

## **Negative Determination**

A negative determination is a determination by a Federal agency that a proposed activity will not have any coastal effects [15 CFR §930.35].

1. Negative determinations shall include a brief description of the activity, the activity's location and basis for the Federal agency's determination that the activity will not affect any coastal resource or coastal use.
2. A negative determination shall be provided to the State agency at least 90 days before final approval of the activity unless the State and Federal agencies have agreed to an alternate notification schedule.
3. The State agency is not obligated to respond to a negative determination.
4. If a State agency does not respond to the Federal agency's negative determination within 60 days, State agency concurrence is presumed.
5. State agency concurrence is not presumed in cases where the State agency, within the 60 day period requests an extension of time to review the determination. Federal agencies shall approve one request for an extension period of 15 days or less.
6. If a State agency objects to the negative determination asserting that coastal effects are reasonably foreseeable, the Federal agency shall consider submitting a consistency determination or otherwise attempt to resolve any disagreement within the remainder of the 90 day period as set forth in 2 above.
7. In the event of serious disagreement between the Federal and State agencies regarding a determination related to whether a proposed activity affects any coastal use or resource, either party may seek Secretarial mediation or OCRM mediation services.