



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Mr. Larry Goldzband
California Coastal Management Program
San Francisco Bay Conservation and Development Commission
375 Beale St., Ste. 510
San Francisco, CA, 94105

Dear Mr. Goldzband

Thank you for the San Francisco Bay Conservation and Development Commission's (BCDC's) July 10, 2020,¹ request for approval of changes to the Findings and Policies of the San Francisco Bay Plan pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.²

NOAA's Office for Coastal Management approves the incorporation of the changes as part of the federally approved San Francisco Bay segment of the California Coastal Management Program subject to the qualification below.

NOAA's regulations require that the state post a public notice of the Office for Coastal Management's decision.³ The public notice should state that as of the date of this decision letter the revised and new enforceable policies shall apply to federal consistency reviews under the CZMA and its implementing regulations found at 15 CFR part 930.⁴ Please include in the public notice the list of changes provided in this letter, and send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

CHANGES APPROVED

See the attached Table of Approved Changes (BCDC-2020-4).

¹ In accordance with CZMA § 306(e), a decision on the request was originally due on August 12, 2020, subject to extension. The Office for Coastal Management extended its review of this program change approval request to October 16, 2020.

² This program change request was submitted under the revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)).

³ 15 CFR § 923.81(e)(5); 84 FR 38118, 38133 (Aug. 6, 2019).

⁴ 15 CFR § 923.81(f); 84 FR 38118, 38133 (Aug. 6, 2019).

QUALIFICATION

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for federal consistency unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this submission.

Thank you for your cooperation in this review. Please contact Sarah van der Schalie at 510-637-3794, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, BCDC-2020-4.

Sincerely,

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Adam Stein, Chief (Acting)
Stewardship Division

Attachment: Table of Approved Changes (BCDC-2020-4)