

From: Toth, Lawrence
Sent: Friday, August 01, 2003 1:28 PM
To: CZMAF.proposedrule@noaa.gov
Cc: Malone, Shamus; Booser, John
Subject: June 11, 2003 Proposed Revisions of the Federal Consistency Regulations

The Pennsylvania Coastal Zone Management (CZM) Program has reviewed the proposed regulatory changes, and offers the following comments:

Overall, we feel that the proposed changes will go far to clarify the confusion which exists in the current regulations.

We have the following specific comments:

1. Rule Change 6 - We disagree with the proposed addition of Section 930.35(e) General Negative Determinations. We feel there is no need for another level of consistency determinations. The federal activities that would be reviewed under this new regulation can be adequately reviewed under the existing regulations at Section 930.35 (a) through (d). In 23+ years of doing federal consistency reviews, the Pennsylvania CZM Program has never received a negative determination. As such, we see no need to add another category of review for General Negative Determinations, when the existing regulations are adequate, but not used.
2. Rule Change 11 - We disagree with the proposed deletion of the words "permit or" in Section 930.58(a)(2) Necessary data and information. As one of many existing networked CZM programs, we base our consistency determinations in part, on the receipt of local or state permits. If a local or state permit exists we need to know. Asking for this information in a subsequent letter will cause time delays. Therefore, providing proof of issued local and state permits is necessary data and information needed to make a timely consistency decision.

If you have any questions concerning these comments, please contact Larry Toth at 717-772-5622.

Thank you for the opportunity to comment.