



The Coastal Zone Management Act of 1972 and Federal Consistency Review

OCMP Jordan Cove Energy Project and Pacific Connector Gas Pipeline

The CZMA and Federal Consistency Authority in Oregon

Federal consistency is a review process that coastal states with federally approved coastal programs undertake every time a federal activity is proposed in that state's Coastal Zone. In the simplest terms, the federal consistency review process ensures that Oregon's interests are taken into account when the federal government proposes an activity, would like to permit an activity, or would like to provide assistance for an activity within the coastal zone.

The review process is part of the Coastal Zone Management Act of 1972. The U.S. Congress passed the Act to address competing uses and resource impacts occurring in the nation's coastal areas. The Act included several incentives that encouraged coastal states to develop coastal management programs. One incentive was a legal authority called "federal consistency," which was granted to coastal states with federally-approved coastal management programs. Oregon submitted a management program and gained approval in 1977. In Oregon, the Oregon Coastal Management Program within DLCD (OCMP-DLCD) has the responsibility to make federal consistency decisions. Decisions agree or object to the proposed federal activity based on an analysis of how 'consistent' the project is with the state's management program.

Federal Consistency Review Process for JCEP/PCGP

In the coastal zone, projects that need a federal permit or license must go through a review for federal consistency to ensure the federal permitting agency is acting consistent with the state's program. The proposed JCEP/PCGP project needs multiple federal permits and authorizations. OCMP-DLCD is reviewing two major federal permits/licenses needed for the proposed project: the Army Corps Section 404/Section 10 permit and the Federal Energy Regulatory Commission's energy siting certificate.

The applicants must provide OCMP-DLCD with an application which includes a coastal effects evaluation, NEPA documents such as a Draft Environmental Impact Statement, an enforceable policies analysis, and the federal permit/license applications named above.

Current Status and Timeline

The applicant for the proposed JCEP/PCGP project submitted a federal consistency application package on April 12, 2019. OCMP-DLCD has determined the application complete. Now, OCMP-DLCD has until October 12, 2019 to review the proposed project for consistency with the Program's enforceable policies. For details, please see our letter to the applicant here: <https://www.oregon.gov/LCD/OCMP/Pages/Federal-Consistency.aspx>

Opportunity for Comments

OCMP-DLCD has posted one comment period lasting 60 days that began on July 23, 2019.

The notice is posted here: <https://www.oregon.gov/LCD/OCMP/Pages/Notice-Comment.aspx>

Sign up at the following link to be notified directly of federal consistency review public comment periods: http://listsmart.osl.state.or.us/mailman/listinfo/dlcd_FederalConsistency

Comments should address whether the project has coastal effects on the natural, cultural, recreational, economic, or aesthetic resources of Oregon's coast. Effects can be direct or indirect. Comments should also address whether the project aligns, or is consistent with, the applicable enforceable policies of the coastal management program. A list of applicable enforceable policies will be posted with additional information necessary to understand the proposed project for the duration of the public comment period.

Contacts and Resources

If you have additional questions about the review process please contact the Oregon Coastal Management Program at coast.permits@state.or.us.

For more information on the Federal Consistency Authority please see

<https://www.oregon.gov/LCD/OCMP/Pages/FederalConsistency.aspx>

For information about the state's coordination with the proposed project please see

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Jordan-Cove.aspx>