

WHAT IS FEDERAL CONSISTENCY?

A review process that coastal states with federally approved coastal programs undertake every time a federal activity is proposed in the states coastal zone.

Contrary to the Local Government, the Federal Government deems that the entire territory is in the coastal zone.

Why is this important?

This review process was designed to determine a project's ability to be performed in a manner that is compliant with the Virgin Islands Code, CZM Programs, Guidelines and Policies.

Why do some projects go through Federal Consistency?

Demolition and new construction results in changing of the footprint. This can disrupt the habitats of species (plants/animals) and most importantly, humans.

SHPO (State Historical Preservation Office) most likely will be involved due to our many buildings and surrounding areas that have historic reverence.

How do you know a Project needs Federal Consistency?

The REC (Record of Environmental Consideration) will inform you. It is issued by FEMA, found in Grants Portal.

Be advised, a REC goes through various submissions. If the Scope of Work changes; so will the REC.

It is the applicant's responsibility to keep abreast on these changes. In some RECs, Federal Consistency is required to happen prior to the start of any activity: construction etc.

Who reviews these projects?

Various divisions in DPNR, but it begins with CZM (Coastal Zone Management) they are the Facilitators.

Every Project that needs Federal Consistency must start with a Pre-Application Meeting.

DPNR determines if a Project is Minor or Major. If it's a Major, it is sent to the Committee.

There is a CZM Committee for each island.

What is the Process?

1 The user agency (applicant) submits a request for a Pre-Application meeting to be scheduled.

What Happens in the Pre-Application Meeting?

The user agency and Contractors present their Project. It is discussed with all Divisions in DPNR.

Here the applicant is informed on what permits will be needed, building concerns, storm water and any other suggestions that will be important before their project goes to Public Hearing.

What is in the Package?

A detailed letter-describing the overall project, maps, list of federal permits, analysis of the environmental concerns. 30% of drawings must be submitted 3-5 days prior.

2 Public Hearing

Once the Applicant turns in their complete application, a meeting is set up with the Committee. The meeting is an opportunity for the community to get informed and ask questions.

3

Decision Meeting

30 Days after Public Hearing, the CZM Committee holds a Decision Meeting. This is where the Committee votes to approve or disapprove the project.

4

Federal Consistency is issued!

4 Types of Federal Consistency

CZM Permit

Existing permit for site or project currently being evaluated.

Negative Determination

-limited or no environmental impacts
-no disturbance-interior repairs
-no coastal effects

Waivers

This describes projects that can be covered by the initial waiver issued during the hurricanes of 2017.

Federal Consistency Determination

-Demolition
-Proposed New Construction

Goals of CZM

To preserve, protect, develop and where possible to restore or enhance the resources of the coastal zone.

Frequently Asked Questions

1 How long does the process take?

Per CZM Rules and Regulations, up to 70 days.

2 Why is the process long?

Many factors to consider:
1. The quality of your package (missing documents, drawings incomplete, revisions not made, etc.)
2. There is only 1 Committee per island that reviews both public and private projects.
3. There are other projects, both private and public that are before yours in the queue.

3 Can I apply for permits while I am in the process of Federal Consistency?

Yes, you may.

4 Is there a fee?

Yes, for the stenographer.