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Adrienne Thomas
NOAA PRA Officer
National Oceanic and Atmospheric Administration
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Re: Comments on OMB Control No. 0648-0411 - Paperwork Submissions Under the
Coastal Zone Management Act Federal Consistency Requirements

Dear Ms. Thomas:

Surfside Foods, LLC submits these comments in response to NOAA's request for comment on the renewal of the information collection for paperwork submissions under the Coastal Zone Management Act (CZMA) federal consistency requirements. These comments are directed to the practical utility, clarity, and sufficiency of the information collected in connection with offshore wind Outer Continental Shelf (OCS) reviews.

The current collection appears to leave an accountability gap where a State concurs in, or does not object to, an offshore wind OCS consistency review. In those matters, the applicant submits a consistency certification and the necessary data and information to the State coastal management program. But NOAA's notice indicates that NOAA generally receives information only when there is a State objection, when mediation is sought, or when an applicant appeals a State objection to the Secretary of Commerce. As a result, where a State concurs, the present collection does not appear to ensure that NOAA receives a record sufficient to determine whether the State actually implemented the standards, procedures, and public-participation measures that NOAA previously approved as part of the State's CZMA program.

That gap matters. Congress required approved State coastal management programs to provide for public participation in permitting processes and consistency determinations, and NOAA explains that the manner in which that requirement is met is determined by each State with NOAA approval. If, in an offshore wind OCS review, a State does not in practice follow the procedures or standards it represented to NOAA would govern the review, but nonetheless issues a concurrence, the current information collection has limited practical utility because it does not reliably preserve a reviewable record of whether the NOAA-approved process was followed.

This issue is especially important for offshore wind OCS reviews because those projects are large, long-lived, and consequential for existing ocean users, including commercial fisheries. For these matters, the utility of the information collection should not turn only on objection cases. A concurrence reached through a process that departed from the NOAA-approved CMP framework can still have major real-world consequences while leaving little basis for NOAA to identify the procedural defect in the ordinary course.

Surfside Foods therefore urges NOAA to revise the information collection so that, for OCS plan reviews, including offshore wind reviews, the collection expressly includes a minimal concurrence record sufficient to verify implementation of NOAA-approved State CZMA procedures. At minimum, NOAA should require retention and availability, and preferably submission, of: (1) the State concurrence or no-objection letter; (2) the public notice materials used for the review; (3) a short statement identifying the NOAA-approved CMP provisions and public-participation procedures relied upon; and (4) any State-specific information requirements invoked in the review.

This would improve the quality, utility, and clarity of the information collected without creating a new substantive merits process. It would also reduce downstream burden by making it possible to identify procedural defects early, instead of forcing affected parties to reconstruct the record later through disputes, appeals, or separate public-record efforts.

In short, if NOAA approves State-specific CZMA procedures and public-participation methods, but the information collection does not ensure a usable record of whether those approved methods were actually used in offshore wind OCS concurrences, then the collection is incomplete in a way that materially limits its practical utility.

Thank you for the opportunity to comment.

Respectfully submitted,

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