

IMPROVING PROGRAM CHANGES

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Why?

- Need for a better efficiency
- Need programs to be updated
- Questions over interpretation
- Increased complexity of making changes

Desired Outcomes

- More efficiency
- Greater certainty
- Stronger programs

Where are we headed?

Thoughts on a Proposed Rule

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- Web based submission and public notice
 - Posted by the State and OCRM
 - Email notification to interested parties

 - Greater clarity as to what is required
 - When is a submission necessary?
 - Only for enforceable policies and core elements
 - Is a program change necessary to qualify for funding?

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- Developing a standard format
 - ▣ Table and checklist
 - ▣ Alternatives to strike-out/insert text?

 - Simply state the change, its context and effect
 - ▣ No longer require an analysis as to whether a program change is routine or an amendment
 - ▣ No longer require the substantiality analysis

Describe basis for disapproval

Approval

- Will CZMA requirements continue to be met?
- Are Enforceable policies identified?
- Is there a clearly stated standard and state-law mechanism for enforceable policies?

Disapproval

- Is there direct regulation of federal agencies or lands?
- Is the policy preempted?
- Is the policy inconsistent with “national interests”?
- Is the policy discriminatory?

Questions still to be answered

Core Program

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

Scale of Changes to Programs

- ❑ Do there need to be specific procedures for wholesale changes to programs?
- ❑ Do there need to be specific provisions for updating program documents?



Local Programs

- Do there need to be specific provisions for changes to local programs?

Enforceable Policies

- What additional guidance is needed as to the content of enforceable policies?

NEPA

- How do we avoid triggering NEPA reviews that do not serve to inform the decision-making process?

§309 and §312

- What linkage should there be between the §309 and program change process?
- What linkage should there be between the §312 and program change process?

One Last Question

Should we wait on the outcome of the reauthorization of the CZMA?

NO

Our Timeframe

- Proposed rule published July 2009
- Final rule before the end of the year

YOUR THOUGHTS?

PLEASE.

