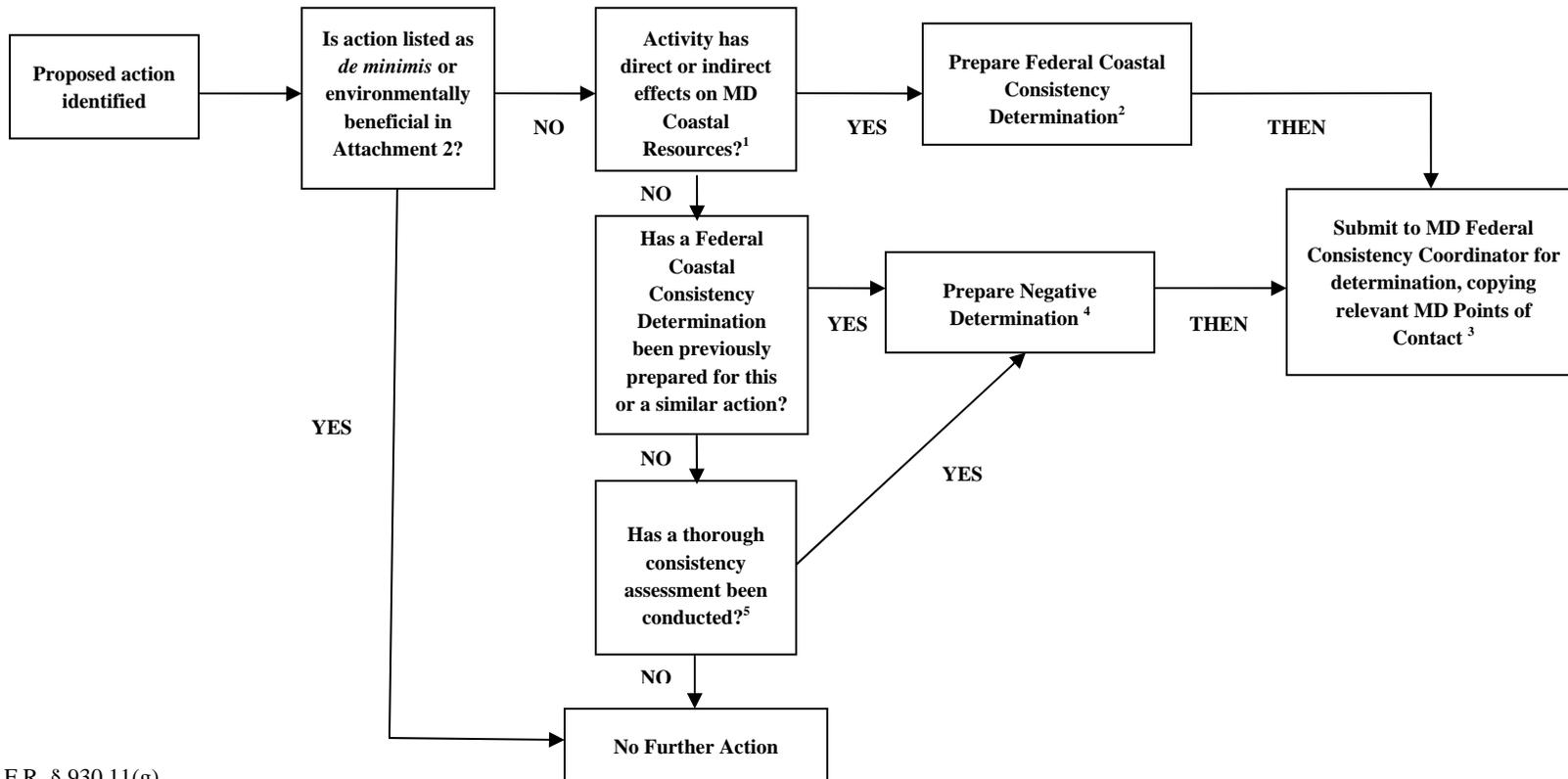


**Memorandum of Understanding between the State of Maryland and
The United States Department of Defense**

Attachment 3: Federal Consistency Review Flow Chart



¹15 C.F.R. § 930.11(g)

²See Contents of Federal Coastal Consistency Determinations (Attachment 4) for a consistency determination template. Federal Coastal Consistency Determinations shall indicate whether such proposed activities will be undertaken in a manner consistent to the maximum extent practicable with Maryland’s Enforceable Coastal Policies. See 15 C.F.R. § 930.32.

³See Maryland Federal Consistency Review Points of Contact (Attachment 1). The Maryland Federal Consistency Coordinator shall inform the DoD-identified point of contact of Maryland’s concurrence with, or objection to, the DoD’s consistency determination at the earliest practicable time, after providing for public participation in Maryland’s review of the consistency determination. DoD may presume Maryland’s concurrence if Maryland’s response is not received within 60 days from the receipt of the DoD’s consistency determination and supporting information. According to 15 C.F.R. § 930.41(a), the 60 day review period begins when the Maryland Federal Consistency Coordinator receives the consistency determination and supporting information required by 15 C.F.R. § 930.39(a).

⁴In accordance with 15 C.F.R. § 930.35, the DoD shall provide the negative determination to the Maryland Federal Consistency Coordinator and relevant points of contact, listed in Attachment 4, at least 90 days before final approval of the DoD activity. Maryland has 60 days to respond, and may request an extension of 15 days or less. The Maryland Federal Consistency Coordinator is not obligated to respond to a negative determination. If the Maryland Federal Consistency Coordinator does not respond to the Department of Defense’s negative determination within 60 days, Maryland Federal Consistency Coordinator concurrence with the negative determination shall be presumed. See 15 C.F.R. § 930.35(c) for guidance on how to proceed should Maryland object to the negative determination.

⁵An EA or EIS prepared pursuant to NEPA which evaluates effects to coastal uses or resources is a thorough consistency assessment triggering the requirement to prepare a Negative Determination. However, in cases where the activity is on the List of *de minimis* and Environmentally Beneficial Activities, a Negative Determination would not be required.