

SUPPORTING STATEMENT

COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE GRANTS - PERFORMANCE REPORTS, AMENDMENTS AND ROUTINE PROGRAM CHANGES, SECTION 306A AND SECTION 309 REQUIREMENTS, AND SECTION 6217 COASTAL NONPOINT POLLUTION PROGRAM

OMB CONTROL NO. 0648-0119

A. JUSTIFICATION

This request is for a revision and extension of this collection of information. A revised *Coastal Zone Management Act Section 306A Guidance* (September 27, 2018) has been developed, reviewed and finalized (*see Supplementary Documents for policy supporting the changes*). There is also a burden increase for adjustments in the estimated burden of effort estimates based on stakeholder feedback that more accurately reflects current status and updated guidance.

The guidance clarifies Section 306A eligibility requirements, including project types; redefines the procedures for Section 306A applications and approval by NOAA's Office for Coastal Management and NOAA's Grants Management Division; and outlines required Section 306A project information that must be submitted to NOAA for grant actions, including information in support of the environmental compliance reviews that NOAA must conduct.

The guidance does not significantly alter previous Section 306A eligibility requirements, but does supersede all previous Section 306A guidance. The changes are intended to clarify the type and specificity of information required to evaluate environmental compliance, expedite federal approval and state pass-through to local governments and other recipients, and allow projects to begin earlier in the grant cycle.

1. Explain the circumstances that make the collection of information necessary.

In 1972, in response to intense pressure on United States (U.S) coastal resources, and because of the importance of U.S. coastal areas, the U.S. Congress passed the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et. seq.* The CZMA authorized a federal program to encourage coastal states and territories to develop comprehensive coastal management programs. The CZMA has been reauthorized on several occasions, most recently with the enactment of the Coastal Zone Protection Act of 1996. ([CZMA as amended](#)). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Services (NOS).

Currently, 34 of the 35 coastal states, including those of the Great Lakes and U.S. territories, have coastal management programs (CMPs) approved by the NOS Assistant Administrator. One

state has withdrawn its program and may pursue re-approval.

The CZMA affirms the national interest in the effective protection and careful development of the coastal zone by providing assistance and encouragement to coastal states to voluntarily develop and implement management programs for their coastal areas. To provide coastal states and territories with the means of achieving these objectives, the CZMA authorizes financial assistance grants under Section 305 for program development and under Section 306 for program implementation.

Section 305 of the CZMA authorizes grants to states to develop a coastal management program. After its management program receives federal approval, the state is then eligible for annual grants under Section 306 to implement the program. Section 306A provides that states may use a portion of their Section 306 awards for low-cost construction projects. Section 309 establishes a coastal enhancement grant program. Section 310 establishes a technical assistance and management-oriented research grant program. The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) Section 6217 established the Coastal Nonpoint Pollution Control Program (for pollution not for a specific location). The specific Sections of the CZMA that authorize grant programs will be discussed in further detail.

A. Performance Reporting Requirements

All thirty-four states and territories who receive funds under Sections 306, 306A, 309, 310 and/or 6217 must complete semi-annual cooperative agreement performance reports and submit data annually for the CZMA Performance Measurement System (CZMAPMS). The performance reports detail how the federal and matching funds are expended and provide other information (see next paragraph for further detail). The CZMAPMS tracks program progress in meeting the goals of the Coastal Zone Management Act. The Office for Coastal Management (OCM) has provided to the states and territories guidance on these reporting requirements: *OCM 2018 Performance Progress Report Guidelines (2018)* and the *Coastal Zone Management Act Performance Measurement System Coastal Management Program Guidance (April 2011, updated June 2018)*, both included in this submission.

According to the cooperative agreement performance report guidelines, the performance report is broken down into three Sections. Section A describes the status of each cooperative agreement task for Sections 306/306A, 309, as well as 310 and 6217, if applicable. Section B describes the status of program implementation activities. Section C reports on “success stories” from the state program.

According to the guidance for the CZMAPMS, coastal states with approved CMPs must submit data related to program progress in meeting the goals of the Coastal Zone Management Act. Data for 13 annual measures is submitted by the state CMPs electronically each year through an online database.

Listed below are the specific Sections of the CZMA that authorize grant programs:

1.a. Section 305 of the CZMA authorizes the Secretary of Commerce to make grants to any coastal state desiring to develop a coastal management program. After the management program receives federal approval, the state is eligible for grants under Section 306 to implement the program. No states or territories are currently eligible to receive Section 305 funding.

1.b. Section 306 authorizes the Secretary of Commerce to make grants to coastal states to implement their federally approved coastal zone management programs.

1.c. Section 306A provides state CMPs with federal funds for small-scale construction projects to obtain on-the-ground results to meet specific resource improvement goals outlined in the section.

1.d. Section 309 establishes a voluntary Coastal Zone Enhancement Grants Program to enhance a state's CMP to address identified priority needs within one or more of nine coastal zone enhancement areas. In addition to base funding, a portion of Section 309 funding is set-aside to be awarded competitively to states to further strategies to address enhancement areas of national importance.

1.e. Section 310 establishes a program of technical assistance and management-oriented research necessary to support the development and implementation of state coastal management program amendments under Section 309, and appropriate to the furtherance of international cooperative efforts and technical assistance in coastal zone management. There is currently no funding for Section 310.

1.f. Section 6217 of the 1990 Coastal Zone Act Reauthorization Amendments requires coastal states with approved coastal management programs to prepare and submit a coastal nonpoint pollution control program.

Listed below are the requirements for specific documents that apply to most of the state and territorial coastal management programs.

B. Section 305 Coastal Management Program Document

Under Section 305, the Secretary of Commerce will make grants to any coastal state desiring to develop a coastal management program. After the management program receives federal approval, the state is eligible for financial assistance under the CZMA to implement the program. Currently, no state is eligible to receive Section 305 funds to develop a coastal management program.

[15 CFR 923.3](#) sets forth the requirements which must be fulfilled as a condition for state coastal management program approval. States must develop a management program that:

- Identifies and evaluates those coastal resources recognized in the CZMA as requiring management or protection by the state;
- Reexamines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive, and enforceable;
- Determines specific use and special geographic areas that are subject to the management program, based on the nature of identified coastal concerns;
- Identifies the inland and seaward areas subject to the management program;
- Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and
- Includes sufficient legal authorities and organizational arrangements to implement the program and to ensure conformance to it.

After completion of the management program request, OCM shall review the document to determine if it adequately meets the approval criteria. Once approved, the applicant is eligible for Section 306/306A, program implementation funds, Section 309, enhancement funds and Section 310, technical assistance funds. Applicants with approved CMPs are required to develop a coastal nonpoint pollution program under Section 6217 (see A.1.F.).

C. Section 306/306A Guidance Requirements

Under Section 306, OCM administers the program at the federal level. OCM provides technical and financial assistance to state CMP partners to:

1. Preserve, protect, develop, and, where possible, restore and enhance the resources of the nation's coastal zone for this and succeeding generations;
2. Encourage and assist the states to exercise effectively their responsibilities in the coastal zone to achieve wise use of land and water resources, giving full consideration to ecological, cultural, historic, and aesthetic values, as well as the need for compatible economic development;
3. Encourage the preparation of special area management plans to provide increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas and improved predictability in governmental decision-making; and
4. Encourage the participation, cooperation, and coordination of the public, federal, state, local, interstate and regional agencies, and governments affecting the coastal zone.

States with federally-approved CMPs who are making satisfactory progress in meeting the objectives of the CZMA are eligible to apply for grants under this Section as described in the [Final FY 2018 Funding Guidance and Allocations Coastal Zone Management Act Sections 306/306A and 309 April 10, 2018](#)). OCM has determined that based on the current and revised Section 306A requirements and feedback from respondents, the annual burden hours will increase.

A Section 306A project shall meet one or more of the following objectives:

1. Preservation of restoration of specific areas that (a) are designated under a state's CMP as required by CZMA Section 306(d)(9) because of their conservation, recreational, ecological, or esthetic values, or (b) contain one or more coastal resources of national significance;
2. Redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under Section 306(d)(2)(C) in the state's management program as areas of particular concern;
3. Provision of access to public beaches and other coastal areas and to coastal waters in accordance with the planning process; or,
4. The development of a coordinated process among state agencies to regulate and issue permits for aquaculture facilities in the coastal zone.

Because Section 306A projects often involve small-scale construction projects, NOAA must adhere to all requirements under the National Environmental Policy Act (NEPA) and other environmental statutes such as the Endangered Species Act and the National Historic Preservation Act, and others. Therefore, a certain level of information about the proposed projects must be provided so that NOAA can determine if its funding actions will comply with all necessary environmental and historic preservation requirements. NOAA collects this information through task descriptions in the cooperative agreement, required 306A checklists, signed [title opinions](#) or [title certifications](#), and through email correspondence.

D. Section 309 Assessment and Strategy Requirements

Under Section 309, the Secretary of Commerce is authorized to make grants to coastal states requesting to develop and submit for Federal approval program changes that support attainment of the goals in one or more the enhancement areas. As described in [15 CFR 923, Subpart K](#), Section 309 requires OCM to identify, after careful consultation with the state, each state's priority needs for improvement; to evaluate state funding proposals; and to establish specific and detailed criteria that participating states must address in developing and implementing their coastal zone enhancement programs. The annual burden hours are based on the current Section 309 requirements.

The purposes of the Assessment are:

- To determine whether coastal problems exist within each of the nine Section 309 enhancement areas; and where problems exists, to evaluate their nature, the extent to which they are already being addressed, and their relative importance;
- To provide the factual basis for OCM, in consultation with the states, to determine

- the priority needs for improvement of state coastal management programs; and
- To provide the public with an opportunity to comment on the state's identification and justification of priority needs, as well as possible means that the state is considering to addressing the identified needs.

As outlined in the Section 309 regulations, the process by which the states and OCM will identify priority needs with regard to Section 309 enhancement areas includes:

- Conducting a self-assessment which reviews each Section 309 enhancement objective as it applies to the state and identifies the relative importance to each objective and priority needs; and,
- Developing a multi-year strategy to attain a state's Section 309 enhancement goal(s) in selected priority need areas for a multi-year period.

[Coastal Zone Management Act Section 309 Program Guidance: 2016-2020 Enhancement Cycle](#) (June 2014) provides further guidance to CMPs on how to develop their assessment and strategy documents.

Section 309 Assessments and Strategies are completed by the states and territories every 5 years. CMPs began developing assessments and strategies for the 2016-2020 cycle, with the start of their FY14 awards in July or October 2014. All strategies were approved by the end of 2015. The next cycle is not scheduled to begin until 2020.

Beginning in 2012, OCM also set aside a portion of Section 309 funds to support additional competitive financial assistance awards to select CMPs, called Projects of Special Merit, to further approved strategies within enhancement areas of national importance.

E. Section 310 Technical Assistance to States

Section 310 establishes a program of technical assistance and management-oriented research necessary to support the development and implementation of state coastal management program amendments under Section 309, and appropriate to the furtherance of international cooperative efforts and technical assistance in coastal zone management. *There is currently no funding for Section 310.*

F. Amendment and Routine Program Change

The states and territories request approval of amendments or routine program changes to their approved CMPs. This requirement relates to the program approval process. OCM provided to states and territories, [Program Change Guidance, July 1996.](#)

G. Coastal Nonpoint Pollution Program

The Coastal Nonpoint Pollution Control Program implements Section 6217 (Protecting Coastal

Waters) of the CZARA and is a joint program with the U.S. Environmental Protection Agency (EPA) and NOAA. Section 6217 requires coastal states and territories with federally approved coastal management programs to develop coastal nonpoint source control programs. These coastal nonpoint pollution programs are to be used to control sources of nonpoint pollution which impact coastal water quality. The [Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters](#) (1993) was prepared by EPA. The [Program Development and Approval Guidance](#) (1993) was prepared by the OCM and EPA. NOAA and EPA have also issued several additional memos providing further clarity and flexibility to the original guidance. The policy memos can be found on the coastal nonpoint program [webpage](#).

Section 6217 addresses persistent coastal pollution problems by improving coordination of federal and state coastal zone management programs and water quality programs. This Section formalizes coordination of Section 319 of the [Clean Water Act](#) (CWA) and Section 306 of the CZMA by requiring EPA and NOAA to oversee preparation and review of the state coastal nonpoint programs.

The program guidance describes the contents that each coastal state must include in the coastal nonpoint pollution program documentation and the criteria for program approval. The guidance describes the requirements that must be met, including: the geographic scope of the program; the pollutant sources to be addressed; the types of management measures used; the establishment of critical areas; technical assistance, public participation, and administrative coordination; and the process for program submission and Federal approval. The guidance also contains the criteria by which NOAA and EPA will review the states' submission. Rather than create an independent program, the Section 6217 program guidance encourages states to implement their coastal nonpoint programs through changes to existing Section 319 and Section 306 programs.

The Section 6217 guidance requires each respondent to prepare a one-time document describing their coastal nonpoint pollution program. The respondents must perform the following activities to comply with the guidance.

1. Review the program guidance document describing the contents required for the Coastal Nonpoint Pollution Program.
2. Review the technical guidance document prepared under Section 6217(g) which describes management measures for controlling nonpoint sources of water quality degradation in coastal areas.
3. Plan activities (i.e., delegate collection tasks, plan interagency meetings, establish reviewers, and delegate writing activities).
4. Collect information relevant to the data items listed above, (e.g., lists of impaired coastal waters, management measures to be adopted, legal and geographical jurisdiction of agencies implementing management measures). The states should be able to acquire all of the information from existing sources.

5. Analyze the information and construct the Coastal Nonpoint Pollution Program. Program development includes revising coastal zone boundaries and planning new or modified state and local regulations to implement the Coastal Nonpoint Pollution Program.
6. Write draft Coastal Nonpoint Pollution Program.
7. Write final Coastal Nonpoint Pollution Program.

Once completed, the EPA and NOAA will jointly review the state's coastal nonpoint pollution program. The Federal agencies will use the coastal nonpoint pollution programs to evaluate state efforts to achieve the goals of the CWA and the CZMA.

H. Coastal Zone Management Act Performance Measurement System

The purpose of the CZMAPMS is to track measures of effectiveness of the coastal management programs at the national level. The system consists of a suite of performance measures to assess how well programs are achieving the objectives of the CZMA. Data generated by the CZMAPMS will be used to communicate to stakeholders, including Congress, the importance of the national CZMP. In combination with qualitative reporting of program successes, quantitative measures provide stakeholders with information about how the CZMP is responding to environmental, economic, and social challenges to balance development with the protection and restoration of coastal resources. The CZMAPMS will provide a mechanism to document trends over time in program activities as well as management priorities.

The CZMAPMS was originally developed through a series of cooperative processes which included a contract between the OCM and the H. John Heinz III Center for Science, Economics and the Environment to develop a system framework. The Heinz Center concluded that six categories captured the major CZMA objectives. Building on this report, OCM worked with a group of eight Coastal Management Programs to develop a draft list of performance measures that were piloted by seven Coastal Management Programs. The pilot group narrowed the list of performance measures to those implemented by all 34 Coastal Management Programs.

The [2011 CZMAPMS Guidance](#) is still in effect. However, updates have been made to the 2011 version to reflect which measures have been eliminated from the CZMAPMS reporting requirements.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.

A. Performance Reports

Pursuant to 15 CFR Part 24.40 (UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS), states must submit performance reports to report progress on projected work schedules and stated objectives for each cooperative agreement. In addition, states submit data for the CZMA Performance Measurement System to report progress toward the goals of the CZMA. The cooperative agreement performance reports are reviewed by agency personnel who determine whether the state is adhering to its approved coastal zone management program and whether it is making continued progress toward coastal management goals. If it is not, future grants could be reduced or a full scale program review could be triggered; the latter could result in a requirement for expenditure of federal funds to correct the program's deficiency; or, in the state losing Federal approval of its program. Regulations require performance reports to be submitted from recipients no less than annually and up to quarterly. OCM requires cooperative agreement performance reports to be submitted *semi-annually*. Since each CZM award is a distinct funding instrument authorized by an annual appropriation, and can be extended for up to three years after the start date, states and territories could have up to three concurrent CZM awards, in which case they would submit a maximum of six performance reports (two reports per award) until all tasks and activities are completed on the award. As award tasks are completed, states report only on outstanding tasks, meaning that for any reports for years two and three, the reports are simpler and less time consuming. OCM also lets the final semi-annual report for an award constitute the final report, rather than requiring a comprehensive final report that the regulations allow. The measures in the CZMA Performance Measurement System are submitted *annually*.

Section A of cooperative agreement performance reports describes the status of each Section 306, 306A (if applicable), 309, 310 (if applicable) and coastal nonpoint pollution program (if applicable) grant task and relevant special award conditions. The report must be detailed enough to provide OCM with a clear understanding of what has been accomplished under each task during the performance period and include the following information:

- Status of each task, organized by task number and title (e.g., meetings held, permits processed, work products completed, contracts completed).
- Status of task benchmarks due during the performance period.
- Status of special award conditions due during the performance period.
- Progress in meeting any “necessary actions” or “program suggestions” identified in the most recent program evaluation and progress in developing and tracking their performance metrics.
- Progress in achieving program changes as identified in the Strategies supporting

Section 309 tasks.

Section B of cooperative agreement performance reports describes the information required to assess the states' coastal program implementation as it relates to: (1) Section 312 evaluation progress, (2) permit administration, monitoring and enforcement, (2) federal consistency, and (3) 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 reporting period. In the case of the first three topics, states should submit quantitative information in chart or tabular form, as well as narratives that briefly elaborate on the most significant aspects of the reporting elements. For 312 evaluation project, permits and federal consistency, example submission formats and charts are provided in the performance report guidance (see [*OCM 2018 Performance Progress Report Guidelines \(2018\)*](#)).

States 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 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, again as long as all the required information is provided.

Section C of the cooperative agreement performance reports requires states to submit one or more examples of projects or instances where the coastal management program has been successful in addressing coastal management issues. The purpose of this Section is to enable OCM to collect information on innovative management, technical, and resource protection programs for exchange among coastal programs and to cite specific accomplishments under the National Coastal Zone Management Program. OCM has used examples of success stories in technical assistance bulletins, Congressional testimony, factsheets, websites, other NOAA documents, and in discussions with other coastal programs. Section C is not necessarily tied to a specific award period, and is requested semi-annually.

Coastal programs are asked to provide brief statements that describe the following:

- The problem the coastal program addressed.
- What the program did to address the problem
- The impact the coastal program's efforts had.
- A link to where more information could be found (if applicable).
- A list of partners involved.
- Contact information for someone at the program that could provide additional information about the achievement.

Section A, B, and C of cooperative agreement performance reports and data for the CZMA Performance Measurement System also enable NOAA to 1) collect comprehensive information on coastal management issues; 2) collect information on innovative management techniques for exchange between programs; and 3) cite specific accomplishments under the Federal coastal zone management issues in Section 305, 306, 306A, 309, 310 and 6217. Through the information collected NOAA can: 1) document the success of the CZMA- funded projects at the state level; and 2) assesses the overall success of the national program.

The 34 states and territories with approved CMPs submit data for the CZMA Performance Measurement System annually. These thirty-four states and territories can have as many as three concurrent CZM awards. Each award requires a semi-annual performance report; Thus, the states could submit a maximum of six performance reports a year (two reports per award) until all tasks and activities are completed on the award.

B. Section 305 Coastal Management Program Document

Section 305 authorizes states to develop a coastal management program. A state must have received federal approval to be eligible for annual grants under Section 306 to implement the program.

Currently, there are no states receiving Section 305 funds to develop a coastal management program. Congress has not appropriated Section 305 funds for many years.

C. Section 306/306A Requirements

The states and territories completing Section 306A projects must submit all required Section 306A documentation for NOAA approval. The only information required, beyond typical project level data such as project descriptions, maps, and budget details, unless notified by NOAA, is a completed and signed Section 306A *Project Checklist* (revision attached) and [title information](#) for each proposed Section 306A project. This process is directly related to the Section 306 cooperative agreement application, in that a state shall submit one application for a combined Section 306/306A award.

The information submitted as part of the 306A checklist is needed in order for NOAA to undertake appropriate environmental compliance review pursuant to the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act (EFH), National Historic Preservation Act (NHPA) and others. Each of the compliance reviews require a similar set of information about the project, including, but not limited to: what is the project, where will the project occur (location), how will project be constructed (methods), when will project be implemented, how long will the project take to complete, are there any special methods or practices that will be employed as part of the project and provide figures, drawings, or maps to better illustrate the project's intent. The previous 306A guidance dated to the 1990s and did not accurately define the statutory requirements or provide sufficient details on the types of information being solicited.

D. Section 309 Assessment and Strategy

The 34 coastal states and territories with federally approved coastal zone management programs are encouraged to complete assessments and strategies every five years according to [guidance](#) provided by OCM. Thirty-two of the thirty-four CMPs have chosen to develop assessments and

strategies for the 2016-2020 cycle. The Section 309 Assessment and Strategies are used to identify and implement multi-year strategies to enhance a state's CMP.

E. Amendment and Routine Program Change

The states and territories must request approval of legal amendments or program changes to their approved CMPs. This process is directly related to the program approval process. States are required to submit program changes on an as needed basis.

F. Coastal Nonpoint Pollution Control Program Document

Section 6217 authorizes states and territories with Federally-approved coastal zone management program to develop and implement coastal nonpoint pollution control programs. Of the 34 states and territories with approved coastal management programs, 23 states have a fully approved coastal nonpoint management programs, 10 states have conditionally approved programs, and one state has a disapproved program. The eleven states with conditionally or disapproved programs continue to make progress towards full program approval and submit documents explaining how they address identified program gaps for NOAA and EPA review on an as needed basis.

G. Compliance with NOAA Information Quality Guidelines

NOS will retain control over the information collected and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The OCM developed the Internet-based [Coastal and Marine Management Program \(CAMMP\) Information System](#) which is an electronic grant application management system. CMPs use CAMMP to develop their annual cooperative agreement applications. Completed CAMMP applications and other documents needed for federal financial assistance are submitted through Grants.gov. From there, the application is transferred [to NOAA's Grants Online](#) system for review and processing. CMPs use the Grants Online system to submit performance reports and request other post-award action requests, as needed.

The OCM has also maintains an on-line reporting site for CMPs to submit their annual CZMA performance measurement data.

4. Describe efforts to identify duplication.

NOAA is the only agency providing funds for these objectives. We have not identified any duplication. For the cooperative agreement performance report and CZMA Performance Measurement System requirements, no similar information is available. OCM routinely reviews the data it collects to ensure it is not duplicating other data. Where there are opportunities to reduce unnecessary data collection, such as in the recent streamlining of the CZMA Performance Measurement System, or rely on existing datasets and tools to facilitate the development of submissions, as in the revised Section 309 guidance, changes are made to our data collection processes to avoid duplication.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Small businesses and other small entities are not involved.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information collection was not conducted or conducted less frequently, the reviewing agency personnel would have a difficult time documenting whether an awardee is adhering to its approved coastal zone management program, adhering to the terms and conditions of the financial assistance award, and whether the state is making continued progress toward coastal management and performance goals. Since future awards are based on performance and timely reporting of performance, this information is necessary or NOAA would not be able to issue additional awards.

NOAA is not able to approve 306A projects until all NEPA and other federal environmental requirements are met. The information requested under 306A is needed to satisfy these requirements.

States that do not submit information toward meeting their Coastal Nonpoint Program requirements under Section 6217 of the CZMA could be found to have failed to submit an approvable program and, per statute, would be subject to losing a portion of their federal funding under Section 306 of the CZMA and Section 319 of the Clean Water Act until they are able to develop a fully approvable coastal nonpoint program.

In addition, several of the performance measures feed into NOAA and DOC-wide performance metrics. Collection on an annual basis is needed to ensure data can be reported as part of these higher-level performance metrics.

7. Explain any special circumstances that require the collection to be conducted in a

manner inconsistent with OMB guidelines.

NA.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to the submission. Summarize the public comments received in response to the notice and describe the actions taken by the agency taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on March 22, 2018 (83 FR 12564) solicited comments on this renewal request. Two comments were received in response to the notice and addressed the updated 306A program guidance and checklist. All comments have been addressed in the final guidance and checklist and the final versions have been reviewed and cleared by the NOAA Office of General Counsel (attached).

OCM regularly engages coastal managers for their input on programmatic issues through the Coastal States Organization (CSO). One example is OCM's engagement of coastal management programs and CSO staff regarding the modifications to the 306A program guidance and checklist. The process was collaborative and comprehensive. OCM worked extensively over a period of two years to update the guidance, originally developed in 1999, to better align the 306A program guidance and checklist with the legal requirements set out by the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and others, as well as the revised [NOAA Administrative Orders 216-6A \(for NEPA\) and 216-17 \(Environmental Compliance\)](#), and other agency orders.

Additionally, OCM regularly solicits comments on its funding, reporting and programmatic guidance. Each year, the NOAA National Ocean Service Chief Financial Officer sends a draft memorandum (Draft Funding Guidance and Allocations, Coastal Zone Management Act Sections 306/306A and 309) to Commonwealth, State, and Territorial Coastal Program managers outlining anticipated award allocations, application procedures, various grant requirements, and other information. Comments are requested from the managers prior to the funding memorandum being finalized. *No comments were received.*

Finally, to support this specific PRA renewal, OCM solicited specific feedback from state coastal management program partners on the burden of effort estimates included in this package via an email request sent on December 4, 2018 to all state programs, asking the following four questions:

- Is the guidance clear?
- Is the reporting format acceptable?
- Is the frequency acceptable?

- Is the time estimate accurate?

Eight of 34 states provided written and verbal feedback. Seven of the respondents felt the estimated burden efforts did not accurately reflect the actual effort expended in one or more categories, while one respondent thought all estimates were appropriate. The most common concerns were raised about burden estimates for Year 1, 2 and 3 performance reporting, program changes submissions and Section 306a checklist requirements.

Four of the eight states indicated the burden estimates for Year 1, 2, and 3 performance reporting were too low. The increases are based on one person pulling the report together and getting input from multiple program staff who are funded all or in part with CZM funds and responsible for the funded tasks.

Three states, the CSO, and Kehoe indicated that the burden estimate for program change submissions was too low. It must also be acknowledged that these states indicated that this is a highly variable estimate that depends on the complexity of the changes.

Five states and the NOAA-CSO State partner workgroup that engaged in a collaborative and comprehensive update to the 306A Guidance and Checklist indicated the previous time burden was too low.

As a result of respondent feedback, OCM agrees that an increase is justified for performance reporting, program changes and 306a project funding. The revised estimates are shown in the table in A.12, and will be closely monitored moving forward as OCM continue to think about other ways to streamline and potentially consolidate reporting requirements but the information provided in semi-annual reports is typically more narrative- based and provides greater detail that is needed for meeting federal grants requirements than the simple numerical tallies needed for the performance measurement system. The development of an online reporting system for submitting program changes is expected to provide better clarity on what is required for the submission and is being designed to utilize “check boxes” rather than providing written reports. However, the requirements for the program change program will be modified when NOAA revises the program regulations in the coming year or so. Additional changes may be required and a subsequent PRA submittal will be developed at that time.

9. Explain any decisions to provide payments or gifts to respondents other than remuneration on contractors or grantees.

No payments or gifts to respondents are provided.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Confidentiality is neither promised nor provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

As part of their annual cooperative agreements, all coastal management programs are required to submit data for semi-annual cooperative performance reports for their Section 306/306A, Section 309, and when applicable Section 310 and 6217 funding. The annual cooperative agreements also require state coastal management programs to submit annual CZMA Performance Measurement System data, updates to their approved programs (or program changes), when needed, and, all necessary paperwork for 306A funding (if applicable). In addition, the CZMA requires all coastal states participating in the National Coastal Zone Management Program to develop and submit coastal nonpoint pollution control programs under Section 6217 and encourages states to develop and implement assessments and strategies to further enhance their programs under Section 309. For the CZM awards, the states and territories submit two cooperative agreement performance reports per year that include all the appropriate reporting sections. States and territories could have up to three concurrent CZM awards, which would require six performance reports in a year.

Type	Respondents	Burden Hours per Response	Responses Per Year	Total Responses Per Year	Total Annual Burden Hours	Change
CZMA Performance Mgmt System - Tracking	34	25	1	34	850	No Change
Year 1 - 306/306A/307/309/310/6217 - Section A & B performance reports	34	40/incr from 35	2	68	2720	Increased time due to feedback from state programs
Year 2 - 306/306A/309/310/6217 306/306A/309/310/6217- Section A performance report	28	20/incr from 10	2	56	1120	Increased time due to feedback from state program
Year 3 - 306/306A/309/310/6217 - Section A performance report	24	10/incr from 5	2	48	480	Increased time due to feedback from state programs
Section C performance Reports	34	2	2	68	136	No change

Type	Respondents	Burden Hours per Response	Responses Per Year	Total Responses Per Year	Total Annual Burden Hours	Change
Amendments and Program Change Documentation	18	30/incr from 20	1	18	540	Increased time due to feedback from state programs
Section 306a Application Checklist and documentation	20/previously 30	25/incr from 5	1	20	500	Increased time due to feedback from state programs
Section 309 Strategy & Assessment Document Preparation	34	260	0.2	7	1,820	No change
Section 309 Competitive Funding - Section A Semi-Annual Performance Report on Project Implementation	15	2	2	30	60	No change
Section 310 Funding - Section A Semi-Annual Performance Reports	0	1	2	0	0	No change
Coastal Nonpoint Pollution Control Program Document Preparation	10/previously 11	240/unchanged	1	10	2400	Decrease due to decreased number of respondents
Section 305 Program Development Document	0	800	1	0	0	No change
Section 305 Section A Semi-Annual Performance Report	0	5	2	0	0	No change
TOTAL	251 (34 unduplicated)			360	10,626	NET INCREASE

13. Provide an estimate of the total annual cost burden to the respondents or record-keeper resulting from the collection (excluding the value of the burden hours in Question 12 above).

With use of e-mail and the Internet, costs for letters or records sent are minimal. We receive approximately 98 percent of our responses electronically. With 34 states reporting, spending per state averages \$25.00 on mailing, totaling \$850; no change.

14. Provide estimates of annualized cost to the Federal government.

The annual Federal cost is estimated at \$245,050. This estimated cost represents the personnel time taken to collect, review, process, and analyze the data, using an average hourly rate of \$65.00. See the table below for details.

Type	Respondents	Time	Times per year	Annualized Federal Cost
CZMA Performance Mgmt System	34	10	1	\$22,100
Year 1 - 306/306A/307/309/310/6217 - Section A & B performance reports	34	10	2	\$44,200.00
Year 2 - 306/306A/309/310/6217 - Section A performance report	28	6	2	\$21,840.00
Year 3 - 306/306A/309/310/6217 - Section A performance report	24	4	2	\$12,480.00
Section C performance Reports	34	0.5	2	\$2,210.00
Amendments and Program Change Documentation	18	34	1	\$39,780.00
Section 306a Application Checklist and documentation	20	16.25	2	\$42,250.00
Section 309 Strategy & Assessment Document Preparation	34	60	0.2	\$26,520.00
Section 309 Competitive Funding - Section A Semi-Annual Performance Report	15	4	2	\$1,170.00
Section 310 Funding - Section A Semi-Annual Performance Reports	0	2	2	\$0.00
Coastal Nonpoint Pollution Control Program Document Preparation	10	50	1	\$32,500.00
Section 305 Program Development Document	0	120	1	\$0.00
Section 305 Section A Semi-Annual Performance Report	0	4	2	\$0.00
TOTAL	251			\$245,050.00

15. Explain the reasons for any program changes or adjustments.

The annualized responses decreased by 11, and burden hours increased on several ICs based on respondent comments.

Adjustments

IC	Respondents		Annual Burden Hours per Response		Responses Per Year		Total Responses Per Year		Total Annual Burden Hours		Reason for Change
	This Renewal	Prior Renewal	This Renewal	Prior Renewal	This Renewal	Prior Renewal	This Renewal	Prior Renewal	This Renewal	Prior Renewal	
Year 1 -306/306A/307/309/310/621 7 – Section A & B Performance Reports	34	34	40	35	2	2	68	68	2720	2380	Increased time burden due to feedback from state programs.
Year 2 -306/306A/307/309/310/621 7 – Section A & B Performance Reports	28	28	20	10	2	2	56	56	1120	560	Increased time burden due to feedback from state programs.
Year 3 -306/306A/307/309/310/621 7 – Section A & B Performance Reports	24	24	10	5	2	2	48	48	480	240	Increased time burden due to feedback from state programs.
Amendments and Program Change Documentation	18	18	30	20	1	1	18	18	540	360	Increased time burden due to feedback from state programs.
Section 306a Application Checklist and documentation	20	30	25	5	1	1	20	30	500	150	Increased time burden due to feedback from states and CSO-state partner workgroup. Decrease in the number of respondents due to average over the past three years.
Coastal Nonpoint Pollution Control Program Document Preparation	10	11	240	240	1	1	10	11	2400	2640	Decrease in the number of respondents due to average over the past three years.
							220	231	7760	6330	
							Difference	-11	Difference	1430	

16. For collections whose results will be published, outline the plans for tabulation and publication.

After the coastal state completes a comprehensive coastal management program, Draft and Final Environmental Impact Statement and the Environmental Assessment documents are published according to the National Environmental Policy Act (NEPA).

Final state Section 309 assessment and strategies will be posted online for full transparency and OCM will develop national and/or regional syntheses of key findings from the assessments and strategies to distribute to partners, stakeholders, and the public, as appropriate.

OCM will also regularly synthesize CZMA performance measurement through factsheets posted to the web to show national accomplishments of the National Coastal Zone Management Program.

After NOAA and EPA make a decision regarding the approvability of a state's coastal nonpoint program, NOAA and EPA's decision document providing the basis for such a decision is posted online.

There are no complex analytical or statistical techniques used in these publications.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

NA.