

**Program Managers Meeting
Coastal Programs Programmatic Session
Discussion of Program Change Regulations
February 25, 2009**

Below is a summary of the two sessions held to discuss changes to the program change regulations.

Web-based submissions

- States generally supported this idea, but had questions about how it would work (particularly in terms of the back and forth discussions after a program change is submitted). Need more information.
- Do not want a system like CAMMP.

Clarity as to what should be submitted

- OCRM should explain what the core elements are
- Submitting a program change to qualify for funding – states point to funding language as a reason why they can't use CZM funds for other activities that are not in the approved CZM program

Standard format and Strike-out/Insert text

- Several states are already required to do such an analysis so it is not a problem
- Word can do a side-by-side comparison of two documents
- States generally OK with providing strike-out/insert text, but there are situations when it is not possible (wholesale changes or serious backlog)
- Regulations should allow for flexibility – it may not always be reasonable or possible for state to provide strike-out/insert text; some changes should just be reviewed in their current format → is there a certain threshold?
- Concern about regulations being too detailed – should not lock ourselves into something because cannot predict all scenarios; could create potential procedural challenges
- No specific comments about the table

Analysis

- States want a manageable approach that allows for easy updates (possibly on an annual basis)
- OCRM should clearly identify the thresholds for the level of analysis required – states want to know how much analysis is needed up front
- Suggestion to provide a deadline for when OCRM would decide if a change needs to undergo a NEPA review. Establish a schedule for different benchmarks and thresholds.

Basis for disapproval

- States wanted clarity about preempted and discriminatory policies

Questions

- Should the program change regulations describe the core program elements for which changes should be submitted? Yes.

- Do there need to be specific procedures for wholesale changes to programs? Yes.
- Do there need to be specific provisions for updating program documents? Yes.
- Do there need to be specific provisions for changes to local programs? No. Leave local program/policy incorporation up to the state so long as the local programs/policies are meeting thresholds at the state level that we have approved.
- What linkage should there be between the 309 and program change process? They should not be linked in the program change regulations.
- What linkage should there be between the 312 and program change process? They are already linked, but the link should be strengthened (but not necessarily in the regulations). Whether program changes have been submitted and the program is up-to-date could be tracked as a performance measure.

Other ideas and comments:

- Several states suggested doing a trail run with different programs to see how the proposed approach works (SC and OR volunteered)
- OCRM noted that we are in a rulemaking so we cannot share drafts with the states. They can provide comments and any written correspondence (including emails) will be part of the public record.