

## Modifications to a Project in an Approved CIAP State Plan

*Note: The guidance provided below was updated May 2010, and greater clarification of the content provided in June 2010. The new guidance provides a revised process for the submittal of changes to an approved project. These revisions were made based on input from the recipients, with the intent to expedite the reviews and approvals of Plan Amendments.*

### Definition of Change and Amendment

To determine if a proposed modification to a project in an approved CIAP State Plan is a change or an amendment, BOEMRE has composed the following guidance:

A modification to a project in an approved Plan is considered to be a change if the project still complies with the original intent of the project as stated in the approved Plan. The modified description should comport with the original project description, to the extent it remains recognizable as the original project and is still covered by the Governor's Certification of Public Participation in the approved Plan.

Any proposed modification to a project in an approved Plan that cannot meet the above criteria should be considered an amendment.

### Submittal and Approval of Changes to Projects in an Approved Plan

All modifications to projects considered changes must be submitted in a grant application. The changes must be identified and explained in Number 11 of the Project Narrative, *Changes from the Approved State Plan*:

- Identify any project/technical change and explain the reason for the change;
- Identify any financial change and explain the reason for the change;
- Show financial compliance with the FY Allocation and 23% limit; and
- Include an assurance statement that the proposed changes comply with the original intent of the project as stated in the approved Plan and the modified description comports with the original project description to the extent it remains recognizable as the original project, and is still covered by, the Governor's Certification of Public Participation. *Application submittal and official signature by the recipient will validate the assurance.*

The Project Officer assigned to the grant application will review the changes to determine if the project still meets the authorized use (AU) specified in the approved Plan and is in financial compliance. If it is determined that the project no longer meets the authorized use or is not in financial compliance, the Project Officer will inform the recipient of the required changes. Award of the grant signifies approval of the requested changes. All approved changes must be submitted in the next updated, administrative version of the Plan.

Modifications considered to be approvable changes to projects and still meet an AU may include, but are not limited to:

1. Changing the scope of a project (*e.g.* decreasing the number of created wetlands acres due to an increase in the project cost);
2. Changing the budget of a project (*e.g.*, increasing the budget due to an increase in the cost of materials);
3. Moving a project from one Tier to another (*e.g.*, moving a project from Tier 2 to Tier 1); or
4. Changing which FY funds are to be used for a project.

### **Submittal and Approval of Amendments**

All modifications to projects considered amendments must be submitted in a Plan Amendment. A Plan Amendment must be prepared and submitted according to the requirements and procedures of a Plan, which include:

- The State preparing the Plan Amendment in coordination with its CPSs;
- The State and CPSs providing for public participation in the preparation of the Plan Amendment;
- The State providing adequate public notice of the Plan Amendment availability and a 30-day public comment period for the Plan Amendment (which shall include all approved Plan material modified by the Amendment, such as the financial tables, as well as any new material associated with the Plan Amendment, such as the project descriptions.).
- Certification by the Governor that sufficient opportunity has been provided for public participation in the development of the Plan Amendment.

If a Plan Amendment incorporates by reference materials in the approved Plan, it is recommended that the State make the approved Plan available to the public for their reference (*e.g.*, via a website or other mechanism) during the public notice and comment period for the Plan Amendment.

Approval of a Plan Amendment signifies the projects contained therein can now be submitted for funding via grant applications.