

Federal Consistency



Ohio Department of Natural Resources
Office of Coastal Management
Sandusky, Ohio

WHAT: The Coastal Zone Management Act (CZMA) Federal Consistency provision requires that federal actions having reasonably foreseeable effects on any land or water use or natural resource of Ohio's designated coastal management area (sometimes referred to as the coastal zone) must be consistent with the enforceable policies of the Ohio Coastal Management Program. "Federal actions" include federal agency activities, federal license or permit activities, and federal financial assistance to state and local governments. Federal Consistency may apply to federal actions regardless of the project's location.

Since the adoption of the Ohio Coastal Management Program in 1997, proposed projects have been reviewed by the Ohio Department of Natural Resources (ODNR) to determine whether they will be implemented in a manner that is consistent with the Ohio Coastal Management Program's enforceable policies. These policies contain provisions that are legally binding under state law and are federally approved as part of the Ohio Coastal Management Program by the National Oceanic and Atmospheric Administration (NOAA).

HOW: Applicants for federal licenses or permits must submit a signed Coastal Consistency Certification Statement (can be downloaded from ohiodnr.com/tabid/9291/Default.aspx) and provide all "necessary data and information" so that ODNR may conduct its review. ODNR staff may consult with other state agencies networked in the Ohio Coastal Management Program, federal agencies, and others in its review before making a final Consistency Decision for the proposed activity. Applicants can help expedite the review process by submitting complete applications for state agency permits, licenses, leases or other approvals required for the project as early as practicable in the project planning process. Examples of state authorizations that may be required for activities in Ohio's designated coastal management area include, but are not limited to: *Submerged Lands Leases*, *Shore Structure Permits*, and *Coastal Erosion Area Permits*, all from ODNR; and *Section 401 Water Quality Certifications* from the Ohio Environmental Protection Agency.

After the Federal Consistency review has been completed, ODNR will either issue a Concurrence, Conditional Concurrence, or Objection to the Consistency Certification. If ODNR issues a Concurrence to the Consistency Certification, then the federal agency may authorize the federal permit or license activity. If ODNR issues a Conditional Concurrence, the federal agency may authorize the federal permit or license activity if the applicant amends its federal application to include the conditions. If ODNR issues an Objection, then the federal agency cannot authorize the federal permit or license activity. In its Objection, ODNR may describe alternatives that, if adopted by the applicant, would make the proposed activity consistent with the policies of the Ohio Coastal Management Program. An applicant may appeal ODNR's Objection to the U.S. Secretary of Commerce. Regardless of ODNR's decision, the federal agency may, at any time, deny the applicant's request under its own authority.

WHY: Federal Consistency provides Ohio with substantial oversight and input into federal actions affecting the state's coastal management area and is an important mandatory, but flexible, mechanism to foster consultation, cooperation and coordination between applicants, state agencies and federal agencies. Federal Consistency is more than just a procedural dictate; it helps ensure the balanced use and protection of coastal resources through the Ohio Coastal Management Program policies.

This fact sheet includes information from the NOAA document "CZMA Federal Consistency Overview" and the NOAA coastal management website (coastalmanagement.noaa.gov) and is provided for information purposes only. Complete Federal Consistency procedures are contained in Title 15 Part 930 of the Code of Federal Regulations. For more information about Federal Consistency, contact:

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