

Office of Ocean and Coastal Resource Management FY2012 Performance Progress Report Guidelines

Introduction

This document provides Office of Ocean and Coastal Resource Management (OCRM) 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). OCRM needs 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 program suggestions; 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 OCRM's Coastal Programs Division (CPD) 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. Sections B and C should only be reported in the performance progress report for the most recent award and cover work performed under all open awards. Coastal Programs should not submit quarterly performance progress reports. Although some Coastal Programs require quarterly performance reports from their sub-awardees and CPD leaves this decision to the coastal program, please do not send these quarterly reports under separate cover to CPD. 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 are deployed onto NOAA's online grants management system known as NOAA Grants Online. Therefore, all Coastal Programs MUST use Grants Online to submit their performance progress reports and, to the extent possible, associated work products. 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, consolidated reports for all open awards are no longer feasible and 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 Word or PDF file of the performance progress report. Since the text box provided is small relative to the typical Coastal Zone Management (CZM) 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. Work products should be submitted as individual files rather than embedded in the performance progress report and 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.

CPD recognizes that it may not be possible to submit all work products electronically (e.g., videos, education posters). In these cases, work products can still be submitted in hard copy directly to the state's CPD program specialist. Please ensure the product is identified by the cooperative agreement, task number, and performance period so the report they are 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 CZM awards, a comprehensive "final" report, covering all tasks over the life of the award, is not required. Instead, CPD 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 30 days after the close of the final performance period and should be labeled as the last report for that award.

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. State-reported contextual measures should be regularly tracked. Programs are required to report on the contextual measures every five years when developing their Section 309 Assessment and Strategy. 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 CZM Program.

OCRM will continue to work with Coastal Programs to improve and streamline the CZMA Performance Measurement System. To support such improvements, 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 the performance progress reports.

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.: NA12NOS419XXXX
for the Period from _____ to

Performance Progress Report Sections: This guidance document provides descriptions, examples, and a suggested format for the information that should be submitted in performance progress reports. Specific inconsistencies between OCRM reporting requirements and state reporting systems should be resolved by the state program managers and the appropriate CPD program specialist. Coastal Programs are encouraged to make these reports as concise as possible. Narrative discussions can be particularly brief in cases where attachments (contracts, work products, meeting minutes, publications, public notices, etc.) provide a clear indication of progress. 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.

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 cooperative agreement task and relevant special award conditions. The report must be detailed enough to provide OCRM with a clear understanding of what has been accomplished under each task during the performance period. It must also be informative enough to provide OCRM 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 changes to the cooperative agreement 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 progress towards deliverables and outcome(s) (e.g., activities, key meetings held, permits processed, contracts or work products completed, and summaries of findings for studies).
 - a. For each 309 task, describe progress towards achieving program changes as identified in the coastal program's approved Section 309 Assessment and Strategy.
4. Status and description of progress towards deliverables and outcomes. If no required deliverables are due for a task during the reporting period, the narrative should describe progress towards achieving the deliverable.
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 a plan for completing task outcomes.

Note: For 306 Tasks that include tracking and reporting 312 Evaluation Metrics, please see instructions on how to report progress made on the 312 Evaluation Metrics in Section B1.b below. You do not need to report progress on the 312 Evaluation Metrics under Section A. Under the appropriate 306 Task, simply refer the reader to Section B.1b of the performance progress report for information on work completed related to the 312 Evaluation Metrics.

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

Section B is reported semi-annually and 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 Findings; (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.

In the case of topics 2 and 3, states 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’ or ‘program suggestions’ identified in the most recent Section 312 Evaluation Findings. This section must be detailed enough to provide OCRM with a clear understanding of what has been accomplished to meet each necessary action or program suggestion during the performance period. This section should also provide OCRM with preliminary notice if the coastal program is not on schedule to meet requirements of the Section 312 evaluation findings. OCRM recognizes that not every necessary action or program suggestion will have activities to report during every performance period. If no activity occurred, simply indicate status in the narrative. Section B.1a should be organized in the following format for each necessary action and program suggestion:

1. Title or summary, including identification as a necessary action or program suggestion
2. Description of progress in meeting requirements of the necessary action or program suggestion
3. Deadline(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 describes status and progress towards meeting the Section 312 Evaluation Metrics identified by the coastal program. This section should contain numeric data for each of the agreed upon three Evaluation Metrics established for the current five year measurement period (FY2012-FY2017). Coastal Programs are required to report on Section 312 Metrics in the program’s second semi-annual progress report (e.g., July 1 states would include Section B.1b reporting in the performance report due July 2013 and October 1 programs would include Section B.1b reporting in the performance report due October 2013). Section B.1b should be organized in the following format for each of the three Evaluation Metrics:

1. Title (or number of) Section 312 Evaluation Metric
2. Coastal Management Program Goal
3. Coastal Management Program Objective
4. Strategy
5. Performance Measure
6. Target

7. Annual Data for Section 312 Performance Measure.
8. Cumulative Data Total for the Section 312 Performance Measure between 2012-2017.
Note: this cumulative total will start with the FY12 cooperative agreement start, so FY12 annual data will equal cumulative data for the first reporting period.
9. Documentation of the data used to demonstrate progress towards meeting the Section 312 Performance Measure Target.
10. Brief Narrative of state's progress in meeting the Section 312 Performance Measure Target. Narrative should include a description of any significant accomplishments related to the Evaluation Metric and an explanation of any major obstacles encountered during the reporting period.

Note:

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

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 lead state coastal management program agency'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 federally approved coastal management 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 coastal program specialist.

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 also report on efforts to improve the consistency review or coordination process (i.e., to develop regulations, guidelines, or other advisory materials). Internal reports, etc. 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 management program in order to provide preliminary notice to CPD of program change activities. Example activities include changes in CZM or other core program statutes; changes in organization or coordination agreements; amended regulations; approval of local Coastal Programs; and designation of special management areas. Development of any potential new authorities, programs, agreements, etc. for which the coastal program may seek incorporation should also be discussed and note any plans to submit a draft or formal program change. 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 OCRM of such program changes pursuant to 15 CFR 923.80-84.

Section C: Success Stories

Section C is reported semi-annually for accomplishments under any open award and should only be submitted with the performance progress report for the most recent award. Section C should include success stories from work performed under any open award or accomplishments of the coastal program during the performance period. The purpose of Section C is to collect information on innovative management, technical, and resource protection programs to share among Coastal Programs and to cite specific accomplishments under the National CZM program. OCRM has used examples of success stories in technical assistance bulletins, Congressional testimony, factsheets, other NOAA documents, and in discussions with other Coastal Programs. Section C success stories may also be highlighted in the National CZM Program's quarterly newsletter. Examples provided in Section C are extremely beneficial to the National CZM Program to help demonstrate and communicate effectiveness.

For Section C, Coastal Programs will submit at least one or more examples of a project or instance where the coastal program has been successful in addressing coastal management issues. Coastal Programs have considerable flexibility in choosing Section C examples 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 are the coastal program's role or state accomplishments in areas such as: federal consistency, legislative or regulatory improvements, state or regional coordination, and conflict resolution.

The narrative for each success story should include:

- Identification and description of the coastal resource management issue;
- If applicable, a geographic location of the project should be identified including community name, Congressional district, and other location information;
- Description of how the coastal program was involved;

- Summary of the accomplishment and outcomes such as improvements in increased resource protection and institutional relations (e.g., a Memorandum of Agreement with another agency to ensure that coastal policies are better addressed);
- Quantitative information on the degree of improvement (e.g., acres of wetlands protected as a result of increasing the state's monitoring and enforcement efforts, economic benefit of the achievement); and
- CZM federal and matching funds expended and associated state, federal, and local funds leveraged for the improvement.

It is recommended that each Section C success story be approximately one half to one single-spaced page in length. The description should include enough information that OCRM can use the report without requesting additional information. Coastal Programs can attach any digital photos, reports, press releases, or other work products associated with the success story if a copy is not already provided through Sections A or B of the performance progress report. Examples of Section C success stories are provided in Attachment C. Articles about state successes in previous CZM newsletters are also good examples and can be found at <http://coastalmanagement.noaa.gov/news/czmnewsletter.html>.

OMB Control #0648-0119 Expires 8/31/2012. OCRM 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, Acting Chief, Coastal Programs Division, OCRM, 1305 East-West Hwy., 11th Floor, Silver Spring, Maryland 20910. This report is required under and is authorized under 15 CFR 24.40. 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 FY2011 AWARD NA12NOS419xxxx

July 1, 2011 - December 31, 2011 (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 FY2011 Grant Workshop held August 15, 2011
- FY2011 sub-award contracts completed September 1, 2011
- MOA between Coastal Resources and Water Quality Division finalized on December 3, 2011

Task Status: In progress; on track to be completed by June 30, 2012

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, 2012

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 2005-2007 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 2011

Status: In progress; on track to be completed by June 30, 2012

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, 2011.

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 OCRM immediately. The signed checklist was received from OCRM in November. The recipient anticipates being able to 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, 2012

Task 309-1—Development of New Setback Regulations: No special award conditions.

Work is progressing on schedule for this task, which relates to the Sect. 309 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 2011, 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, 2012

Attachment B

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

Section B: FY2012 AWARD NA12NOS419xxxx January 1, 2013 - June 30, 2013

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, 2008. Following submission of all outstanding program changes, program must work with their CPD program specialist to develop a schedule for submitting future program changes on a regular basis. Program will provide semi-annual updates to OCRM 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 OCRM. On Dec. 11, 2012, staff submitted to OCRM a draft RPC document for comment and review to ensure that the product meets expectations.

Deadline: June 11, 2013

Status: In progress; on schedule to meet deadline

B.1b Section 312 Evaluation Metrics (Section only needs to be included in the second Section B progress report for the grant)

Evaluation Metric #1 - Coastal Habitat Protection and Restoration

Goal: Healthy habitats that sustain resilient and thriving coastal resources

Objective: By 2017, six local governments will have developed and/or adopted new local wetlands or other coastal habitat protection ordinances as a result of some technical or financial assistance from the coastal management program

Strategy: The approach for meeting this goal and target is in our 2011-2016 309 Strategy Protecting Wetlands.

Performance Measure: The number of local wetlands or other coastal habitat protection ordinances developed and/or adopted as a result of some documented coastal management program assistance

Target: 6 local government wetlands or other coastal habitat protection ordinances developed and/or adopted by 2017.

Annual Data for 312 Evaluation Performance Measure: 1 local government adopted a new local wetlands protection ordinance.

Cumulative Data Total for the 312 Evaluation Performance Measure: 1 local government adopted a new local wetlands protection ordinance.

Documentation:

Town/City	Ordinance #	Ordinance Title	Date Adopted
Town of Silver River	Ordinance XX.XX	Prohibiting Wetland Fill	March 19, 2013

Narrative: CZM staff funded provided technical assistance to planning staff in the Town of Silver River to develop an ordinance prohibiting development or fill within wetlands within the town's designated high priority habitat zone. The Silver River Town Council adopted the ordinance on March 19, 2013, and the new ordinance is available online at www.----.gov. The CZM program had also provided an earlier grant to the town (NA10NOS..., Task 306-12, subtask 1) through the Coastal Community grant program that supported the town's work to map the designated high priority habitat zone.

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, 2012. 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 2012, 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, 2012, 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 2013. 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>	<i>10</i>	<i>7</i>	<i>3</i>
<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	
<i>DOD/ACOE</i>	<i>Dredge Material Disposal - Port Bienville Harbor</i>			<i>x</i>	<i>45 days</i>

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	
<i>DOD/ACOE</i>	<i>Section 10</i>	<i>6</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>60 days</i>

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	
<i>DOI/MMS</i>	<i>Santa Lucia Unit - P0007 (POE)</i>			<i>x</i>	<i>6 days</i>

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	
<i>HUD</i>		<i>3</i>	<i>3</i>			

Attachment C

Examples of Section C Success Stories

Virginia CZM Efforts Result in Dune, Beach Protection: Virginia Governor Timothy Kaine signed legislation expanding the reach of the Virginia Coastal Primary Sand Dunes and Beaches Act to the entire coastal zone (roughly the area east of Interstate 95) on February 22nd. Passage of the legislation is the culmination of years of coordination and research by the Virginia Coastal Zone Management (CZM) Program. At the time of the original dune act legislation in 1980, it was known that coastal primary sand dunes existed in nine localities, but there was no comprehensive inventory of dune or beach resources.

A series of studies funded by the Virginia CZM Program and conducted by the Virginia Institute of Marine Science showed that extensive dune and beach resources were unprotected, especially from the effects of shoreline hardening structures designed to control shoreline erosion. Based on this new information the Virginia CZM Program's Coastal Policy Team, consisting of representatives from the program's network of coastal agencies and localities, supported the idea of expanding the act, and Virginia State Delegate Harvey Morgan sponsored the bill. As a result of the expanded legislation, more localities have the ability to manage these critical resources by adopting ordinances that would be administered by local wetlands boards. If a coastal locality chooses not to adopt the ordinance, then the Virginia Marine Resources Commission will regulate development affecting dunes and beaches in that locality.

Rhode Island Promotes Urban Waterfront Revitalization through its Metro Bay SAMP:

The Metro Bay area, comprised of the cities of Cranston, East Providence, Providence and Pawtucket at the northern end of Narragansett Bay, is a former industrial hub for the region. However, over the years, the waterfront area along this region has become outdated and underutilized. With the help of the Rhode Island Coastal Resources Management Council (CRMC), the cities are now acting to make the region a more appealing place to live and work by improving the economic, social, and environmental resources of the working waterfront; attracting major developers with more predictable and efficient permitting; and providing recreation and access to the water.

To achieve these goals, the CRMC is coordinating with the cities, government agencies and community organizations to prepare a special area management plan (SAMP) for the Metro Bay area. The Metro Bay SAMP will provide a functional framework for future environmentally and economically sensitive redevelopment within the SAMP boundary, encompassing most of the waterfront in the four cities. One key effort of the Metro Bay SAMP has included establishing an Urban Coastal Greenway (UCG) policy, a new regulatory approach for coastal vegetative buffers in the urbanized environment of northern Narragansett Bay. The UCG provides a mechanism to redevelop the urban waterfront of the Metro Bay region in a way that integrates economic development with expanded public access along and to the shoreline, as well as the management, protection and restoration of valuable coastal habitats.

For example, the policy establishes buffer width, vegetation, and public access standards, and requires low impact development techniques to manage stormwater. However, the UCG also

provides for increased flexibility compared to Rhode Island's standard buffer regulations. It established four different urban greenway zones (residential zone, area of particular concern zone, inner harbor and river zone, and development zone). Each zone has its own buffer standards. In addition, the UCG allows development to reduce the greenway width in return for site or coastal resource enhancements such as improved public access or habitat conservation.

The Urban Coastal Greenway policy is a vital part of the ongoing update of the Metro Bay SAMP, and will serve as the impetus for billions of dollars of redevelopment in the four cities. The policy will allow for a more predictable, flexible process for developers wanting to redevelop these former industrial areas while enhancing public access and protecting coastal resources. For additional information on the Metro Bay SAMP and the Urban Coastal Greenway policy visit www.crmc.state.ri.us/samp/metrobay.html

Indiana CZM Dunes Creek Project Received National Award: The Indiana Department of Natural Resources (DNR) was presented with the Award of Excellence by the National Association of Conservation Engineers (ACE) for the Dunes Creek daylighting project it completed in February 2006. "Daylighting" is an industry term for taking a stream that has been routed through a culvert and restoring it to an open channel, thereby exposing it to natural light. This was done to restore the stream's natural character and reduce storm-water runoff. The restored section is located within the Indiana Dunes State Park. In the 1930s, the Civilian Conservation Corps (CCC) directed the creek underground and into approximately 1,300 feet of concrete pipe beneath a parking lot. Approximately 500 feet of that stream section was daylighted and restored through this project. While one of the project goals was to restore Dunes Creek to a more natural look, the main driving force was to take advantage of the resulting water quality benefits. The stream empties into Lake Michigan, adjacent to the Indiana Dunes State Park bathing beach. High fecal coliform levels were occurring throughout the summer, forcing the beach to close periodically. Multiple state and federal agencies studied the issue for years, and concluded that the source of the coliform bacteria was not man made, but the result of runoff washing material from the adjacent woods into the creek during heavy rainfall. In addition to the beach problems, this created recurring erosion and flooding issues for the park. Restoration of the creek offered an opportunity to rectify these problems and improve both water quality and habitat.

This project is showing early signs of success. The newly planted vegetation has begun to grow and stabilize the bank. In addition, preliminary testing already has shown some reduction in coliform bacteria levels, even though experts predicted that it would take at least a year for the biological systems to begin to function as engineered. Ultimately this restoration project should lead to lower bacteria levels at the Indiana Dunes state park beach, and thus fewer days of beach closures.

**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.