

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency’s conditional concurrence as an objection pursuant to the applicable subpart.

§ 930.5 State enforcement action.

The regulations in this part are not intended in any way to alter or limit other legal remedies, including judicial review or State enforcement, otherwise available. State agencies and Federal agencies should first use the various remedial action and mediation sections of this part to resolve their differences or to enforce State agency concurrences or objections.

§ 930.6 State agency responsibility.

(a) This section describes the responsibilities of the “State agency” described in § 930.11(o). A designated State agency is required to uniformly and comprehensively apply the enforceable policies of the State’s management program, efficiently coordinate all State coastal management requirements, and to provide a single point of contact for Federal agencies and the public to discuss consistency issues. Any appointment by the State agency of the State’s consistency responsibilities to a designee agency must be described in the State’s management program. In the absence of such description, all consistency determinations, consistency certifications and federal assistance proposals shall be sent to and reviewed by the State agency. A State may have two State agencies designated pursuant to § 306(d)(6) of the Act where the State has two geographically separate federally-approved management programs.

(b) The State agency is responsible for commenting on and concurring with or objecting to Federal agency consistency determinations and negative determinations (see subpart C of this part), consistency certifications for federal licenses, permits, and Outer Continental Shelf plans (see subparts D, E and I of this part), and reviewing the consistency of federal assistance activities proposed by applicant agencies (see subpart F of this part). The State agency shall be responsible for securing necessary review and com-

ment from other State, regional, or local government agencies, and, where applicable, the public. Thereafter, only the State agency is authorized to comment officially on or concur with or object to a federal consistency determination or negative determination, a consistency certification, or determine the consistency of a proposed federal assistance activity.

(c) If described in a State’s management program, the issuance or denial of relevant State permits can constitute the State agency’s consistency concurrence or objection if the State agency ensures that the State permitting agencies or the State agency review individual projects to ensure consistency with all applicable State management program policies and that applicable public participation requirements are met. The State agency shall monitor such permits issued by another State agency.

Subpart B—General Definitions

§ 930.10 Index to definitions for terms defined in part 930.

| Term | Section |
|---|-----------|
| Act | 930.11(a) |
| Any coastal use or resource | 930.11(b) |
| Appellant | 930.123 |
| Applicant | 930.52 |
| Applicant agency | 930.92 |
| Assistant Administrator | 930.11(c) |
| Associated facilities | 930.11(d) |
| Coastal zone | 930.11(e) |
| Consistent to the maximum extent practicable. | 930.32 |
| Consistent with the objectives or purposes of the Act. | 930.121 |
| Development project | 930.31(b) |
| Director | 930.11(f) |
| Effect on any coastal use or resource | 930.11(g) |
| Enforceable policy | 930.11(h) |
| Executive Office of the President | 930.11(i) |
| Failure substantially to comply with an OCS plan. | 930.86(d) |
| Federal agency | 930.11(j) |
| Federal agency activity | 930.31 |
| Federal assistance | 930.91 |
| Federal license or permit | 930.51 |
| Federal license or permit activity described in detail. | 930.71 |
| Interstate coastal effect | 930.151 |
| Major amendment | 930.51(c) |
| Management program | 930.11(k) |
| Necessary in the interest of national security | 930.122 |
| OCS plan | 930.73 |
| OCRM | 930.11(l) |
| Person | 930.72 |
| Secretary | 930.11(m) |
| Section | 930.11(n) |
| State agency | 930.11(o) |