

Department of the Interior

Departmental Manual

Effective Date: 5/29/80

Series: Water and Land Resources

Part 702: Coastal Zone Management

Chapter 1: Coordination Procedures

Originating Office: Office of Environmental Policy and Compliance

702 DM 1

1.1 Purpose. This chapter establishes Departmental policy, procedures, and responsibilities for participating in the development, review and implementation of and consistency with State coastal zone management (CZM) programs under the Coastal Zone Management Act of 1972, as amended.

1.2 Authority. The Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.) hereinafter referred to as the ACZMA, and 15 CFR 923, 930 and 931, require the Department to establish procedures for consultation between the Department and the coastal States and to assure that Departmental activities are consistent to the maximum extent practicable with approved State coastal zone management programs.

1.3 Policy. It is the policy of the Department to:

A. Assist and support the national and State programs established under the CZMA which provide for the effective management and sound protection, development, and beneficial use of the resources of the coastal zone.

B. Encourage the States to exercise effectively their responsibilities in the coastal zone and to develop CZM programs which are compatible with and complementary to Departmental programs for management of resources in which the States have a mutual interest.

C. Cooperate and participate in the development and implementation of State coastal zone management programs, and in so doing the Department will fully communicate the nature of its authority and responsibilities, including the national interest in the siting of facilities.

D. Conduct its activities in accordance with the Federal consistency requirements of the CZMA and implementing regulations.

E. Give priority to the resolution of CZM issues which affect the Department.

1.4 Responsibilities.

A. Assistant Secretary - Policy, Budget and Administration (PBA):

(1) Will be the Department's policy liaison official with the Department of Commerce for Coastal Zone Management.

(2) Will coordinate the formulation of Departmental policy in CZM matters.

(3) Will provide procedural direction to bureaus and program Assistant Secretaries to assure Departmental participation in and compliance with the CZMA and implementing regulations.

(4) Prior to signing or transmitting to the Secretary for signature, will review and obtain appropriate approvals of Departmental comments on: the implementing regulations of the CZMA; State CZM programs; program amendments which require Assistant Secretary level review; and accompanying draft or final environmental impact statements (DEIS's or FEIS's) distributed by the Department of Commerce for Federal agency review.

(5) Prior to transmittal to the Secretary, will review and obtain appropriate approval of any proposed declaration of the existence of a serious disagreement' (see 15 CFR 923.54 and 15 CFR 930.110-116), between a bureau or office of the Department and a coastal State related to the State's CZM program.

B. Assistant Secretaries:

(1) Will participate in the formulation of Departmental policy in CZM matters.

(2) Will provide specific policy direction to bureaus and offices under their jurisdiction for compliance with provisions of the CZMA, its implementing regulations and these procedures.

(3) Will review and, as appropriate, approve bureau comments concerning changes in the CZMA or implementing regulations, State CZM programs, program amendments which require Assistant Secretary level review, and accompanying DEIS's or FEIS's, prior to transmittal to the Assistant Secretary - Policy, Budget and Administration.

(4) Will review and, as appropriate, approve prior to transmittal to the Assistant Secretary Policy, Budget and Administration any proposed serious disagreement' between the Department and a State related to that State's CZM program.

(5) May identify issues needing study under 702 DM 1.4C(3).

C. Director, Office of Policy Analysis (PPA):

(1) Will serve as the Department's staff level contact with the Office of Coastal Zone Management (OCZM) in the Department of Commerce on:

(a) development of Commerce Department regulations and policy guidelines under the Coastal Zone Management Act;

(b) development, review and implementation of State coastal zone management programs;

(c) issues of mutual concern to the Department and OCZM and on potential serious disagreements' between the Department and a coastal State prior to mediation by the Secretary of Commerce.

(2) Will coordinate the Department's activities in meeting the requirements of the Coastal Zone Management Act, including:

(a) Establishment of an intra-departmental coordination group composed of designated bureau and office officials to assist in carrying out the Department's responsibilities related to the CZMA and implementing regulations.

(b) Establishment of a staff and necessary procedures to meet the requirements of 702 DM 1.4C(1) for coordination of Departmental review of and for preparation of comments on: proposed changes to the CZMA and implementing regulations, State CZM programs, program amendments which require Assistant Secretarial level review (as determined by the Director, Office of Policy Analysis after consultation with affected bureaus and offices) and accompanying environmental assessments, DEIS's and FEIS's (in consultation with the Director, Office of Environmental Project Review).

(c) Provision of program direction to the Regional Environmental Officers (REO's) related to their CZM responsibilities and approval of their procedures developed pursuant to 702 DM 1.4E(2).

(d) Review and, as appropriate, comment on proposed bureau and office procedures to assure responsive participation in the development, review and implementation of State coastal zone management programs.

(3) Will, with advice from the program Assistant Secretaries, bureaus, offices and REO's, identify the need for, recommend, and conduct studies and prepare issue papers to advise and assist the Assistant Secretary Policy, Budget and Administration in developing policies related to the Department's responsibilities under the Coastal Zone Management Act, including:

(a) evaluation or clarification of regulations and policy guidelines issued by the Department of Commerce;

(b) options for resolution of major conflicts among the bureaus and offices that arise in the course of meeting their responsibilities under the Coastal Zone Management Act;

(c) in conjunction with the Assistant Secretaries, development of policy options for the Department in cases where major conflicts arise between the national interest objectives and mandates of the Department's programs and State coastal zone management

programs, especially those related to the Federal consistency provisions of the CZMA.

(4) Will provide to the Secretary's office and the program Assistant Secretaries, bureaus, offices, and affected REO's, copies of all relevant, official Departmental correspondence related to CZM and keep them informed of relevant documents received from OCZM and all other pertinent CZM information relevant to the mission of each Departmental entity.

D. Heads of Bureaus and Offices:

(1) Will develop procedures for the bureau or office to assure adequate participation in the development, review and implementation of State coastal zone management programs.

(2) Will designate appropriate officials to:

(a) serve on the CZM intra-departmental coordination group and to work with the Office of Policy Analysis on CZM matters,

(b) serve as the contact point for the REO to facilitate the proper coordination of Departmental, CZM-related responsibilities at the field level.

(c) provide technical liaison with the States in the development, review, approval, amendment, implementation and evaluation of State CZM programs, as well as any necessary negotiations related to such programs.

(d) inform the REO, in a timely manner, of all the CZM issues in which the bureau or office is actively involved.

(3) Will review and, as appropriate, approve Bureau comments concerning proposed changes to the CZMA, implementing regulations, State CZM programs, amendments requiring review at the Assistant Secretarial level and accompanying DEIS's and FEIS's when submitted for Federal agency review by the Department of Commerce.

(4) Will assist the Director, Office of Policy Analysis in identifying issues at the bureau level needing study under 702 DM 1.4C(3).

(5) In the event of a CZM-related conflict between a State and a bureau or office of the Department, will decide after consultation with the appropriate REO if a recommendation for a notification of a serious disagreement' is warranted (see 702 DM 1.8D and 15 CFR 930.110-116) and if so, will sign such a recommendation prior to transmittal to the appropriate program Assistant Secretary.

(6) Will fulfill their obligations under the Federal consistency provisions of the CZMA, and implementing regulations (15 CFR Part 930) including:

(a) working with States to identify bureau or office activities, types of

permit and license activities and Federal assistance to State and local governments which are subject to the Federal consistency requirements of the CZMA;

(b) preparing and submitting consistency or negative determinations for Federal activities and development projects;

(c) to the degree practical, assisting applicants in procedures related to bureau licenses or permits in siting, designing and operating facilities and activities in a manner which is consistent with Departmental authority and approved State CZM programs;

(d) coordinating efforts related to CZM consistency determinations and certifications with appropriate State agencies;

(e) preparing and instituting, in cooperation with other Departmental bureaus and offices and Federal agencies, as appropriate, joint procedures for assuring consistency of activities in which responsibility or interest is shared;

(f) assuming primary responsibility for all other requirements of the Department specified in 15 CFR 930, except those assigned herein as the responsibility of other Departmental entities.

E. Regional Environmental Officers (REO's) Within the Office of Environmental Project Review:

(1) Will serve as the Departmental level contact for coordination of CZM-related field activities with the States and OCZM's Regional Managers.

(2) Will establish and conduct under guidelines enumerated below, intra-departmental procedures to assure comprehensive and coordinated participation at the regional and field levels by the bureaus and offices of the Department in State coastal zone management activities. These procedures will be developed in consultation with the bureaus and offices and shall be approved by the Director of PPA. They will provide for:

(a) consultation with States and the regional staff of OCZM on matters of interest to the Department as the States develop their CZM programs and implement them after approval;

(b) distribution and review of documents, coordination of Departmental review, consolidation of comments and preparation and signature of Departmental correspondence pertinent to preliminary State CZM programs, draft amendments to approved State CZM programs, amendments submitted for Federal review which do not require review at the Assistant Secretarial level as determined by the Director, Office of Policy Analysis, any environmental assessments, DEIS's, FEIS's or negative declarations which accompany such amendments and annual performance reviews of approved State CZM programs;

(c) facilitation of direct involvement by the appropriate bureaus and

offices of the Department with State CZM offices and the OCZM Regional Manager in the review, evaluation and participation in State CZM program activities;

(d) assistance in identification and resolution of CZM program related issues and conflicts among bureaus and between bureaus and State agencies;

(e) assistance to the Director, Office of Policy Analysis in identifying CZM-related issues at the regional and field level which may need study under 702 DM 1.4C(3).

(3) Will closely coordinate all CZM activities with the Special Assistant to the Secretary assigned to the region in which the REO operates.

(4) Will consult with the designated Departmental, bureau and office CZM officials in the development of, and assist in coordinating the implementation of, the procedures established pursuant to 702 DM 1.4E(2).

(5) Will inform the States of procedures established pursuant to 702 DM 1.4E(2).

(6) Will be the Departmental representative for Federal regional inter-departmental coordination purposes related to joint Federal/State coastal zone management program activities.

(7) Will promote and when practicable facilitate the exchange of information among bureau field offices, the State CZM offices and the OCZM's Regional Managers.

(8) Will provide bureaus and offices copies of all relevant State and Departmental field-level correspondence related to State CZM programs within the REO's purview.

(9) Will carry out other related CZM duties assigned by the Director, Office of Policy Analysis.

(10) Will notify bureau representatives of forthcoming Section 312 reviews of State programs to facilitate bureau preparation for the reviews.

F. Solicitor:

(1) Will review and, as appropriate, issue legal opinions or comments on the legal aspects of all State CZM programs, amendments requiring review at the Assistant Secretarial level, and accompanying DEIS's and FEIS's submitted for Federal review prior to approval by the Secretary of Commerce.

(2) Will review and, as appropriate, issue legal opinions or comments on the legal aspects of other CZM related documents such as preliminary CZM programs, amendments not requiring review at the Assistant Secretarial level, amendments to the CZMA and implementing regulations and documents related to the annual performance reviews of approved

State CZM programs, at the request of the Office of Policy Analysis, Regional Environmental Officers, Assistant Secretaries and the bureaus or offices of the Department.

(3) Upon the request of a Departmental bureau or office, will review and, as appropriate, approve a consistency determination or negative determination relating to a State's approved CZM program.

(4) Will provide legal advice on CZM issues and conflicts related to serious disagreements' (see 702 DM 1.8D and 15 CFR 930.110-116) and Federal consistency issues.

1.5 Guidance for Departmental Participation in the Development of State Coastal Zone Management Programs.

A. General. The Department has major interests in the coastal zone ranging from protection of the Nation's coastal ecosystem, cultural resources and Indian natural resources to the development of the outer continental shelf mineral resources. Resource management activities of this Department will have a significant impact on the States' development of their CZM programs. The resource management expertise and activities of the Department should support and strengthen the States' ability to plan and manage their natural resources in the coastal zone. The program development phase provides the best opportunity for the Department to make its information and technical expertise available and its interests and responsibilities known to the States. This should assure that a State's decision making process adequately considers those matters of concern to the Department. Close cooperation and communication with States are required so that the policies, goals, plans, and activities of the Department are fully considered during the development of State CZM programs and throughout their implementation once approved by the Secretary of Commerce.

B. Federal Lands and Indian Lands. Information on the location and boundaries of land owned by the Federal Government and administered by the Department, and Indian lands will be supplied to the State when available.

C. Departmental Authorities. Information will be provided to the States as to the statutory responsibilities and interests of the Department which affect that portion of the Nation's coastal areas subject to State coastal zone management programs. Policy guidance on the national interests as defined by the Department will be made known to the States as early as practical in program development to assist States in making their decisions. The Department's interests include, but are not limited to:

(1) Energy and mineral resources and their use, development and protection, including the impact of a State's proposed program on the exploration for and extraction and transportation of energy and mineral resources contained in the Outer Continental Shelf and facilities associated with the development of those resources.

(2) Fish and wildlife resources and habitat.

(3) Recreation opportunities and facilities within coastal areas especially those

of an interstate nature.

(4) Historical, cultural, and archeological resources.

(5) Surface and ground water resources.

(6) Natural hazards identification including but not limited to flood plains, high seismic risk and other hazardous areas.

(7) Other statutory or program responsibilities which affect coastal areas and coastal resources.

1.6 Guidance on Departmental Review of State Coastal Zone Management Programs and Their Accompanying Environmental Impact Statements.

A. General. In their CZM programs, States are to formulate goals, policies, and methodologies which are to culminate in a comprehensive and coordinated approach to guide and regulate public and private uses of the resources in the coastal zone. Review of a State's program is to concentrate primarily upon whether the Department's concerns and responsibilities are adequately considered and addressed. In doing so, reviewers are to analyze the adequacy of the State's institutional and procedural arrangements to assure they adequately consider and address Departmental concerns and responsibilities.

B. Preliminary and Draft Coastal Zone Management Programs. Reviewers should examine preliminary and draft (DEIS stage) State coastal zone management programs to assure that the programs are compatible with the Department's policies and interests and that those interests are protected. The elements of the programs to be analyzed from a Departmental perspective include:

(1) Evaluation of the coastal zone area and uses designated by the State, to ensure that they will not adversely affect Departmental interests;

(2) Identification of Federally-owned or administered lands and Indian lands;

(3) Observance of Indian rights and interests under the Secretary's trust responsibility;

(4) Existence of a process to coordinate common interests on contiguous Federally-owned or administered lands/non-Federal lands;

(5) Evaluation of procedures for defining the permissible land and water uses to assure that they do not arbitrarily exclude uses that affect Departmental programs;

(6) Assurance that there is a process in the State plan for designating areas of particular concern which are of interest and concern to this Department, such as:

(a) areas of unique, scarce, fragile or vulnerable natural habitat, physical feature, historical significance, cultural value and scenic importance;

(b) areas of high natural productivity or essential habitat for living resources, including fish, wildlife and the various trophic levels in the food web critical to their well-being;

(c) areas of value to endangered species;

(d) areas of substantial recreational value and/or opportunity;

(e) areas of significant resource development value;

(f) areas of significant hazard if developed, due to storms, slides, floods, erosion, subsidence, etc.; and

(g) areas needed to protect, maintain or replenish flood plains, wetlands, aquifer recharge areas, sand dunes, coral or other reefs, beaches, offshore sand deposits and mangroves.

(7) Assurance that the program recognizes the authorities of the bureaus and offices to control and regulate land and water uses affecting the coastal zone;

(8) Assurance that national policy interests of concern to this Department are considered in the State program and a mechanism exists to assure the continuing recognition of these national interests;

(9) Assurance that basic State authority exists and is adequate to implement the program.

(10) Assurance that State, local, tribal and Federal intergovernmental coordination mechanisms exist and have been utilized in the development of the program, with particular emphasis on coordination of Departmental interests.

(11) Assurance that the proposed program promotes sound coastal zone management and meets the intent and requirements of the CZMA in aspects that relate directly or indirectly to the Department's authorities and missions.

(12) Assurance that State CZM policies and programs, which will affect OCS mineral leasing and related facilities onshore, are compatible with Departmental policies and programs.

(13) Assurance that the State's energy facility, shorefront access and protection, and shoreline erosion and mitigation planning processes required by the CZMA are compatible with and/or complement related Departmental programs.

C. Final Coastal Zone Management Program. Reviews should examine final (FEIS stage) State coastal zone management programs to:

(1) assure that concerns expressed at earlier stages have been adequately accommodated by the State and OCZM, and if not, that an adequate rationale is provided.

(2) assure that any significant additions, deletions or major changes which occur at this stage are evaluated in terms of elements listed in 702 DM 1.6B.

(3) assure that any major unresolved environmental or developmental issues are identified.

(4) formulate a recommendation related to the approval of the final program by the Secretary of Commerce.

D. Coastal Zone Management Environmental Impact Statements. Reviewers will examine environmental assessments and draft and final Impact Statements which accompany the draft and final State CZM programs and program amendments for adequacy from the standpoint of their jurisdiction and special expertise, providing comment for the statement's improvement and identifying, where appropriate, potential areas of conflict as set forth in 516 DM 7.

1.7 Guidance for Departmental Coordination with States Following Approval of State Coastal Zone Management Programs.

A. General. Field staff level contact will remain the basic means of maintaining a cooperative relationship between the State resource management agencies and the bureaus and offices of the Department. These working relationships and those new ones established during the coastal zone management plan development phase, however, should be intensified as States begin to implement their programs. The implementation phase presents a second opportunity for the Department to make its information and technical expertise available to the States. In addition, the procedures established in 702 DM 1.4E(2) for cooperation between the Department and State agencies in coastal zone activities shall be utilized to ensure that the Department is knowledgeable about State activities and the State is kept informed regarding Department activities in matters affecting its coastal zone. After approval of a State's CZM program, by the Secretary of Commerce, three types of contact with the State are especially important--those relating to the State's CZM performance reviews, those relating to development of amendments to approved programs, and those necessary to meet the Department's Federal consistency obligations.

B. Performance Reviews of Approved State CZM Programs. The Office of Coastal Zone Management (OCZM) conducts a performance review, prior to renewing program implementation grants to States with approved CZM programs. Grant conditions may be derived from the results of these reviews. Until regulations are issued by NOAA governing these reviews, the following guidelines should be used.

(1) Bureaus and offices of the Department are encouraged to work closely with the State CZM agency during the early stages of formulation of its list of proposed tasks to be

submitted as part of its annual grant application. Such early coordination will help assure inclusion of work items supportive of sound coastal management and Departmental programs in areas of mutual interest.

(2) OCZM will provide notice via the REO's of the upcoming performance review. Normally, OCZM will hold a meeting with the appropriate regional Federal offices during its site visit to the State. Additionally, a public hearing will normally be held. If any of the bureaus or offices have unresolved issues, recommended changes, or candidate areas for further study pertaining to a State's CZM program, they should inform the REO of their desire to participate in any meeting or hearing.

C. Amendments and Other Changes to Approved State CZM Programs. Changing conditions in the coastal zone such as altered needs, issues, priorities, or social and political expectations will necessitate periodic amendments and other changes to approved CZM programs. Designated bureau or office personnel should work with the States in developing draft changes, will review and comment directly to the States on routine program implementation and will cooperate with the Regional Environmental Officer in field review and comment on draft amendments prior to State submissions to the Office of Coastal Zone Management for Federal review. Formal Departmental review of proposed amendments to approved State CZM programs which require review at the Assistant Secretarial level as determined by the Director, Office of Policy Analysis, will be conducted in accordance with procedures established pursuant to 702 DM 1.4C(3). Procedures for proposed amendments which do not require review at the Assistant Secretarial level will be developed by the Regional Environmental Officers as provided for in 702 DM 1.4E(2).

D. Federal Consistency. It is the policy of the Department to fully support and give priority to the Federal consistency responsibilities established by Section 307 of the CZMA and the implementing regulations (15 CFR Part 930).

(1) Any bureau or office conducting or supporting activities directly affecting the coastal zone or undertaking any development project in the coastal zone will do so in a manner which is, to the maximum extent practicable, consistent with approved State coastal zone management programs. Bureaus and offices of the Department shall establish internal procedures adequate to meet the requirements of 15 CFR 930.30-44.

(2) No bureau or office of the Department will issue a license or permit to conduct an activity which (a) is listed in a State's approved CZM program or (b) in a notification to the bureau or office, is deemed by the State to be likely to affect the land and water uses in the coastal zone of the State, until the State has concurred with the applicant's certification that the activity is consistent with the State's CZM policies and program. However, if by the State's failure to act, the concurrence is conclusively presumed, or if the State's objection is overruled by the Secretary of Commerce such licenses or permits may be issued. States with approved CZM programs have listed in their program documents those types of Federal licenses and permits which are likely to affect the coastal zone and which they wish to review for consistency (15 CFR 930.53(b)). Additionally, bureaus and offices are responsible for notifying the State of any proposed unlisted licensed or permitted activity which might affect coastal resources.

Bureaus and offices of the Department will establish, as appropriate, internal procedures adequate to meet the requirements of 15 CFR 930.50-66.

(3) Similar requirements to those in 702 DM 1.7D(2) apply to Federally permitted or licensed activities described in detail in Outer Continental Shelf (OCS) Exploration and Development Plans which are submitted to the U.S. Geological Survey. The major difference is that those associated with OCS plans may be batch processed. Procedures to be followed for these OCS licenses and permits are found in 15 CFR 930.70-86 and in applicable USGS regulations.

(4) Applications submitted by State and local governments for Federal assistance under Departmental programs will be submitted and coordinated in accordance with the procedures set forth in Office of Management and Budget Circular A-95, and 511 DM 1-8. In accordance with the requirements of 15 CFR 930.90-100, no application for such assistance will be approved which is found by a State to be inconsistent with its approved State coastal zone management program, unless the objection presented by the State is overruled by the Secretary of Commerce in accordance with 15 CFR 930.120-134.

(5) In regard to activities referred to in subsections D(2), (3) and (4) above, bureaus and offices are to inform applicants of the referenced CZM legislative and regulatory requirements which they must meet prior to approval of their application. The bureaus and offices are also encouraged to provide appropriate assistance to applicants to facilitate their compliance with these requirements.

1.8 Conflict Resolution.

A. General. If CZM-related conflicts arise between States and the bureaus or offices of the Department, efforts within the Department to resolve them should first be attempted by the affected bureau(s) and office(s). If these efforts are unsuccessful, Departmental level resolution will be attempted before the informal and formal Commerce Department procedures of 15 CFR 923.54 and 15 CFR 930.43, 44, 55, 66, 99, 100, 110-116 are invoked.

B. Bureau Resolution. When (1) notification is received by a bureau or office from a State that one of its activities or development projects has been found by the State not to be consistent with the State's approved coastal zone management program or (2) when a major disagreement between a bureau or an office of the Department and the State over the development or implementation of a CZM program occurs, every attempt should be made to resolve such conflict by the bureau or office concerned. If the bureau is not successful in finding a solution, it should request the assistance of the REO, who will use the procedures established pursuant to 702 DM 1.4E(2)(d) to seek a resolution.

C. Departmental Resolution. Whenever any CZM-related conflict between a State and a bureau or office of the Department cannot be resolved by the bureau or office with the assistance of the REO, a summary of the issue in conflict and all data and information relating thereto shall be forwarded by the head of the bureau or office concerned through the appropriate program Assistant Secretary to the Director, Office of Policy Analysis with a copy to the REO. The

Director, Office of Policy Analysis, together with the Assistant Secretary, PBA, the affected bureau(s), office(s) and program Assistant Secretary(ies), the REO, the Solicitor's Office, and as appropriate, the State will discuss and assess the issue. If no resolution is found, the Director, Office of Policy Analysis, will request informal assistance from the NOAA Assistant Administrator for Coastal Zone Management to find a resolution in accordance with 15 CFR 930.111.

D. Serious Disagreements and Mediation by the Secretary of Commerce. If no resolution is forthcoming from efforts undertaken pursuant to 702 DM 1.8B and C and all informal avenues of negotiation are exhausted, a recommendation may be submitted by the head of the bureau or office to the Secretary (via the appropriate program Assistant Secretary and the Assistant Secretary-Policy, Budget and Administration) that a notification be sent to the Secretary of Commerce indicating the existence of a serious disagreement' and requesting the Secretary of Commerce to seek to mediate the serious disagreement.' A summary of the issues and adequate details of the relevant facts pertaining to the serious disagreement' will accompany the recommendation to the Secretary. If the Secretary issues such a notification, a copy will be sent to the State agency with which the disagreement exists and to the NOAA Assistant Administrator for Coastal Zone Management. Details on notification of serious disagreements' and the mediation process are provided in 15 CFR 930.110-116 and 15 CFR 923.54.

E. Review by the Secretary of Commerce Related to the Purposes of the CZMA and National Security Interests.

(1) If a State objects to an activity subject to a Departmental license or permit (including those described in detail in an OCS plan) or to Departmental financial assistance to a State or local government and files an appeal with the Secretary of Commerce in accordance with 15 C.F.R. 930.125, the affected bureau or office will prepare the detailed comments called for in 15 C.F.R. 930.126. These comments will be submitted to the Secretary of Commerce through the appropriate program Assistant Secretary and the Assistant Secretary, Policy, Budget and Administration, with a copy to the appropriate REO.

(2) When preparing these detailed comments, the affected bureau or office should discuss the appeal with the affected Assistant Secretaries and the Director, Office of Policy Analysis, and will provide a copy of the notice of appeal and supporting information to the Director, Office of Policy Analysis. Upon the request of the affected bureau and/or program Assistant Secretary, the Director, Office of Policy Analysis, may informally discuss the appeal and the detailed comments with the NOAA Assistant Administrator for Coastal Zone Management. If legal issues are involved, the Solicitor will be a party to the discussion and will surname the detailed comments.

(3) The procedures used by the Secretary of Commerce for such review and the related responsibilities of Federal agencies are established by 15 CFR 930.120-134.

5/29/80 #2266

Replaces 8/29/75 #1789