

Legal Authority: 15 CFR §§ 930.41 and 930.42	The Commission's concurrence can be presumed by the federal agency if the federal agency does not receive the Commission's response to its consistency determination within <b>60 days</b> from the day the Commission received the consistency determination. Federal agencies are required to approve one request for an extension period of not more than <b>15 days</b> . Approval of longer or additional extension requests is left to the discretion of the federal agency. Each consistency determination is reviewed and acted upon by the Commission following preparation of a staff report, public notice, and a public hearing.
Legal Authority: 15 CFR §930.39	A <b>consistency determination</b> is a brief statement indicating whether the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CCMP. This statement is based upon an <b>evaluation</b> of the relevant enforceable policies of the CCMP, which can be found in Chapter 3 of the California Coastal Act, PRC §§ 30210, et seq. (Attachment 3). This evaluation must be included in the consistency determination. The consistency determination must also include a <b>detailed description of the activity, its associated facilities, and their coastal effects, and comprehensive data and information</b> sufficient to support the Federal agency's consistency statement. The amount of detail in the evaluation of the enforceable policies, activity description and supporting information shall be commensurate with the expected coastal effects of the activity.  Where a Federal agency is aware, prior to its submission of its consistency determination, that its activity is not fully consistent with the CCMP's enforceable policies, the Federal agency shall describe in its consistency determination the legal authority that prohibits full consistency. Where the Federal agency is not aware of any inconsistency until after submission of its consistency determination, the Federal agency shall submit its description of the legal authority that prohibits full consistency to the State agency as soon as possible, or before the end of the 90-day period.
Legal Authority:	If the Commission determines that the federal agency's consistency determination

Page 8

15 CFR § 930.41(a)	does not include all of the information required by section 930.39(a), it will immediately notify the Federal agency that the <b>60-day review period</b> has not begun and identify the necessary data and information that is missing. The 60-day review period will begin when the missing information is received by the State agency. The Commission will generally attempt to notify federal agencies of missing information within five working days from receipt of the consistency determination.
--------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

--  
Patricia Roberson  
Refuge Operations Office  
Pacific Southwest Region  
916-414-6546 telephone  
916-414-6497 fax