



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

COMPACTS AND COMMISSIONS OFFICE

April 16, 2020

Autumn Kelley
District Environmental Specialist
PennDOT District 1-0
255 Elm Street
P.O. Box 398
Oil City, PA 16301

Re: CZMA Federal Consistency: Bayfront Parkway Central Corridor Improvement Project

Dear Ms. Kelley:

The Pennsylvania Coastal Resource Management (CRM) Program has reviewed the information for the Bayfront Parkway Central Corridor Improvement Project (Project) received in this office on 3/26/2020. The proposed activity includes reconfiguring three major intersections, completing a multiuse trail network, and constructing a pedestrian bridge within the City of Erie, Erie County.

The Project is subject to CRM's federal consistency review under Section 307 of the Coastal Zone Management Act (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration regulations at 15 C.F.R. Part 930 Subpart F -- Consistency for Federal License and Permit Activities. CRM reviewed the Project for consistency with its enforceable policies in the *Commonwealth of Pennsylvania Coastal Resources Program (CRMP) Guidance Document* (394-0300-001).

CRM hereby concurs that the proposed activity is consistent with the program's enforceable policies, subject to the following conditions:

1. Prior to construction, the applicant will acquire and maintain compliance with any general permit, individual permit, waiver, or other authorization that may be required under Title 25, Chapter 105 of the Pennsylvania Code (Chapter 105) for any instream work or wetland encroachments.
2. Prior to construction, the applicant will acquire and maintain compliance with Pennsylvania historic preservation programs and activities, including any clearances, concurrences, or other approval mechanism(s) required or requested by the Pennsylvania Historical Museum Commission, State Historic Preservation Office under the Pennsylvania Historical (Code Pa. Code Title 37) and the National Historic Preservation Act of 1966 (16 U.S.C. 470).

This conditional concurrence is subject to the requirements described in 15 C.F.R. § 930.4 (relating to conditional concurrences). If the conditions described above are not acceptable to the applicant, then this letter serves as CRM's objection to the proposed activity. Pursuant to 15 C.F.R. part 930, Subpart H, and within 30 days from receipt of this letter, you may request that the Secretary of Commerce override this objection. In order to grant an override request, the Secretary must find that the activity is either consistent with the objectives and purpose of the Coastal Zone Management Act or is necessary in the interest of national security. A copy of the request and supporting information must be sent to CRM and the federal permitting, licensing, or funding agency. The Secretary may collect fees from you for administering and processing your request.

Under 15 C.F.R. § 930.4(a)(2), the project applicant must notify CRM immediately if the above conditions are unacceptable. Any modifications to the project scope or procedures from those submitted for this consistency review may require the submission of a new or supplemental federal consistency determination pursuant to 15 C.F.R. § 930.46 and/or § 930.51(e).

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH THE UNITED STATES SECRETARY OF COMMERCE WITHIN 30 DAYS OF RECEIPT OF THIS CONDITIONAL CONCURRENCE LETTER IN ACCORDANCE WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGULATIONS AT 15 CFR 930.4(a) AND 15 CFR 930, SUBPART H.

Secretarial appeals should be mailed to:

Oceans and Coasts Section
Office of General Counsel
National Oceanic and Atmospheric Administration
1305 East-West Highway, Suite 6111
Silver Spring, Maryland 20910
301-713-2967

Please note that this conditional concurrence pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection reviews or permits.

Sincerely,



Matthew D. Walderon
Federal Consistency Coordinator
Coastal Resources Management Program

Cc: Shelby Clark