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## COMMENTS

Dear Mr. Kehoe:

Thank you for the opportunity to comment on NOAA's proposed changes to the Coastal Zone Management Act Program Change Procedures. The San Francisco Bay Conservation and Development Commission (Commission) implements the federally-approved coastal management program (CMP) for the San Francisco Bay portion of California's coastal zone.

We agree the existing program change regulations can be difficult to interpret and that the program change process can sometimes lack clarity and efficiency, and we support NOAA's efforts to revise the program change procedures to provide a clearer and more efficient and transparent process for program change submission and review.

Conceptually we support the idea of replacing <sup>3</sup>routine program changes<sup>2</sup> and <sup>3</sup>amendments<sup>2</sup> and with just <sup>3</sup>program changes.<sup>2</sup> However, the process for a truly routine change should be streamlined and it is unclear at this point how the revised guidelines would differentiate between truly routine changes and all other program changes. The goal should be reducing burdens on states to provide lengthy or tedious justifications for each and every change to their program.

We also support replacing the <sup>3</sup>substantial<sup>2</sup> evaluations with a simple description of the program change. The current burden on states to support a determination that a change is routine because it does not result in a substantial change in one of the defined program areas is both cumbersome and inefficient, particularly without a defined threshold for what constitutes <sup>3</sup>substantial.<sup>2</sup> However, without the <sup>3</sup>substantial<sup>2</sup> evaluations, it will be critical for NOAA's approval/disapproval criteria to be clearly defined.

In addition, we support changes to the program change procedures that would result in a more consistent process with regard to submittals and the review process. Our experience with program change submittals has been a lack of consistent and predictable submittal requirements, particularly regarding the level of analysis required to determine whether a program change is substantial. Excessive NOAA staff discretion regarding required content of state submittals has sometimes resulted in a lengthy and burdensome program change process. More clear and consistent guidelines for states to follow including a program change checklist could ease state and NOAA paperwork burdens and promote consistent submissions and NOAA analyses.

Finally, with regard to the submittal of underline/strikeout documents showing changes to previously approved programs, we currently follow this practice whenever possible in our program change submittals and agree it is a practical and useful procedure. However, there are situations in which large scale revisions of the CMP are needed due to an accrual of years of changes or the enactment of new state legislation or regulations. In that situation, submittal of several iterations of underline/strikeout documents showing each of the changes over time is at best time consuming and confusing and at worst virtually impossible. We would urge NOAA to consider granting more flexibility to states attempting to undertake large and complex program changes in an effort to bring up-to-date severally outdated portions of their CMPs.

Thank you again for the opportunity to comment. Please don't hesitate to contact me with any questions on this matter.

Sincerely,  
WILL TRAVIS  
Executive Director