merit, how the amount of section 309 weighted formula grants will be determined, the criteria NOAA will use to evaluate and rank individual proposals of special merit, and the procedures for applying for financial assistance under section 309. This subpart also allows use of section 309 funds for implementation of program changes for up to 2 fiscal years following the fiscal year in which a program change was approved. 

(b) A coastal State with an approved program under section 306 of the Coastal Zone Management Act (CZMA), as amended (16 U.S.C. 1455), is eligible for grants under this subpart if the State meets the following requirements:

1. The State must have a NOAA approved Assessment and Strategy, submitted in accordance with NOAA guidance and 923.128;

2. The State must be found to be adhering to its approved program and must be making satisfactory progress in performing grant tasks under section 306, as indicated by not being under interim or final sanctions; and

3. The State must be making satisfactory progress in carrying out its previous year’s award under section 309.

(c) If the Assistant Administrator finds that a State is not undertaking the actions committed to under the terms of a section 309 grant, the Assistant Administrator shall suspend the State’s eligibility for future funding under this section for at least one year.

(d) A State’s eligibility for future funding under this section will be restored after the State demonstrates, to the satisfaction of the Assistant Administrator, that it will conform with the requirements under this part.

(e) Funds awarded to States under section 309 are for the enhancement of existing coastal zone management programs. A State which reduces overall State financial support for its CZM program as a result of having been awarded section 309 funding may lose eligibility for funding under section 309 in subsequent years.

(f) All applications for funding under section 309 of the CZMA, as amended, including proposed work programs, funding priorities and funding awards, are subject to the administrative discretion of the Assistant Administrator and any additional NOAA guidance.

(g) Grants awarded under section 309 may be used:

1. To support up to 100 percent of the allowable costs of approved projects under section 309 of the CZMA, as amended; or

2. To implement program changes approved by the Secretary for up to two fiscal years following the fiscal year in which a program change was approved.

(h) All application forms are to be requested from and submitted to: National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, Coastal Programs Division, 1305 East-West Highway (N/ORM3), Silver Spring, MD 20910.

§ 923.122 Objectives.

(a) The objective of assistance provided under this part is to encourage each State with a federally-approved coastal management program to continuously improve its program in specified areas of national importance. The Secretary is authorized to make grants to a coastal State for the development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives.

(b) As required by section 309(a) of the Act, for purposes of this part, the term coastal zone enhancement objective means any of the following objectives:

1. Protection, restoration, or enhancement of the existing coastal wetlands base, or creation of new coastal wetlands.

2. Preventing or significantly reducing threats to life and destruction of property by eliminating development and redevelopment in high-hazard areas, managing development in other hazard areas, and anticipating and managing the effects of potential sea level rise and Great Lakes level rise.

3. Attaining increased opportunities for public access, taking into account current and future public access needs,
§ 923.123 Definitions.

(a) Program change means “routine program change” as defined in 15 CFR 923.84 and “amendment” as defined in 15 CFR 923.80, and includes the following:

1. A change to coastal zone boundaries that will improve a State’s ability to achieve one or more of the coastal zone enhancement objectives.

2. New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding, that will improve a State’s ability to achieve one or more of the coastal zone enhancement objectives.

3. New or revised local coastal programs and implementing ordinances that will improve a State’s ability to achieve one or more of the coastal zone enhancement objectives.

4. New or revised coastal land acquisition, management and restoration programs that improve a State’s ability to attain one or more of the coastal zone enhancement objectives.

5. New or revised Special Area Management Plans or plans for Areas of Particular Concern (APC), including enforceable policies and other necessary implementing mechanisms or criteria and procedures for designating and managing APCs that will improve a State’s ability to achieve one or more of the coastal zone enhancement objectives.

6. New or revised guidelines, procedures and policy documents which are formally adopted by a State and provide specific interpretations of enforceable CZM policies to applicants, local governments and other agencies that will result in meaningful improvements in coastal resource management and that will improve a State’s ability to attain one or more of the coastal zone enhancement objectives.

(b) Assessment means a public document, prepared by a State and approved by NOAA in accordance with guidance on Assessments and Strategies issued by NOAA (hereafter referred to as the guidance1), that identifies the State’s priority needs for improvement with regard to the coastal zone enhancement objectives. The Assessment determines the extent to which problems and opportunities exist with regard to each of the coastal zone enhancement objectives and the effectiveness of efforts to address those problems. The Assessment includes the factual basis for NOAA and the States to determine the priority needs for improvement of management programs in accordance with this part.

(c) Strategy means a comprehensive, multi-year statement of goals and the methods for their attainment, prepared by a State in accordance with NOAA guidance and these regulations and approved by NOAA, that sets forth the

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1NoAA guidance is available from the Office of Ocean and Coastal Resource Management, Coastal Programs Division, 1365 East-West Highway (NORM2), Silver Spring, MD 20910.