

Federal Consistency Determination Guidance  
Updated 4/17/17

Under NOAA's Federal Consistency provisions (15 CFR 930), Federal agencies must determine if their proposed project directly affects Georgia's coastal zone. Cumulative and secondary effects must be included.

If no effects are reasonably foreseeable, the federal agency may submit a "Negative Determination" to the GCMP at least 90 days before final federal action on the proposed activity. If effects are reasonably foreseeable, the federal agency must submit a "Consistency Determination" to GCMP at least 90 days before final federal action on the proposed activity. All development projects within the coastal area are considered to have direct effects on the coastal zone.

The consistency determination must include a detailed description of the proposed activity, its expected effects upon the land or water uses or natural resources of Georgia's coastal zone, and an evaluation of the proposed activity in light of applicable enforceable policies. The enforceable policies of the GCMP are limited to the State laws listed in the GCMP document.

The consistency determination should state, generally, the enforceable statutory provisions and regulations of the GCMP document; detail the analysis by which the federal agency has determined that its project is consistent to the maximum extent practicable with the relevant enforceable policies of the GCMP document; provide an analysis of effects on the land or water uses or natural resources of the coastal zone (or reference pages of NEPA document if appropriate); provide information, data and analysis supporting the determination of consistency with the GCMP document; and notify the Federal Consistency Coordinator that the state has 45 days from receipt of the determination (and data and information sufficient to support the determination) in which to agree or disagree with the determination. Part of the necessary data and information required to complete the state's review is the issuance of any applicable State licenses or permits. The GCMP will not be able to concur with a consistency determination until all permits/licenses have been issued. Please list the status (e.g. application submitted, permit pending, permit issued, not applicable, exempt) of any statutory authorities that require a permit/license for your project in your consistency determination.

Enforceable policies that may require a State permit/license include: Air Quality Act, Coastal Marshlands Protection Act, Comprehensive Solid Waste Management Act, Erosion and Sedimentation Control Act (including buffer variances where applicable), Groundwater Use Act, Hazardous Waste Management Act, Programmatic General Permits for docks, Revocable License Program, Septic Tank Law, Shore Protection Act, Surface Mining Act, Underground Storage Tank Act, Water Quality Control Act, and Water Wells Standards Act.