

NOAA Office for Coastal Management
FY2017 Performance Progress Report Guidelines
Coastal Management Program Annual Awards (Sections 306, 306A, 309, and 310)

Introduction

This document provides NOAA Office for Coastal Management guidance for the submission of performance progress reports for financial assistance awards under Sections 306, 306A, 309, and 310 of the Coastal Zone Management Act of 1972, as amended (CZMA). NOAA uses the information contained in performance progress reports to determine adherence by State, Commonwealth and Territory coastal management programs (coastal programs) to the terms of financial assistance awards; compliance with grant tasks; adherence to the approved management program and plan; progress on meeting Section 312 evaluation necessary actions or recommendations; and the extent to which the coastal program is addressing management needs identified in Section 303(2)(A) through (K) of the CZMA.

Under the Federal Chief Financial Officers Act of 1990 (CFOA), the files of all federal agencies, including those of NOAA, have become subject to annual CFOA audit. These audits include a determination as to whether federal grant files contain up-to-date financial reports and performance progress reports from recipients. If grant recipients have not submitted timely performance progress and/or financial reports as required by the Terms and Conditions of the award:

- NOAA cannot issue new grant awards,
- NOAA cannot approve post-award actions, and
- NOAA must deny access to funds under all financial assistance awards to that recipient.

The goal of Office for Coastal Management and NOAA's Grants Management Division (GMD) is to reduce the amount of paperwork required and staff time necessary to prepare and process performance progress reports while still providing necessary information.

General Reporting Requirements

Reporting frequency: Performance progress reports are divided into three sections: Section A (status of award tasks), Section B (status of program implementation activities), and Section C (success stories). For each open financial assistance award, coastal programs are required to submit performance progress reports on a semi-annual basis beginning from the start date of the award. Coastal programs must include Section A in every performance progress report and describe work performed under that award. Section B should only be reported in the performance progress report for the most recent award and cover work performed under all open awards. Section C should also only be reported for the most recent award and should showcase recent accomplishment of the coastal program. Coastal programs should not submit quarterly performance progress reports. Although some coastal programs require quarterly

performance reports from their sub-awardees and NOAA leaves this decision to the coastal program, please do not send these quarterly reports under separate cover to NOAA. Instead, summarize sub-awardees' quarterly reports in the semiannual performance progress report.

Reporting Deadline: Performance progress reports must be submitted no later than 30 days after the end of the performance period in order to ensure compliance with NOAA Standard Terms and Conditions, and to ensure compliance with the CFOA.

Electronic Reporting: All NOAA award recipients must manage their grants, including performance progress reporting, on Grants Online. To the extent possible, associated work products should also be submitted via Grants Online. As there is only one module in Grants Online for each report, all sections of the performance progress report and work products must be submitted together. Also, in Grants Online, performance progress reports are submitted so that they are affiliated with a specific award. Thus, coastal programs must submit a separate performance progress report for each open award.

In the Grants Online Performance Progress Report module, coastal programs can either choose to copy and paste short reports into the text box provided or attach a Microsoft Word or Adobe PDF file of the performance progress report. Since the text box provided is small relative to the typical coastal program performance progress report, it is most likely easier to submit the performance progress report as an attached file. Individual task reports and report sections should be compiled into one comprehensive file. All work products available in electronic format should also be submitted as attached files with the performance progress report. If work products are submitted as individual files, then the file name should clearly indicate the task with which they are affiliated. Performance progress reports and work products can be submitted in a variety of electronic formats, however, Adobe PDF or Microsoft Word are the most commonly used.

The NOAA Office for Coastal Management recognizes that it may not be possible to submit all work products electronically due to file size or format (e.g., videos, education posters). In these cases, work products can still be submitted in hard copy directly to the state's site liaison. Please ensure the product is identified by grant, task number, and performance period so the report it is associated with is clear. Only ONE copy is needed. A step-by-step guide to submitting performance progress reports in Grants Online is in Attachment D.

Last Performance Report: For coastal management awards, a comprehensive "final" report, covering all tasks over the life of the award, is not required. Instead, the NOAA Office for Coastal Management requires that the last report only cover open tasks and activities, clearly indicating when they are completed (after which it is no longer necessary to report on them). GMD has concurred with this decision (ref. Memorandum between Uravitch and Litton, "Final Performance Report Waiver," dated 12/28/98). The last performance progress report is due 90 days after the close of the final performance period and should be labeled as the last report for that award.

Reporting on Equipment and Real Property

Equipment or supplies acquired at a cost or having a fair market value of \$5,000 or greater per unit must be inventoried in the final progress report by completing standard form SF-428.

Recipients who requested funds for real property (common to construction grants) or land acquisition must complete standard form SF-429. Recipients must report on equipment, supplies, and real property at a cost or fair market value of \$5,000 or greater purchased by any subrecipients or if equipment was obtained from a federal agency. More guidance on property definitions and forms is posted under: <http://coast.noaa.gov/funding/forms.html>.

Coastal programs also must briefly address any significant equipment issues including how the equipment will be used after the project ends.

Coastal Zone Management Act Performance Measurement System: Congress directed NOAA to design and implement a performance measurement system to demonstrate national effectiveness in meeting the goals of the Coastal Zone Management Act (CZMA). The CZMA Performance Measurement System was developed in cooperation with coastal programs to report performance measures at the national level. Guidance for the CZMA Performance Measurement System is issued separately and coastal programs are required to submit performance measure data annually according to that guidance. CZMA Performance Measurement System data will be used in combination with examples of program successes reported in Section C to communicate to stakeholders, including Congress, the importance of the National Coastal Zone Management Program. The data will also be used to inform program management decisions.

Coastal programs are encouraged to include a task or sub-task in their awards related to implementation of the CZMA Performance Measurement System. Progress and implementation issues can then be reported for that task or sub-task in Section A of performance progress reports. In addition, the NOAA Office for Coastal Management will continue to work with coastal programs to improve and streamline the CZMA Performance Measurement System, as appropriate.

Performance Progress Report Sections: This guidance document provides descriptions, examples, and a format for the information that should be submitted in performance progress reports. Specific inconsistencies between NOAA Office for Coastal Management reporting requirements and state reporting systems should be resolved by the state program managers and the NOAA site liaison. Coastal programs are encouraged to make these reports as concise as possible. Narrative discussions can be brief in cases where attachments (contracts, work products, meeting minutes, publications, public notices, etc.) provide a clear indication of progress. However, coastal programs must ensure that there is sufficient information for all tasks (including subawards) to document performance measure submissions, as well as to provide accurate information regarding the status of each project, including any substantial delays or milestones reached. Attachments may be reports prepared for internal office purposes, reports prepared by the coastal program agency, or other statewide reports. Refer to Attachment A for examples.

Project of Special Merit (PSM) Progress Reports: PSM projects are selected competitively and awarded as individual agreements, separate from the state's annual coastal zone management cooperative agreement. Therefore, PSM progress reports should be submitted and affiliated with the individual PSM award rather than with the annual cooperative agreement.

Multiyear Pilot Program Awards: Coastal programs participating in the 2016-2017 multiyear pilot program will be required to track expenditures of each fiscal year's funds within the multiyear award. NOAA will coordinate with pilot programs to develop a mechanism to track and report on funding expenditures within the multiyear awards.

Progress Report Notifications

Coastal programs are required to keep their Grants Online award profile up-to-date for its recipient administrator, authorized representative, and principle investigator (PI). Coastal Programs have the option to add any additional key personnel, such as the business or financial representatives.

Grants Online automated advance notifications of progress report deadlines, report reminders, and special award condition satisfaction deadlines are sent to the PI.

Grants Online automated advance notifications of financial report deadlines and report reminders are sent to the recipient's business and financial representatives. If a coastal program has not identified business and financial representatives in the Grants Online award profile, the advance notifications and reminders are sent to the coastal program's authorized representatives and recipient administrators.

Consequences of Delinquent Performance Progress and Financial Reports

NOAA requires that cooperative agreement recipient reporting is done in a timely manner. For this reason, Grants Online sends automated messages to recipient personnel listed in each award profile for any progress report delinquent one day or more; and for any financial report delinquent two days or more stating:

The Grants Officer, in consultation with the Program Office, is authorized to take appropriate actions if recipients fail to meet their obligations under awards. Every grant and cooperative agreement contains a provision for suspension and/or termination of the award for failure to submit required reports, deficient project performance, poor financial management, non-payment of accounts receivable, and/or other non-compliance or deficiency problems.

Enforcement actions may include, but are not limited to written correspondence delineating needed actions; suspension of payment, suspension of the award, termination of the award; or debarment and suspension of the recipient pursuant to 2 CFR § 200.338 – 200.342 (previously addressed under 15 CFR § 26 and 15 CFR § 14.62 or 15 CFR § 24.43, as

applicable).

If any reports are delinquent by 15 days or more, recipients can expect a suspension of payments action to commence within the next 15 days. If any reports are delinquent by 30 days or more, recipients can expect suspension of the Award within the next 15 days. More serious actions may also be considered.

Grants Online sends follow-up messages to recipients with delinquent progress reports every 10 days until the delinquency is resolved. The following NOAA officials are copied in messages about delinquent reports: federal program officer and the line agency's Grants Management Advisory Representative. If the report remains delinquent, the federal program officer will notify the OCM regional lead, program manager, and/or Business Operations Division about the delinquency. If the recipient is late by 15 calendar days or more, OCM may request that GMD suspend the recipient's ASAP funding drawdown permissions (suspension of payments).

Grants Online sends follow-up messages to recipients with delinquent financial reports on the 1st and 16th of the month following the report deadline until the delinquency is resolved. The following NOAA officials are copied in messages about delinquent reports: federal program officer and NOAA GMD grants specialist.

Performance Progress Report Title: Please include the following information in a title or on a cover page of the report:

Performance Progress Report for State Cooperative Agreement No.: NA16NOS419XXXX
for the Period from _____ to _____

Section A: Progress and Status of Award Tasks

Section A is reported semi-annually for each open award. Section A describes the status of each Section 306, 306A (if applicable), 309, and 310 (if applicable) cooperative agreement task and relevant special award conditions.

The report must be detailed enough to provide NOAA with a clear understanding of what has been accomplished under each task during the performance period. It must also be informative enough to provide NOAA with preliminary notice that revisions to a task or the award may be necessary due to problems encountered during the performance period. However, describing potential award changes in the performance progress report does not replace the need to formally request such changes.

Section A should be organized in the following format for each task:

1. Task number and title, as written in the award application.

2. Status of associated special award conditions.
3. Description of implementation progress (e.g., activities, key meetings held, permits processed, contracts or work products completed, and summaries of findings for studies). Note why achieving these things is important (what's the impact).
 - a. For each 309 task, describe progress in achieving program changes as identified in the coastal program's approved Section 309 Assessment and Strategy.
4. Status and description of task milestones or outcomes completed. If required work products, outcomes, or deadlines are not due for a task during the reporting period, the narrative should describe progress in achieving these outcomes.
5. Status of task as either "not started", "in-progress", "not on schedule" or "completed" (including date of completion). If status is either "not started" or "not on schedule", please include an explanation and plans to complete task outcomes.

Section B: Status of Section 312 Evaluation Progress, State Permits, Federal Consistency, and Program Changes

Section B reports should only be submitted with the performance progress report for the most recent award. Section B describes the work performed under all open awards directly related to coastal program implementation regarding: (1) Section 312 Evaluation Progress; (2) Permit administration, monitoring and enforcement, (3) Federal consistency, and (4) Program changes. Information reported under these topics should include sufficient detail to provide a clear understanding of the major activities, problems, controversies, and accomplishments during the performance period. Section B.1 (a and b), Section 312 Evaluation Progress, should be reported annually. All other elements of Section B need to be reported semi-annually.

In the case of Sections B.2 and B.3, coastal programs should submit quantitative information in chart or tabular form, as well as narratives that briefly describe the most significant aspects of the reporting elements; example charts are provided in Attachment B. Coastal programs may use existing state reporting mechanisms to provide the tabular data requested as long as the information that meets the reporting requirements is provided. When a topic area in Section B is also a grant task (and therefore reported under Section A), it is not necessary to repeat the same information in Section B, as long as all the required information is provided. The following provides a more detailed description of information to be reported under each topic of Section B.

Section B.1: Section 312 Evaluation Progress

Section B.1a describes status and progress in meeting any 'necessary actions,' 'program

suggestions¹ or ‘recommendations’ identified in the most recent Section 312 Evaluation Findings. Coastal programs must address any necessary actions in evaluation findings while recommendations are not mandatory.

This section must be detailed enough to provide NOAA with a clear understanding of what has been accomplished to meet each necessary action or recommendation during the performance period. This section should also provide NOAA with preliminary notice if the coastal program is not on schedule to meet requirements of a Section 312 necessary action. NOAA recognizes that not every necessary action or recommendation will have activities to report during every performance period. If no activity occurred, simply indicate status in the narrative. If a coastal program has considered a recommendation but has determined they will not be implementing the recommendation, the status should be labeled as ‘closed’ in Section B.1.a.4 and an explanation should be included as to why the program chose not to implement the recommendation.

Section B.1a should be organized in the following format for each necessary action and recommendation:

1. Title or summary, including identification as a necessary action or recommendation.
2. Description of progress in meeting requirements of the necessary action or recommendation.
3. Deadline(s) for necessary action(s), if established in Section 312 Evaluation Findings
4. Status of completion as either “not started”, “in-progress” “not on schedule” or “completed” (including date of completion). If status is either “not started” or “not on schedule”, please include an explanation and plans to address requirements.

Section B.1b – as noted in Joelle Gore’s March 10, 2017 email to CZM Program Managers, the CZM system is currently in the process of identifying national targets for evaluation measures. The current round of evaluation measures covered the period from FY2012-FY2016; the next round will be from FY2018-2022. Therefore, there are no Evaluation Metric reporting requirements associated with the FY2017 award funding; essentially, CZM programs are “skipping” a year of reporting. Reporting on the new 312 metrics will begin with the FY2018 awards

Section B.2: Permit Administration, Monitoring, and Enforcement

¹ Note: The term ‘program suggestion’, which was used for Section 312 evaluations conducted through 2011, has been replaced by the term ‘recommendation’ under the new Section 312 process. While some coastal programs are still reporting on ‘program suggestions’ for the sake of this guidance ‘recommendations’ will be used here on out to denote either ‘program suggestion’ or ‘recommendations’.

Section B.2 includes quantitative summary data on the total number and type of coastal program-mandated permit applications received, issued, or denied for core programs. This section also includes a brief description of any major on-going issues; controversial development projects or permit applications; significant violations detected and their resolution; and other enforcement actions. You may append news clippings, memos, etc., to support abbreviated summaries for highly controversial projects. If an item had been discussed in previous reports, please update this information as necessary.

In addition, describe the coastal program's efforts to monitor activities of other state or local agencies (networked or otherwise); identify accomplishments or problems related to ensuring agency compliance with the approved coastal program; and where necessary, discuss actions to bring these agencies into compliance. If a coastal program is unable to provide information for one or more of these categories, please discuss this with your OCM site liaison.

Section B.3: Federal Consistency

Section B.3 includes both charts and narrative information that describe federal consistency reviews and activities during the performance period. The narrative report should briefly describe, in case study format, significant consistency reviews; specific examples of controversial projects; the type of project modifications required to meet consistency provisions; and important consistency negotiations during the reporting period.

The narrative should describe any efforts to improve the consistency review or coordination process (i.e., to develop regulations, guidelines or other advisory materials). Internal reports or other documents that address these issues may be attached in lieu of additional narrative in the performance progress report.

Section B.4: Program Changes

Section B.4 briefly summarizes significant or developing changes to a program's authorities or organizational structure that may affect the federally-approved coastal program in order to provide preliminary notice to NOAA of future program change submissions. Example activities include changes in core program authorities (statutes, regulations, policies); changes in organization or coordination agreements; approval of local coastal programs; and designation of special management areas. States should briefly describe any plans to submit draft or formal program changes to NOAA. If no program change activities have occurred during the reporting period, please include a statement to that effect. This report is not a substitute for a draft or formal submission to NOAA of such program changes pursuant to 15 CFR Part 923, Subpart H.

Section C: Success Stories

Section C should be included in each semi-annual performance progress report for the recipient's most recent award. This section is used to gather short stories about

accomplishments achieved with CZMA funding, but that funding needn't be from an open award. NOAA will use these stories to demonstrate and communicate the effectiveness and value of the National Coastal Zone Management Program through congressional testimony, websites, media stories, factsheets, and other mechanisms. The focus is on significant program accomplishments, including ones that may have taken several years to come to fruition. A coastal program, for example, may have provided community technical and financial assistance two years ago and the resulting community ordinance was only recently adopted. Or perhaps the program developed post-disaster response guidance a few years ago and the value of it became particularly obvious after a storm. The focus should be on impact.

Coastal programs must submit content for at least one success story and could submit content for more than one. For each story, coastal programs should provide the basic story information NOAA can adapt for various uses. A template is provided below.

Coastal programs have considerable flexibility in choosing Section C topics and are encouraged to use the five focus areas from the CZMA Performance Measurement System: government coordination, public access, coastal habitat, coastal hazards, and coastal community development and coastal dependent uses. Other suggested areas of focus include program or state accomplishments in areas such as: federal consistency, legislative or regulatory improvements, state or regional coordination, and conflict resolution.

In addition, the following story elements are encouraged:

- Shows a coastal issue being addressed and the impact (not the plan and anticipated results).
- Shows partners working together.
- Has quantifiable numbers. (such as saves dollars; is the biggest, worst, best, first, last, etc.)
- Is particularly different, new, or groundbreaking.
- Includes a testimonial.
- Shows a link to a NOAA National Ocean Service or Office for Coastal Management priority such as place-based conservation; coastal resilience; coastal intelligence (information for decision makers); green infrastructure; or coastal economy.

STORY TEMPLATE

THE PROBLEM: [Provide a brief description (1-3 sentences) of the problem that the coastal program addressed.]

THE FIX: [Provide a brief description (1-4 sentences) of what the coastal program did to address the problem.]

THE IMPACT: [Provide a brief description (1-3 sentences of the impact) the coastal program's efforts had.]

MORE INFORMATION: [If available, provide a link to online information or the title of hard copy document(s) and how it could be obtained.]

PARTNERS: [List any partners that the coastal program worked with to achieve this accomplishment.]

CONTACT: [Provide the name, phone number, and email address of someone at the coastal program that could provide additional information about this achievement if needed.]

Examples of Section C success stories submissions are provided in Attachment C.

OMB Control #[0648-0119](#) Expires 1/31/2019. The Office for Coastal Management requires this information to report progress in relation to projected work schedules and stated objectives. The data will be used to assure compliance. Public reporting burden for this collection of information is estimated to average 27 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Joelle Gore, Chief, Stewardship Division, NOAA Office for Coastal Management, 1305 East-West Hwy., 10th Floor, Silver Spring, Maryland 20910. This report is required under and is authorized under 25 CFR200.328. Information submitted will be treated as public records. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with collection information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number.

Attachment A

Section A: Section 306, 306A, 309, and 310 Tasks Status

'STATE' COASTAL MANAGEMENT PROGRAM

FY2017 AWARD NA17NOS419xxxx

July 1, 2017 - December 31, 2017 (1st Semi-Annual Report Period)

Task 306-1—Program Administration: No special award conditions.

The two staff funded under this task continued to oversee and implement a number of the major implementation activities as outlined in our grant. In the fall, contracts were executed for the local pass-through projects once we received notification via Grants Online that the award had been approved. The Program also hosted a workshop for potential grant applicants in the upcoming year in advance of the RFP due date of December 1. Staff reviewed the proposals and made preliminary selections of eligible projects. These will be forwarded to NOAA in the draft application due in March. Staff monitored the activities of the state legislature with respect to bills being considered that could impact the coastal program. Technical reviews were conducted for two pieces of proposed legislation (described further in our Section B report). The updated MOA between the Coastal Resources and the Water Quality Divisions was finalized and signed in December; a copy is included in Attachment 306-1. Staff continued to participate in the state dredging management workgroup and attended three meetings during the reporting period. Copies of the month-by-month program reports prepared for our Department head are also included in Attachment 306-1 to provide additional detail regarding staff and program activities.

Task Milestones or Outcomes Completed:

- Local FY2017 Grant Workshop held August 15, 2017
- FY2011 sub-award contracts completed September 1, 2017
- MOA between Coastal Resources and Water Quality Division finalized on December 3, 2017

Task Status: In progress; on track to be completed by June 30, 2018

Task 306-2—Permit Administration and Federal Consistency: No special award conditions.

Staff working under this task is responsible for administering the CZM Program's three major permitting programs. During this reporting period staff reviewed 84 development projects. Of these, 12 were major, 11 were local, and 19 were federal actions. A complete summary of permit and consistency activities can be found in the tables in Section B. Seven sites were visited to assess potential impacts to wetlands. Staff also conducted six meetings with applicants to explain the consistency review process. Included in Attachment 306-2 are

copies of significant consistency determinations and water quality certifications, as examples of on-going project review activities. One appeal was filed during this reporting period; a hearing has yet to be scheduled. Copies of two final decisions for appeals that were issued in this period are also included in the Attachment.

Task Milestones or Outcomes Completed:

- Task outcomes are ongoing

Status: In progress; on track to be completed by June 30, 2018

Task 306-3—Wetland Mitigation Study: No special award conditions.

The final version of the wetland mitigation study entitled “Saltwater Marsh Mitigation in Silver Bay,” was completed in November and the CZM Program is preparing to release the results during the next reporting period. The next task progress report will include a summary of major findings from this study. To summarize, the study evaluated the relative success of 15 compensatory wetland mitigation projects performed from 2013-2015 around Silver Bay and recommended changes to the program’s mitigation criteria and standards and tracking database. Although the study began late due to heavy rains in the spring, the study team was able to meet the planned target date for completion of the report. The Program will begin to evaluate the steps necessary to implement the proposed changes in the next reporting period. A copy of the study is included as Attachment 3.

Task Milestones or Outcomes Completed:

- Saltwater Marsh Mitigation in Silver Bay report published and distributed in November 2017

Status: In progress; on track to be completed by June 30, 2018

Task 306-4—Technical Assistance to Local Governments for Inspection Staff: No special award conditions.

Contracts were executed for three of the cities identified in our application and they have begun work. The fourth, Washington, had to be cancelled owing to an inability to come up with the required match. A request to NOAA to reprogram the approximately \$25,000 in federal funds to a different locality or another task, will be submitted during the next reporting period.

Task Milestones or Outcomes Completed:

- Finalized contracts for 3 of 4 cities targeted by this task

Status: Not on track; Sub-award to one community was not completed and will be

reprogrammed to a different locality to accomplish task outcomes

Task 306A-1—Acorn Park Fishing Pier: Special award condition met: Title Opinion and Checklist submitted October 10, 2017.

This task has fallen 3 months behind schedule as the recipient was restricted from starting work on the project because they had not submitted a title opinion and project checklist. These documents were received in October and forwarded to NOAA immediately. The signed checklist was received from NOAA in November. The recipient anticipates being able compress the construction schedule so as to still complete the project within the original 18-month award period.

Task Milestones or Outcomes Completed:

- Finalized contract with city

Status: Not on schedule; contract with sub-awardees has been finalized with a compressed construction schedule for completion by June 30, 2018

Task 310-1—Development of New Setback Regulations: No special award conditions.

Work is progressing on schedule for this task, which relates to the Sect. 310 Hazards strategy to establish new setback regulations for development in beach and dune habitat. The interagency workgroup met twice during the reporting period; the second time to finally come to agreement on the new proposed setback distance. Consensus was reached in part based on the Division's completion of the new erosion rate calculations and shoreline change maps. Once a decision was made, staff were able to finalize the proposed rule language. The language will be presented to the Commission for consideration at their next quarterly meeting in March. Barring any complications, the rules should be adopted by fall 2016, as planned. Subsequent to that, the rules will be submitted to NOAA as a routine program change. A copy of the draft rules highlighting the revisions is included as Attachment 4.

Task Milestones or Outcomes Completed:

- Held 2 interagency workgroup meetings
- Issued new erosion rate and shoreline change maps
- Completed draft rules for interagency comments

Status: In progress; on schedule for completion by June 30, 2018

Attachment B

Section B: Status of Section 312 Evaluation Progress, State Permits, Federal Consistency, and Program Changes

Section B:
FY2017 AWARD NA16NOS419xxxx
FY2017AWARD NA16NOS419xxxx
July 1, 2017 - December 31, 2017

B.1a: Status of Section 312 Evaluation Progress

Necessary Action: *Routine Program Changes: Program must submit all outstanding program changes within six months of receipt of final evaluation findings issued on October 15, 2013. Following submission of all outstanding program changes, program must work with their Office for Coastal Management program liaison to develop a schedule for submitting future program changes on a regular basis. Program will provide semi-annual updates to NOAA describing progress in addressing this Necessary Action".*

Program has established a workgroup to hold regular meetings to review RPC needs and develop regular requests. Staff will use the RPC reporting section provided within Section B reports to submit a semi-annual RPC approval request. Beginning with the next Section B report, all RPCs for the performance period will be formally submitted to NOAA. On Dec. 11, 2017, staff submitted to NOAA a draft RPC document for comment and review to ensure that the product meets expectations.

Deadline: June 11, 2018

Status: In progress; on schedule to meet deadline

Program Suggestion: To accelerate efforts to incorporate its coastal hazard planning measures into State and local level decision-making process.

RESPONSE – In addition to legislative initiatives, the Program has developed mapping applications to provide centralized access to coastal data and mapping tools to visualize, share, map and analyze data needed to assist coastal hazard planning and has increased the availability of technical and financial assistance to local communities. The Program completed development of wetland adaptation area data, made available through the Coastal Atlas, to incorporate wetland habitat and coastal hazard planning measures into State land conservation decision-making processes and deliver the information to local communities to help inform local land planning efforts.

To enhance the delivery of technical assistance to coastal community partners related to coastal hazards, sea level rise and climate change adaptation, the Program re-focused

its annual grants and funding assistance program (to better serve the on-the-ground community needs. The Program now advances adaptation by helping communities assess vulnerability, identify how to address gaps and fund projects to implement changes that reduce vulnerability.

These accomplishments have accelerated efforts to incorporate coastal hazard planning measures into State and local level decision-making processes.

Status: Completed.

Section B.2: Permit Administration, Monitoring, and Enforcement

Permit Administration: The coastal program did not receive any unusual or controversial permit applications during the performance period. A summary of the total permits filed, issued, and denied are categorized by core coastal program and attached in Chart #1.

Monitoring State Consistency: The mitigation workgroup for state and local agencies held its annual mitigation review meeting on September 15, 2017. During the meeting, agencies reviewed state and local tidal wetland and beach/dune permits issued with mitigation requirements for adherence with coastal program policies. The workgroup found that all mitigation requirements adhered to coastal program policies. However, the workgroup agreed to update technical guidance related to “in-kind” mitigation.

Enforcement: The program obtained a favorable ruling regarding its authority to order the removal of houses on the public beach under the State Open Beaches Act (OBA), NAT. RES. CODE §§ 61.001-.026, and state law authorizing removal orders for unauthorized structures on state-owned submerged land, NAT. RES. CODE §§ 11.012(c), 11.041, 11.077, 51.302.

Severance v. State Commissioner, Cause No. 4:06-CV-2467, U.S. District Court, Southern District of State. Person x, a California resident, purchased three houses in ‘city’ that were on the public beach. Through the Pacific Legal Foundation, a property rights activist group, person x filed a federal lawsuit against the state commissioner in his official capacity, claiming that the possibility of enforcement of the Open Beaches Act through litigation for removal violated their constitutional rights. Person x argued that the imposition of the “rolling beach easement” which put the house on the beach is a governmental taking of property for public use without just compensation. In May 2007, United States District Judge granted the state’s motion to dismiss Severance’s claims on a number of grounds. Severance appealed the district court’s dismissal to the U.S. Court of Appeals. Briefing is complete. Oral argument has not yet been scheduled.

Section B.3: Federal Consistency

The coastal program reviewed 108 federal permit and license applications, of which nine were above the Program's established thresholds. The average time taken to review federal permit and license applications was twelve days. A summary of federal consistency reviews is given in Chart III, "Federal Licenses and Permits."

The U.S. Fish and Wildlife Service contacted the coastal program to enter into early coordination discussions regarding the issuance of new maps for the Coastal Barriers Resources System in the state's coastal zone. Regular meetings have been scheduled for the next 6 months to coordinate this initiative.

In respect to permit streamlining, the program was informed at a meeting in July that the state has agreed to assume permit evaluation of the USACE pier General Permit. (A transfer timeline had not been identified as of this writing.) Additionally, the program was informed that the USACE plans to monitor usage of the boat ramp GP for specific bay systems before determining whether to offer permit evaluation responsibilities to a state agency. The program is also being kept informed regarding possible development of additional GP.

Section B.4: Program Changes

The interagency coastal council met on September 15, 2017, and reviewed proposed changes to state policies that are part of the coastal program network. Networked state agencies agreed to develop a summary of all proposed rule changes that will affect the coastal program by March 2017. An analysis of these summaries will be provided in the next performance progress report.

Examples of Permit Administration Status Charts for B.2

These charts are meant as guides. States may submit this data in another format if one is used by the applicable agency as long as the same information is included, or else manipulate the data to fit charts of this type.

Chart #1—Summary of Permits

(for coastal programs with direct permitting authority or if not, the networked permit and enforcement agencies, as well as local governments if the program has approved local components - indicate as appropriate)

State/Local Permitting Agency (Coastal Management Agency or Network Agency)	Core Program or Type of Permit Activity (where applicable, indicate major or minor)	Total Applications Filed	Total Permits Issued	Total Permits Denied
<i>Department of Environmental Quality</i>	<i>Tidal wetlands fill</i>	10	7	3
<i>Department of Marine Resources</i>	<i>Submerged Lands</i>			
<i>Local government (if appropriate)</i>	<i>Stormwater management permit</i>			
Total Activity				

Examples of Federal Consistency Status Charts for Section B.3

Chart #2—Direct Federal Agency Activities (Section 307(c)(1) and (2))

- Each individual project acted on during the past six months should be listed.

Federal Agency	Activity or Project	Concurrence	Non-concurrence		Time of Review
			Insufficient information	Inconsistent with state policies	
DOD/ACOE	<i>Dredge Material Disposal - Port Bienville Harbor</i>			x	45 days

Chart #3—Federal Licenses and Permits (Section 307 (c)(3)(A))

- Group projects by federal agency and type of license or permit

Federal Licensing or Permit Agency	Type of Permit	Number of Permits	Number of Concurrences	Number of Non-concurrences		Time of Review
				Insufficient information	Inconsistent with state policies	
DOD/ACOE	<i>Section 10</i>	6	3	1	2	60 days

Chart #4—Federal Licenses and Permit Activities Described in Detail in OCS Plans (Section 307(c)(3)(B))

-List each individual project

Federal Agency	Project Name and Plan of Exploration or Development	Concurrence	Non-concurrence		Time of Review
			Insufficient information	Inconsistent with state policies	
DOI/MMS	Santa Lucia Unit - P0007 (POE)			x	6 days

Chart #5—Federal Assistance to State and Local Governments (Section 307(d))

Agency	Type of Assistance	Total	Concurrence	Non-concurrence		Time of Review
				Insufficient information	Inconsistent with state policies	
HUD			3			

Attachment C

Examples of Section C Success Story Submissions

THE PROBLEM

Many coastal area educators find teaching about local climate change impacts to be challenging. Teachers in [X State/region] requested help with this task, and the XX coastal management program responded.

THE FIX

The CMP funded and provided assistance developing "Climate Education for a Changing Coast." The lesson design brings the classroom into the field and provides teachers with a professional development opportunity. During its pilot year, the program reached approximately 75 students and five teachers with classroom visits, schoolyard field experiences, and a second field experience at the reserve.

THE IMPACT

Teachers are now more aware of age-appropriate materials and ways to use visualizations and data. The CMP's staff helped incorporate coastal tools, including NOAA Digital Coast tools, into teacher training in a continued effort to empower teachers with the knowledge and confidence to teach about climate change and the specific impacts to X coastal area.

MORE INFORMATION: Go to XXX website.

PARTNERS: NERR, SeaGrant, Local NGO

CONTACT: John Smith, john.smith@cmp.gov

Visualizing Locally Relevant Sea Level Rise Scenarios for XXX

THE PROBLEM

XXX is expected to be highly susceptible to the impacts of climate change and variability, especially rising sea levels. Coastal planners and hazard mitigation managers there sought a means of analyzing and communicating coastal flooding scenarios.

THE FIX

The coastal zone management program assessed XXX vulnerability to sea level rise using both national tools and local land use information and sea level rise projections to assess future flooding impacts to XXX communities and coastal habitats.

THE IMPACT

The resulting coastal flooding maps and associated analyses are being integrated into local and regional planning efforts. These products are also being used to help communicate potential impacts of climate change throughout XXX, update the standard state mitigation plan, and aid local climate change education efforts. Community X and Community Y have already

incorporated this information into their local land use plans and ordinances.

MORE INFORMATION: Go to XXX website.

PARTNERS: State Climate Adaptation Team, NOAA OCM/Digital Coast, State University

CONTACT: Jane Doe, jane.doe@cmp.gov

Attachment D:
How to Submit a Performance Progress Report in NOAA Grants Online

1. Click the "Award" tab, located across the upper portion of your Grants Online page.
2. Click the "Search Report" link located on the left hand side of the page.
3. The "Search Financial and Performance Progress Reports" page is displayed. On this page, click the "Search" button to retrieve all reports available to you. In order to limit your selection to specific reports, populate the search criteria and click on the "Search."
4. In the search results, locate and click on the "Progress Report" you wish to complete. The "Performance Progress Report" detail page is displayed.
5. On this page, in the blue text box above the "Spell Check" button, include a comment that your performance report and any relevant items are attached to this report. Then, upload the report itself with any additional files under the "Attachments" section. Please note that large attachments may not upload; limit the size of your attachments to less than 10 megabytes.
6. To upload attachments:
 - a. Scroll to the bottom of the page and click the "Attachment" link.
 - b. Click the "[+]" link
 - Another section will display allowing you to search your computer for the file.
 - Click the "Browse" and follow the prompts.
 - You must fill in the "Description" field with a short description of the attachment. If you do not enter a description, the attachments will NOT save.
 - Click the "Save Attachment" button and the attachment is uploaded to Grants Online.
 - Repeat until all needed attachments are included. Unfortunately it is not possible to upload more than one file at a time.
7. To start workflow, click the "Save and Return to Main" button. A message will appear confirming that you want to start workflow; click the "Yes" button.
8. This action generates a review task, which is sent to your "Task Inbox" for this request. The report has not been submitted until you review this task and select "Forward to Agency". To forward the report to NOAA for review, it may take two cycles of "review" on your end. This is a functionality build into Grants Online to allow for hierarchical review and is not always relevant to Coastal Management awards; however, you must follow this process to ensure your report is sent to NOAA.
9. To submit the report, click the "Inbox" tab and then click on the "Tasks" link. You should see a task for the performance report; click the "View" link next to the task. The Launch page is displayed for the task. Select the action you wish to perform from the action dropdown menu, which initially should be "Forward Report to Recipient Authorized Representative." If you wish, you can add a comment in the box for your Authorized Representative (Note: you have to hit the "Save" button for the comment to be recorded). Click the "Submit" button. The review task will then be forwarded to the Recipient Authorized Representative(s) in your organization.
10. The Authorized Representative will need to follow the same steps as in #9, only their action will be "Forward Report to Agency." Note that if the person who initially created the report

also has the role of “Recipient Authorized Representative,” that person will have to process two tasks to submit the request to NOAA. Once “Forward Report to Agency” has been selected and “Submit” has been clicked, the report should have been finally submitted.