



McChesney, Gerry <gerry\_mcchesney@fws.gov>

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## Fwd: schedule for Coastal Consistency Determination

1 message

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**Pelz, Mark** <mark\_pelz@fws.gov>

Wed, Feb 13, 2019 at 3:35 PM

To: Polly Wheeler <polly\_wheeler@fws.gov>

Cc: Stacy Armitage <stacy\_armitage@fws.gov>, Anne Morkill <Anne\_Morkill@fws.gov>, Chris Barr <Chris\_Barr@fws.gov>, "McChesney, Gerry" <gerry\_mcchesney@fws.gov>, Patricia Roberson <Patricia\_Roberson@fws.gov>

Hi Polly,

Below is the rationale for our shutdown-driven schedule delay on the South Farallon Islands Invasive House Mouse Eradication Project EIS. Let us know if you have any edits. We plan to update the HQ EIS schedule modification spreadsheet shortly. The ROD signature date will be delayed from April 26, 2019 to June 20, 2019 (55 days total). We were told by HQ to "Please be sure your Regional Director approves and is prepared to defend the new timeline."

Thanks!

Mark

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The U.S. Fish and Wildlife Service requests an extension of the ROD signature date for the South Farallon Islands Invasive House Mouse Eradication Project from April 26, 2019 to June 20, 2019. Because of the recent government shutdown the Review Team briefing for the Final EIS was rescheduled from January 9, 2019 to February 22, 2019. Allowing for the 5 business day response from the Review Team, we would be able to file the FEIS with EPA on March 4th which would result in the EPA publication of the NOA March 15, 2019. The proposed mouse eradication project on the South Farallon Islands is subject to the federal Coastal Zone Management Act of 1972. Accordingly, the Service must submit a Consistency Determination to the California Coastal Commission and we believe this review process will be completed within 90 days. We will submit the Consistency Determination to the California Coastal Commission on March 15, 2019, when the Final EIS is available to the public. We would then be able to complete the ROD clearance process and ROD signature by June 20, 2019.

Mark Pelz  
Chief, Natural Resources Division  
Pacific Southwest Region  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-1832  
Sacramento, CA 95825-1846  
916-414-6504 (phone)  
916-414-6497 (fax)  
916-430-3267 (mobile)  
[mark\\_pelz@fws.gov](mailto:mark_pelz@fws.gov)

----- Forwarded message -----

From: **Roberson, Patricia** <[patricia\\_roberson@fws.gov](mailto:patricia_roberson@fws.gov)>

Date: Wed, Feb 13, 2019 at 3:13 PM

Subject: Re: schedule for Coastal Consistency Determination

To: Goodyear, Barbara <[barbara.goodyear@sol.doi.gov](mailto:barbara.goodyear@sol.doi.gov)>

Cc: Gerry McChesney <[gerry\\_mcchesney@fws.gov](mailto:gerry_mcchesney@fws.gov)>, Mark Pelz <[mark\\_pelz@fws.gov](mailto:mark_pelz@fws.gov)>

ok, I talked to Mark and we will adjust our extension request - this will put the ROD signature date at 6/20/2019. Our rationale to DOI is as follows:

The U.S. Fish and Wildlife Service requests an extension of the ROD signature date for the South Farallon Islands Invasive House Mouse Eradication Project from April 26, 2019 to June 20, 2019. Because of the recent government shutdown the Review Team briefing for the Final EIS was rescheduled from January 9, 2019 to February 22, 2019. Allowing for the 5 business day response from the Review Team, we would be able to file the FEIS with EPA on March 4th which would result in the EPA publication of the NOA March 15, 2019. The proposed mouse eradication project on the South Farallon Islands is subject to the federal Coastal Zone Management Act of 1972. Accordingly, the Service must submit a Consistency Determination to the California Coastal Commission and we believe this review process will be completed within 90 days. We will submit the Consistency Determination to the California Coastal Commission on March 15, 2019, when the Final EIS is available to the public. We would then be able to complete the ROD clearance process and ROD signature by June 20, 2019.

On Wed, Feb 13, 2019 at 2:35 PM Goodyear, Barbara <[barbara.goodyear@sol.doi.gov](mailto:barbara.goodyear@sol.doi.gov)> wrote:

For internal scheduling purposes, we should reserve 90 days, for the following reasons.

When we submit our consistency determination, the CCC will have 14 days to review it and determine if it contains the required information. If it doesn't, the CCC can notify us within the 14 day window and tell us we need to submit additional information in order for the 60 day clock to start. (BCDC does this a lot. I'm not sure whether this is a typical tactic of CCC). If they request additional information, I imagine it will take us at least a week (if not more depending on what they ask for) to get our amended submission together. Thus, that's at least 3 weeks of additional time.

Even after they determine that the Consistency Determination documentation, they can ask for a 15 day extension to their 60 day review time. We are required to grant them at least one 15 day extension. (See subsection (b). So that adds another 15 days possibly.

Given these possibilities, I would not shorten the CZMA review time from the 90 days that we previously included in our schedule.

That being said, if it all goes smoothly and they approve it sooner, then we don't need to wait the full 90 days to sign the ROD.

bg

Hope that answers your question.

On Wed, Feb 13, 2019 at 1:41 PM Roberson, Patricia <[patricia\\_roberson@fws.gov](mailto:patricia_roberson@fws.gov)> wrote:

Hi Barbara,

In our first schedule for Coastal Consistency process we included 90 days for processing. In looking at the Coastal Commission's website, the review period they indicate is 60 to 75 days which is consistent with the NOAA regulations 930.41(a) and (b). However, NOAA regulations 930.41(c) say that the final Federal agency action shall not be taken sooner than 90 days from the receipt by the State agency of the consistency determination unless the State concurs or concurrence is presumed. For scheduling purposes can we support 90 days for this process, or just 60-75 days?

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Patricia Roberson  
Refuge Operations Office  
Pacific Southwest Region  
916-414-6546 telephone  
916-414-6497 fax

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Patricia Roberson  
Refuge Operations Office  
Pacific Southwest Region  
916-414-6546 telephone  
916-414-6497 fax