

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/20/2009

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 04/23/2009

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200904-0648-005
AGENCY ICR TRACKING NUMBER:
TITLE: Coastal and Estuarine Land Conservation, Planning, Protection, or Restoration
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0459

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 07/31/2012

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	72	1,007	1,000
New	100	1,405	457
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	28	398	-543
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Coastal and Estuarine Land Conservation Plans - new plan			
Coastal and Estuarine Land Conservation Plans - revisions			
Project application and checklist	NA	CELCP Project Application and Checklist	
Final application and performance reporting	NA	CELCP Project Application and Checklist	

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
COASTAL AND ESTUARINE LAND CONSERVATION,
PLANNING, PROTECTION, OR RESTORATION
OMB CONTROL NUMBER 0648-0459**

A. JUSTIFICATION

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

This request is for a renewal of the information collection.

In FY 2002, Congress directed the Secretary of Commerce (Secretary) to establish a Coastal and Estuarine Land Conservation Program (CELCP) “for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses,” giving priority to lands which can be effectively managed and protected and which have significant ecological value. Congress further directed the Secretary to issue guidelines for this program delineating the criteria for grant awards, and to distribute funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds. The Office of Ocean and Coastal Resource Management (OCRM), within NOAA's National Ocean Service (NOS), published guidelines that establish procedures for eligible applicants who participate in this voluntary program to use during the three phases of the program:

- 1) developing state conservation plans under this program (and updating them every 5 years)
- 2) soliciting project proposals for eligible states and territories to nominate to a national funding competition under this program
- 3) submitting final grant applications for projects selected for funding and carrying out the projects.

The original authority for this program is codified at 16 U.S.C. 1456d, [Coastal and Estuarine Land Conservation Program](#). In addition to the CELCP, NOAA also has, or is given, authority under the [Coastal Zone Management Act](#), annual appropriations or other authorities, to issue funds to coastal states and localities for planning, conservation, acquisition, protection, restoration, or construction projects. On March 30, 2009, new legislation, amending the Coastal Zone Management Act (CZMA) and authorizing the program under this Act, was enacted through Title XII, Subtitle E of P.L. 111-11 (Section 12502 of [H.R. 146](#)). This new law formally establishes the program as part of the Coastal Zone Management Act and makes some changes to the program as currently implemented.

It is necessary to collect information beyond that outlined in [OMB Circular A-102](#) in order to plan for and implement these projects. This information is needed to comply with applicable federal statutes, regulations and policies, including the [National Environmental Policy Act](#), [Endangered Species Act](#), [Magnuson-Stevens Fisheries Conservation Act](#), [Coastal Barriers Resources Act](#), [National Flood Insurance Program](#), [National Historic Preservation Act](#), and [Americans with Disabilities Act](#), among others. It is also needed to comply with requirements contained in OMB standards or other applicable laws, regulations or policies governing federal financial assistance related to construction, acquisition, restoration, enhancement, protection, and

if necessary, disposition of property, and those relating to financial assistance awards to state or local government agencies or entities, non-governmental or private organizations, or others.

A. Conservation Planning

In order to qualify to participate in the national funding competition under this program, a coastal state must develop, and submit to NOAA for approval, a Coastal and Estuarine Land Conservation Plan that provides an assessment of priority conservation needs and detailed guidance for nominating and selecting land conservation projects within the state. Plans are intended to be fairly simple and concise, and may make use of work that has already been done in the state or region, such as regional or state watershed protection plans. State plans must include the following information, as described in the [CELCP Program Guidelines](#), Section 3:

- A description of the geographic scope of the program within the state, and the types of lands or values to be protected through the program;
- Descriptions and maps of “project areas” that identify the state’s priority areas for conservation, including areas threatened by conversion, based on state and national criteria (listed below) for the program;
- A prioritization, based on state criteria, of project areas or types of lands included within the state plan;
- A description of existing plans, or elements thereof, that are incorporated into the CELCP plan;
- A list of state or local agencies, or types of agencies, that are eligible to hold title to property acquired through the program;
- A description of public involvement and interagency coordination that occurred during the development of the plan; and
- A description of the state’s process for reviewing and ranking proposals for nomination to the national selection process. The vetting process should, at a minimum, involve representatives from the state’s coastal zone management program, National Estuarine Research Reserves (NERRs), and any other agencies or entities that the state considers appropriate for identifying projects that meet the state’s priorities for coastal and estuarine land conservation.

B. Application for Federal Funding

In order to apply for funding for project grants, applicants (eligible states and territories) will need to submit proposals as part of a national competitive funding process and, if selected for funding, a final grant application. In the case of Congressionally-directed projects, applicants

will need to submit all elements listed below as part of a final grant application. Some of the information to be collected is already covered under OMB Circular A-102.

OCRM will use the Project Application and NEPA Checklist as well as supporting documentation, to review land acquisition, conservation or other similar projects proposed by eligible states and local governments. The information will be collected when the states and local governments submit project proposals for review and approval by NOAA.

Project proposals submitted to the annual funding competition contain the following elements: a project description/scope of work; project budget and justification of proposed costs, project checklist, and project location/site maps. With this renewal, the project description and proposed budget are being combined within one Project Application and NEPA Checklist.

1. Project Description/Scope of Work.

The Project Description should describe:

- The nature of the project, including acreage and types of habitats or land values to be protected, as well as how the funds (federal and non-federal) will be used;
- How the proposed project meets the state and national criteria and its expected benefits in terms of coastal and estuarine land conservation;
- Discrete benchmarks for completing the project within a specified time period; and
- The types of activities that would be allowed to take place on the land and a strategy for long-term stewardship, such as maintenance or enforcement against illegal uses.

2. Project Budget and Justification of Proposed Costs.

The Project Budget should describe:

- The breakdown of project costs, as applicable, by category – such as salary, fringe benefits, travel, equipment, supplies, contractual, construction, other (primarily using Standard Form 424A);
- The basis for the estimate of land acquisition costs and the source of matching funds;
- Whether this project has been submitted in application(s) for other sources of federal funding, and if so, which federal program(s) and year(s).

3. Project Location and Site Maps: A map of the state or coastal county showing the general location of the project and a map of the project site showing the location and extent of the proposed acquisition and the relationship to significant natural features (slope, wetlands, dunes, floodplains, access points, etc.).

- 4. A completed Project Application and NEPA checklist** along with any supporting information, to demonstrate the project’s eligibility or merit, justify the proposed cost of the project, and document compliance with Federal laws, regulations and policies.

There are three main elements of the Checklist:

- CELCP Lead Certification/Eligibility of Project: A list of criteria for projects under the CELCP. The CELCP lead (as applicant) is asked to check all that apply. The CELCP lead is also asked to briefly describe how the project addresses priorities identified in state/territory CELCP plans. This information will help ensure that proposed projects are consistent with the purposes of the CELCP.
- Applicant and Project Information: Project title, applicant, point of contact, general location, project abstract, characteristics and values of the property, and other supporting information needed to demonstrate the project’s eligibility or merit (described below).
- Compliance with Other Federal Authorities: Several statutes, including, but not limited to, the National Environmental Policy Act and the Endangered Species Act, attach requirements to the actions of federal agencies and the use of federal funds. This section of the checklist asks the applicant to answer several questions about the proposed project to assist NOAA in determining whether funding the project would trigger our responsibilities under relevant federal statutes.

Final grant applications or grant awards (for projects selected for funding) will require the following elements, in addition to the preceding elements, for each property being acquired or used as match:

1. Documentation of a landowner’s intent or willingness to sell, which may be in the form of a letter of intent, option letter, contract, or similar form.
2. Complete, self-contained appraisal developed in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Standards for Federal Land Acquisition (“Yellow Book”).
3. Environmental Assessment or Environmental Impact Statement, if applicable.
4. Site Survey/Plat* Map.
5. Evidence of Title.
6. Standard Forms for Federal Financial Assistance (non-construction).

* A plan, map, or chart of a piece of land with actual or proposed features (as lots)

Note: The NEPA portion of the project checklist submitted here for OMB approval under the Paperwork Reduction Act (PRA) is a modified version of the project checklist that is already in use for section 306A of the CZMA under OMB Control No. 0648-0119 (renewal currently under review at OMB). This renewal request (OMB Control No.

0648-0459) covers the checklist itself and any documents or supporting materials described in the checklist. This proposed information collection will enable NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under other authorities.

C. Performance Reporting

Each grant recipient is required to: 1) report semi-annually on their progress in carrying out the approved project; and 2) submit a final progress report. These documents are submitted to NOAA electronically via NOAA's Grants Online system. As a standard condition of the grant, recipients are required to provide documentation of completion for all required tasks, such as a copy of the recorded deed or easement and installed sign acknowledging NOAA's financial support for the project.

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 all applicable Information Quality Guidelines.

Planning projects (development of CELCP plans) would normally be one-time collections of information but may be updated periodically; for example, once every five years. These plans are used to establish eligibility for the state or territory's participation in the program and serve as a guide to potential applicants and merit reviewers to determine whether a proposed project advances the state or territory's coastal land conservation priorities.

Applications for financial assistance are collected once per year, subject to availability of funding in the President's Budget Request and/or through the appropriations process. If NOAA solicits projects for funding through a competitive process, NOAA may solicit project proposals that contain a subset of the information that will be required with a final grant application. The information is used to evaluate the merit of project applications. Merit reviewers evaluate and score each proposal. Program staff use the information to conduct technical reviews of the proposed projects for compliance with program requirements and guidelines.

For projects selected for funding within the amounts appropriated, NOAA will request applicants to submit the remaining information required for a final grant application, semi-annual progress reports; and, at the end of the award period, the information needed to document completion of all required tasks under the grant. The information is used to: monitor progress of grantees on a semi-annual and annual basis; and ensure compliance with applicable OMB Standards or other federal statutes, regulations or policies governing issues related to construction, acquisition, restoration, protection, and if necessary, disposition of property, as well as those relating to financial assistance awards to state or local government agencies or entities, non-governmental or other grantees.

The NOS will retain control over the information 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA's Ocean Service decide to disseminate the information, it will be subject to the quality control measures and 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.

NOAA encourages states to submit information in electronic format whenever possible, via disk or internet-based submittal (e-mail, [Grants.gov](#) or NOAA's internet-based grant application system, [Grants Online](#), and supported by paper originals or copies as needed for proof of signature or approval. The project application/checklist is available at [coastalmanagement.noaa.gov/land/media/checklist_FY2008.doc](#) (the reformatted checklist submitted for this renewal is not yet posted). Project proposals and final grant applications may be submitted electronically through [Grants.gov](#) to [Grants Online](#). NOAA requires use of the [Grants Online](#) system, which manages grant-related tasks, for final grant applications and semi/annual reports.

4. Describe efforts to identify duplication.

NOAA is the only agency charged with administering the CELCP and issuing these funds. The type of information collected under this request is very similar in nature to information already collected under the Coastal Zone Management Act, particularly the planning elements of section 305, and the land acquisition and construction projects under section 306A, and approved by OMB Control No. 0648-0119. Through this collection, NOAA avoids duplication by using the project checklist, or portions thereof, to meet the information collection needs for the Coastal and Estuarine Land Conservation Program, under its current or future authorization, as well as similar projects assigned to the agency under other authorities given by Congress.

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

This collection does not involve small businesses and is not likely to involve other small entities. NOAA is also able to offer guidance or assistance in completing the application process.

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

The agency would not be able to implement the program or projects effectively or at all if the collection was conducted less frequently. The information collection would correspond with Congressional or other requirements for: establishment of a program (normally one-time),

issuance of financial assistance awards (normally issued once for each appropriations cycle), and performance reporting (semi-annual or annual reporting is standard).

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions 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 January 12, 2009 (74 FR 1175) solicited public comment on this renewal request. None was received.

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

Not applicable.

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

The contents of final planning documents are considered a matter of public record. Draft planning documents, and financial or other sensitive information contained in project applications would be considered pre-decisional and/or private under the [Freedom of Information Act](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and 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.

The total annual burden is estimated as 1,405 hours. The number of projects and applicants may vary in any given year upon the amount of appropriations and the proposed cost of individual projects. Several states have already received NOAA approval for CELCP plans and many others have submitted draft plans to NOAA for review. This calculation has been updated to reflect: the average number of competitive project proposals received each year; the estimated number of ongoing or new grants awarded each year that require semi-annual and annual reporting; the remaining number of eligible states that have not yet developed a CELCP plan for NOAA review/approval, and the number of state plans requiring revisions prior to approval.

The total **one-time** burden for the respondents is estimated to be **1,065** hours over 3 years.

27 respondents x 35 hours/respondent = 945 hrs/3 years
(revision of draft CELCP plans)

1 respondent x 120 hours/respondent = 120 hrs/3 years
(development of CELCP plans)

Total: = 1,065 hrs/3 years
= 355 hrs/year

The total annual burden in addition to the above one-time annualized burden for the respondents is estimated to be **1,050 hours**, based on the following assumptions.

60 responses (est.) x 15 hours/response/year = 900 hrs/year
(project application and checklist)

30 responses (est.) x 5 hours/response/year = 150 hours/year
(final grant application with due diligence materials (3.5 hours) and
semi-annual and annual reporting for grant awards (total of 1.5 hours))

Thus, the total annualized burden is estimated to be $355 + 1,050 = 1,405$.

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

To copy and mail documents, the total cost is estimated at \$523, as follows:

For CELCP plans, the annualized cost is estimated by spreading the total costs for the 28 respondents (for one new plan and 27 revisions) equally across the 3-year renewal period. The total cost is estimated as: \$7.50 per plan (3 copies each, max. 50 pages, \$0.05/page) to copy and approximately \$3.50 per plan to mail, for an individual total of \$11.

Subtotal: CELCP plans ($\$11.00 \times 28$) = \$308/ 3 years = \$103/year

For project applications, the annual cost is estimated as \$5.00 per project application to copy (5 copies each, avg. 20 pages, \$0.05/page) and \$5.00 to mail if submitted in paper form = \$10 (the annual cost is estimated as \$0 if submitted electronically via Grants.gov.). In addition, the annual cost for record keeping is estimated at \$2.00 to retain 2 copies on file of each project application. An estimated 50% of project applications are submitted in paper form.

Subtotal: applications and performance reports = \$420/year

Project applications submitted in paper: ($\$10.00 \times 30$) = \$300/year

Recordkeeping for project applications: ($\$2.00 \times 60$) = \$120/year

For final grant applications and semi/annual reports, the cost estimate is estimated at \$0 because these documents must be submitted electronically via NOAA's Grants Online system.

Total for plans and project applications: \$103 + \$420 = \$523.

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

The cost in staff time for NOAA to review CELCP plans is estimated as 10 hours each at \$40/hour, for a total annual cost of approximately \$2,000-\$4,000 for 5-10 plans per year.

The cost in staff time for NOAA to review project checklists and performance reports for each project is estimated as 2 hours each at \$40/hour, for a total annual cost of approximately \$4,000, based on 100 hours.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The increased estimate for the annual recordkeeping and reporting hours is due to an increase in the projected number of project proposals received each year as more states participate in the competitive program (the estimate has increased from 50 to 60).

The increased annual estimate of burden hours for the CELCP plans reflects the fact that a number of state plans submitted for review and approval by NOAA require additional revision prior to approval, so the number of revision responses has been increased for the renewal period (previously 22 new plans were expected; for this next 3-year period, we estimate 1 new plan and 27 revisions).

In addition, while the number of states that have not yet developed a CELCP plan for NOAA review/approval decreased significantly, the estimate of time needed to develop an initial draft was increased from 35 hours to 120 hours, based on feedback from respondents.

It should be noted that the estimate of 60 new project proposals per year may vary based on past appropriations, the variable nature of land transactions, and other factors that affect each state's level of participation in the program. The estimate is based on the maximum number of project proposals that NOAA would expect to receive in an average year, based on recent experience.

NOTE: The recordkeeping/reporting cost increased from \$516 to \$523: the increased number of proposals and increased postage costs were almost balanced by the increase in electronic submissions. However, in ROCIS, the previous cost is shown as \$1,000, as the cost was rounded up when the information collection was migrated to ROCIS.

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

NOAA may summarize information contained within the information collection in order to provide internal assessments of program performance or resource allocation, progress reports, or accomplishments, or information required by the Congress or agencies of the federal government outside of NOAA for oversight.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

CELCP Project Application and NEPA Checklist

CELCP Lead Agency Review and Certification

1. Name of CELCP Lead Agency: _____
2. Project Title: _____
3. Project Location (Address or Major Intersections, City, County, State): _____
4. Congressional District(s): _____
5. Amount of CELCP Funding Requested: _____
6. Project Eligibility Screen: (Check all that apply)

The proposed project:

- is located in a coastal or estuarine area that has been designated as a Project Area in the state's or territory's approved Coastal and Estuarine Land Conservation Plan;
- matches federal funds with non-federal funds at a ratio of at least 1:1;
- will be held in public ownership and provide conservation in perpetuity;
- will be accessible to the general public or provide other public benefit, as appropriate and consistent with resource protection;
- protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- can be effectively managed and protected;
- is consistent with the state's approved coastal management program.

7. Consistency with CELCP Plan:

Briefly describe how the project advances the goals of your state/territory CELCP plan (e.g., priority types of land and/or values that will be conserved). Please include citations to your state/territory plan.

Signature of CELCP Lead

Date

Name and Title of Signatory (please print or type): _____

Project Applicant Review and Certification

8. Name of Applicant/Sub-applicant: _____ (i.e., Name of the public agency that will receive the grant funds to execute the project.)

9. Applicant Type: (Check one)

- State or Territorial Agency
- Local Government (county, municipality, city, town, township, local public authority, school district, special district, council of governments, or agency or instrumentality of a local government)
- Regional or interstate government entity
- Area-wide agency designated under Chapter 41, Subchapter II, Section 3334 of Title 42

I ATTEST THAT: THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; I UNDERSTAND THE CONSEQUENCES OF NON-COMPLIANCE WITH THE SPECIAL AWARD CONDITIONS THAT WILL BE PLACED ON A CELCP GRANT, IF ONE IS AWARDED FOR THIS PROJECT.

Signature of Applicant _____ Date _____

Name and Title of Signatory (please print or type): _____

Address: _____

Phone Number: _____

Email: _____

PROJECT SUMMARY

10. Budget Overview:

CELCP Federal share (requested amount):	\$ _____
CELCP State/Local Match Contributions:	\$ _____
Other Federal:	\$ _____
Other Non-Federal:	\$ _____
<hr/>	
Total Project Cost:	\$ _____

11. Project Description/Abstract: *(Briefly summarize the project, describing property features, acreages, environmental significance, location of the property in relationship to the coast or estuary, expected benefits, and other salient details. Please limit the abstract to 2,500 characters (including spaces).*

I. PROGRAM PURPOSE/ RELEVANCE TO PROGRAM GOALS:

12. What is the primary value to be conserved by this project? (Check one)

Ecological Conservation Recreational Historic Aesthetic

13. What values are contained within the proposed property to be acquired? *(Please use the guidance provided below to describe the ecological, conservation, recreation, historic, and aesthetic values contained on the property.)*

(a.) Ecological Value:

Guidance:

- Describe the different habitat types that are found on the project site (e.g. upland forest, scrub/shrub, fields) and provide information on the habitat quality, including any impairments such as invasive/exotic species.

- Describe the ecological importance of the acquisition for the region, particularly in relation to coastal and estuarine resources and ecosystems such as: species diversity on the site(s); whether the site contains habitat of specific importance to the region; and whether and how the project will enhance linkages among ecologically important areas in the region.
- Describe how the habitat supports, or may support, Federal- or state-listed threatened or endangered species or species of greatest conservation need. For example, does the site provide enough acreage to support a viable population of an endangered species or will it enhance existing protected areas that already provide habitat for a viable population of an endangered species?

(b.) Conservation Value:

Guidance:

- Describe how acquisition of the site will help establish corridors and/or linkages among areas of significant conservation, ecological, recreational or aesthetic values that are already protected and/or whether the project exhibits a mix of ecological, recreation, historic and aesthetic values that together contribute important benefits to the coastal and estuarine environment that are not provided by those values individually.
- Indicate whether restoration is planned for the site, and if so, describe the potential for successfully restoring ecological values that have been impaired due to circumstances that have affected the site's integrity (such as invasive/exotic species and/or other alterations such as dikes or clearing for agricultural and silvicultural uses). Please also describe the plan, timeline and source of financial support for the proposed restoration.

(c.) Recreational Value:

Guidance:

- Describe the property's significance or contribution with regard to coast-dependent or nature-based recreation and whether the project supports priorities for recreational access identified in a state's CELCP plan or other assessment of needs for coastal recreation.
- Describe whether the site's coastal access is located in an area of determined need at the local, regional, or national level.
- Describe whether the project site will be easily accessible to many people and/or whether there will be any limits on accessibility for recreation, for example, only allowing guided tours or having the site open only at certain times of the year.

(d.) Historic Value:

Guidance:

- Describe any historical, cultural, or archaeological features of significant value found on the property. For example, does the property contain features that are listed, or eligible to be listed, on the National Register of Historic Places, or a comparable State Register? Does this property contain any features designated or eligible to be designated as National Historical Landmarks? Please include information about any formal designation the property has received or been evaluated for.
- If applicable, explain whether the site contains evidence of historical, cultural, or archaeological features, and describe if they have been formally evaluated or such evaluation is warranted.

(e.) Aesthetic Value:

Guidance:

- Describe the views to be preserved by this acquisition and the contribution this property makes to the surrounding area.
- Describe whether the project protects a site designated nationally as a scenic byway or wild and scenic river, or a buffer adjacent to designated areas.
- Describe whether the project supports a local or state designated scenic route, river trail, or other cultural landscape.
- Describe any other significant contribution(s) this property makes to the aesthetic character of the surrounding area.

14. Strategic Importance/ Relevance to Conservation Plans: *(If applicable, address relevance to each plan or type of plan referenced in (a) through (e) below. Please include citations wherever possible.)*

(a.) State/Territory CELCP Plan: *(Please describe the specific project area and priority land type(s) or value(s) in the state CELCP plan that the proposed acquisition supports, and include references to maps or page numbers wherever possible.)*

(b.) State/Territory Coastal Management Plan approved under the CZMA:

(c.) National Estuarine Research Reserve (NERR) approved under the CZMA (if applicable):

(d.) Regional or State Watershed Planning Efforts:

(e.) Local Watershed or Coastal Planning Effort:

15. Are region and site location maps attached? ___ Yes ___ No

Attach a regional map showing the general location of the property or properties associated with the project, as well as a site map for each property to be acquired. Maps should illustrate the location and extent of the proposed acquisition, as well as its relationship to significant natural features (slope, wetlands, dunes, floodplains, public access, etc.).

16. Photographs: *(If available, please attach photographs of the project site that document the values described below.)*

PROPERTY INFORMATION

Please complete this section (questions #14-26, below) for EACH property to be acquired with CELCP funding or being used as in-kind match.

17. Name of Property: _____

18. What are the legal rights that will be acquired? (Check one)

Fee Title Conservation Easement/Restriction

If an easement, is the term in perpetuity? Yes No

19. Current Ownership: The site is currently owned by (Check one):

Individual Corporation Public

20. What organization will hold title to the property or easement? _____

21. Property will be: (Check one)

Purchased with CELCP funding; Used as an in-kind match contribution

(a.) Please briefly summarize the features of the property/easement in terms of the values described above. If an in-kind match property, please also describe when the property/easement was or will be acquired and how (purchase or donation); whether it was acquired from a willing seller; who holds or will hold the fee title or easement; and the relationship of the property to the property(ies) to be acquired with CELCP funds, i.e., shared conservation values, physical (including distance) or strategic conservation connections, and other attributes that warrant its consideration as a like-kind contribution.)

22. Acreage of Property:

Total Acreage of the property: _____

Acres of Floodplain, if applicable: _____

Total Shoreline Length: If the property has water frontage (beach or river shoreline), please indicate the length (in feet or miles) _____ and the name of the waterbody: _____

23. Classify the types of habitat that comprise the property. If possible, please provide specific details as to the habitat types found on the property. If uncertain, leave blank or otherwise indicate that the information is an estimate. Further information on land classifications can be found at http://www.csc.noaa.gov/crs/lca/tech_cls.html.

Habitat Classification	Acreage or percentage	Other Details (such as quality)
Palustrine Forested Wetland		
Palustrine Emergent Wetland		
Palustrine Aquatic Bed		
Estuarine Forested Wetland		
Estuarine Scrub/Shrub Wetland		
Estuarine Emergent Wetland		
Estuarine Aquatic Bed		
Beach/Unconsolidated Shore		
Open Water		
Tundra		
Perennial Ice/Snow		
Moss		
Lichens		
Developed, High or Medium Intensity		
Developed, Low Intensity		
Developed, Open Space		
Cultivated Crops		
Pasture/Hay		
Grassland/Herbaceous		
Sedge/Herbaceous		
Deciduous Forest		
Evergreen Forest		
Mixed Forest		
Scrub/Shrub		
Dwarf Scrub		
Barren Land		
Other		

II. SCIENTIFIC/ TECHNICAL MERIT

24. Manageability and Long-term Use of the Property:

(a.) Condition of property: Please describe the current condition of the property. Is the property already in the desired state or is restoration or clean-up/remediation needed? Are surrounding uses (e.g. development plans or uses allowed by zoning) compatible?

(b.) Current uses of property: What type of activities/uses, including structures and/or leases, currently occur on the property?

25. Long-term Use of the Property:

(a.) Proposed long-term use(s): What types of activities/uses are intended for the property after acquisition? For each activity/use described, please indicate the extent (e.g., acreage or percentage of the property) and location of the activity/use, and how they are compatible with the primary purpose of the project. If restoration or remediation is needed, please describe plans for completing restoration/remediation and whether funding has been secured for that purpose (or how it will be secured).

(b.) Will the property will be leased or rented? ___Yes ___No If yes, please explain. If there is an existing lease and/or life estate that will transfer with the property, please describe the nature, duration and terms of the lease and/or life estate.

(c.) Long-term stewardship/management strategy: Has a long-term stewardship or management strategy been developed that describes how the ecological, conservation, recreation, historic, and aesthetic values present on the project site will be maintained or improved and the proposed method for ensuring long-term operations, maintenance and safety needs related to the property? ___Yes ___No If yes, please attach. If no, please describe the plan/timeline for developing a management strategy.

(d.) Terms of conservation easements: For conservation easements, have the terms of the easement been negotiated and drafted? ___Yes ___No If yes, please attach.

(e.) Public Access/Benefit: Will the property will be accessible to the general public? ___Yes ___No

If no, please explain the reason why access will be limited (e.g., resource protection, conservation easement, public safety, geographic isolation/inaccessibility) and describe other public benefits that exist that offset the lack of public access.

(f.) User Fees or Access Fees: Will the public be charged a user fee for access to or activities on the proposed property? ___Yes ___No If yes, provide a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

26. Threat of Conversion:

(a.) Development Pressures: Please describe the current development pressures on the property (e.g., population trends and/or proximity to major infrastructure, such as roads or availability of water/sewer, that indicate the area's threat of conversion, or whether development plans been approved by a local governing body and regulatory agencies).

(b.) Development Potential: Please describe the development potential of each property to be acquired, including current zoning and developable area.

(c.) Status of the Property: Please describe the current status of each property to be acquired, such as whether listed for sale and/or whether any subdivision or development plans are pending for the site.

27. Project Readiness:

(a.) Parcel Identification: Please describe whether target parcels or project sites have been identified and the stage of discussion with landowners, such as whether preliminary contacts have been made and/or whether negotiations have resulted (or are likely to result) in a purchase and sale agreement.

(b.) Willing Seller: Is the landowner a willing participant in negotiations to sell at a mutually agreeable price? ___ Yes ___ No If yes, is documentation available, such as in the form of a letter of intent, option letter, contract, or similar form? ___ Yes ___ No (If yes, please attach.)

(c.) Title Review: Has a title review and opinion/ certificate been completed? __ Yes __ No If yes, please describe any liens, judgments or other encumbrances that could interfere with the acquisition of the property or its long-term conservation under the CELCP within the award period.

(d.) Appraisal: Has a complete, self-contained appraisal prepared to the Federal "Yellow Book" appraisal standards been completed? __ Yes __ No If yes, what is the date of the appraisal? _____

(e.) Legal Issues: Is the project subject to litigation, bankruptcy or other legal proceedings that could interfere with the acquisition of the property within the award period? __ Yes __ No If yes, please explain.

(f.) Environmental Hazards: Does the site currently have, or has it had, contamination or other environmental hazards that must be resolved before it would be suitable for public use? __ Yes __ No If yes, please explain.

III. QUALIFICATIONS OF APPLICANTS

28. Ability to Acquire Land:

- (a.) Please describe the agency's legal authority, personnel, expertise, and previous experience in acquiring lands for long-term conservation, either directly or through partnerships with another organization:
- (b.) Will the recipient contract (formally or informally) with a private or non-profit organization to complete part or all of the acquisition(s) for this project? If yes, please provide the name of the organization and describe the organization's ability to acquire lands.
- (c.) Please list other organizations that will be involved in or provide support for completing this project? What role or kind of support will each partner provide?

Name of Partner Organization	Role of Partner Organization

29. Ability to Manage Land:

- (a.) Please describe the organization's capacity, in terms of personnel, expertise, and funding, to manage the property for conservation purposes, either directly or through a partnership or stewardship agreement with another organization. Please describe your agency's current experience in managing other properties for conservation purposes.
- (b.) Has a dedicated source of funding and staff for long-term conservation been identified?
- (c.) Will your agency contract with or pursue other arrangement with a private organization (such as a land trust) to support long-term management and stewardship of property(ies) acquired through this project? If yes, please provide the name of the organization and describe the organization's ability to manage lands.

IV. PROJECT COSTS AND TIMELINE

30. Project Timeline:

Please identify the proposed timeline for the project with discrete benchmarks for completing the project within the award period (which should assume an 18-month period with a start date between June 1, 20XX and October 1, 20XX).

31. Project Budget:

(a.) Budget Overview Table:

Using the table below, please identify the overall costs associated the project, accounting for funding from all likely sources. You only need to fill out this table if the total cost of the project is greater than the requested CELCP funding (including required matching funds). Otherwise, you only need to fill out the CELCP Budget Table (#30b, below).

Category (Examples below)	Amount (Note if cash or in-kind value of land/ services)	Funding Source(s) (Include information from all contributors to the project)	Funds Already Expended? (yes/no) If so, when?
Other - Land Purchase	\$		
Contractual - Title Review			
Contractual - Appraisals			
Personnel			
Contractual - Closing costs			
Total Cost:			

(b.) CELCP Budget Table:

Using the table below, identify the costs associated only with requested Federal CELCP funding and required non-Federal matching funds.

Category	Federal Share from CELCP	State/Local Matching Share	Total	Funding Source (for Non-Federal share) <i>(Note whether funding is from cash or in-kind value of land or services)</i>	Funds Already Expended? <i>(yes/no) If so, when?</i>
	\$	\$	\$		
Total:					

Federal Share of Budget:

32. Please explain the basis for the requested Federal share of CELCP funds, including:

(a.) The basis for establishing the land acquisition cost, such as an appraisal or other basis for estimating fair market value, such as research on comparable sales. If based on appraised value, please explain when the appraisal was conducted and what appraisal standards were used; and

(b.) The basis for any other costs included within the requested Federal share of CELCP. Please describe the nature of those costs to document that they are reasonable costs and necessary for the successful completion of the project. Please also describe the basis for the amounts requested (for example, if personnel costs are requested, detail the number of staff and level of effort).

Non-Federal Matching Funds:

33. What is the source of non-Federal matching funds? (Check all that apply)

- Cash \$ _____
- Value of donated lands \$ _____
- Value of in-kind services \$ _____

(a.) Cash sources - If cash, please describe the source of these funds and explain what actions have been taken to secure these funds and, if not yet in hand, when these funds are likely to be available.

(b.) In-kind land contribution - If an in-kind land contribution is being proposed for match, explain the basis for the value of the contribution (e.g., an appraisal or other estimate of fair market value that still must be confirmed by appraisal).

(c.) Other in-kind services - If other in-kind services are included as match, such as direct staff support, acquisition-related expenses (e.g., title, appraisal, etc.) or restoration or remediation of the property to be acquired with CELCP funds, please explain the nature of these costs and provide details to document that they are reasonable and necessary for the successful completion of the project.

34. Has the match been used previously as match for another federal grant? ___ Yes ___ No If yes, please explain.

35. Is/was the acquisition of the property required in order to compensate for or offset damage to other resources, either in the past or will it be used as such in the future? ___ Yes ___ No

36. Other Funding Sources and Partnerships:

(a.) Has the proposed project been submitted to or is it currently under consideration by other programs for funding? If yes, please list which program(s) and for which funding year(s), and whether the funding requested from other programs duplicates (i.e., substitutes for) or complements (i.e., would be needed in addition to) the funding requested under CELCP.

(b.) If the requested funding from CELCP is only a portion of the total purchase price of the property, please explain whether or how the project would be viable if remaining funds cannot be secured. For example, could the property be acquired in phases? Would the CELCP funds be used to acquire an easement on a portion of the property?

Compliance with Other Federal Authorities

37. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:

a. Will the project affect sites listed or eligible to be listed on the National Register of Historic Places (www.cr.nps.gov/nr/) or a similar State registry? ____ Yes ____ No

b. Does the recipient have the SHPO's clearance on file? ____ Yes ____ No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and the property will not be purchased until SHPO clearance is received by the Recipient.)

38. National Flood Insurance Program:

a. Is the property located in a Special Flood Hazard Area shown on National Flood Insurance Program (NFIP) Flood Insurance Rate Map? ____ Yes ____ No (If No, go to 33)

b. Is the community in which the property is located participating in the NFIP? ____ Yes ____ No

39. Coastal Barriers Resource Act: The property is located on a coastal barrier island designated as a unit of the Coastal Barriers Resources System (www.fws.gov/cep/cbrunits.html). ____ Yes ____ No

If the answer is Yes, attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

40. Endangered Species Act:

(a.) Are there known listed threatened or endangered plant or animal species or their critical habitat (as defined by the Endangered Species Act) that are under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) on the proposed property? ____ Yes ____ No

If the answer is yes, please attach a list of the species and/or their critical habitats.

(b.) Will the proposed project have adverse effects on species listed or proposed for listing as threatened or endangered species or on their designated critical habitats. ____ Yes ____ No (www.fws.gov/endangered) or (www.nmfs.noaa.gov/pr/species)?

If the answer is yes, please attach a description of the species and/or habitats affected, the adverse effects (minor and significant effects), and any coordination that has occurred between the state and the USFWS or NMFS. CPD will not approve a project that USFWS or NMFS has determined will have significant adverse effects on listed species or their critical habitat.

41. Magnuson-Stevens Fishery Conservation and Management Act.

Does the proposed project include essential fish habitat for federally managed fish?
____ Yes ____ No ____ Not yet determined (please explain).

Could the proposed project have adverse effects on essential fish habitat for federally managed fish?
 Yes No

42. National Environmental Policy Act:

(a.) Will the proposed project significantly affect the quality of the human environment?
 Yes No

(b.) Does the proposed project involve unresolved conflicts concerning alternative uses of available resources? Yes No

(c.) Will this project have significant adverse effects on public health and safety? Yes No

(d.) Will this project have highly controversial environmental effects on the human environment?
 Yes No

(e.) Will this project have highly uncertain and potentially significant environmental effects or involve unique or unknown risks? Yes No

(f.) Will this project have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources? Yes No

(g.) Will the effects of this project be cumulatively significant when added to existing and reasonably foreseeable actions, even if the effects from this project individually might be insignificant? Yes No

If the answer to any one subpart of 36. is Yes, then additional NEPA review and documentation may be required. Attach a description of the resource(s) affected, the nature and scope of the effects, and information explaining why the applicant believes an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) should not be required. OCRM may require additional information in cases where potential impacts are not clearly described or where probable impacts require an EA or EIS.

43. Environmental Justice. Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? Yes No

44. Americans with Disabilities Act: Will the proposed project be accessible to people with disabilities? Yes No N/A

If No or N/A, provide a brief explanation below (or attach separately) as to how the project would or should not be required to conform with ADA requirements.

45. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. Will the proposed acquisition cause the displacement of:

Persons, Yes No
Businesses, or Yes No
Farm Operations? Yes No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

46. State, and Local Laws. The project will be consistent with applicable state and local laws. ____
Yes ____ No

47. Tribal Interests:

(a.) The property is located on or will affect Tribal lands. ____ Yes ____ No (If No, go on to 42)

(b.) The project will be consistent with applicable tribal laws. ____ Yes ____ No
If No, the project will not be approved.

48. Contamination/Environmental Hazards (CERCLA/RCRA)

(a.) Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example, is the property Superfund site)? ____ Yes ____ No

If yes, please explain the basis for the designation, the status of clean-up activities, and whether there are any legal liens or judgments affecting the property.

(b.) Are there any known or suspected contaminants on the property? ____ Yes ____ No

If yes, please discuss what type of contamination is on or suspected to be on the property, and if applicable, the status of any clean-up activities.

49. Public Coordination

Has the project for which you propose to use CELCP funds been subject to public review and coordination through a notice or other review process? ____Yes ____No

If "yes", please describe the results of that process and note when the coordination occurred.

If "no", please explain.

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB Control No. 9648-0459. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.



Coastal and Estuarine Land Conservation Program

Final Guidelines

June 2003

Office of Ocean and Coastal Resource Management
National Ocean Service
National Oceanic and Atmospheric Administration



**Coastal and Estuarine Land Conservation Program
Final Program Guidelines – June 6, 2003**

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1. General Information

1.1 Authority and Purpose for the Program

The Department of Commerce, Justice, and State Appropriations Act of 2002 (Public Law 107-77), directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program “for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses,” giving priority to lands which can be effectively managed and protected and that have significant ecological value. The law further directed the Secretary to issue guidelines for this program delineating the criteria for grant awards and to distribute funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds. Grants funded under this program shall require a 100 percent match from other sources. The authority for this program is codified at 16 U.S.C. 1456d.

The National Oceanic and Atmospheric Administration will work with the coastal states and territories through formal relationships established through its role in implementing the Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.) (CZMA), to carry out this program. The CZMA highlights the importance of coastal and estuarine areas and contains policies related to the ecological, conservation, recreational, and aesthetic values of coastal areas.

1.2 Purpose of the Guidelines

These guidelines establish the eligibility, procedural, and programmatic requirements for participation in the Coastal and Estuarine Land Conservation Program (CELCP), authorized by the FY 2002 Appropriations Act. As required by the Act, these guidelines delineate the criteria for all financial assistance awards under the CELCP. These guidelines outline a three-stage process for competitive funding under the program: development of a state coastal and estuarine land conservation plan; a process for identifying and ranking qualified projects within the state and nominating them to a national competitive selection process annually; and a process for conducting peer review and selection of projects at the national level. State participation in this program is voluntary. Coastal states that choose to participate in the CELCP, including eligible project applicants, shall use the guidelines when developing state conservation plans, proposing or soliciting land acquisition projects, applying for funds, and carrying out selected projects under this program.

1.3 Definition of Terms

Appropriations Act or Act. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (P.L. 107-77).

CELCP. The Coastal and Estuarine Land Conservation Program established by these guidelines pursuant to the Act.

Coastal and Estuarine Areas. Those areas within a coastal state that are: part of the state's coastal zone, as designated in the state's federally approved coastal management program under the CZMA or within the state's coastal watershed boundary as described in NOAA's Coastal Zone Boundary Review (October 1992). The coastal watershed boundary is defined: for estuarine drainage areas by the inland boundary of those 8-digit USGS hydrologic cataloguing units that contain the head of tide, and; for the Great Lakes region or those portions of watersheds along the marine coast that drain directly to marine waters by those cataloguing units that are located adjacent to the coast.

Coastal and Estuarine Land Conservation Plan or CELC Plan. A plan, to be developed by each coastal state in order to participate in the program, that provides an assessment of priority land conservation needs and clear guidance for nominating and selecting land conservation projects within the state.

Coastal State(s). As defined in section 304(4) of the Coastal Zone Management Act (16 USC section 1453(4)), "coastal state(s)" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

CZMA. The Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.).

Land Acquisition. Acquisition of real property, or interests therein, by fee title, lease, easement, or any other method consistent with applicable State law or regulation.

NERR or Reserve. A National Estuarine Research Reserve designated pursuant to Section 315 of the CZMA.

NOAA. The National Oceanic and Atmospheric Administration, within the Department of Commerce.

OCRM. The Office of Ocean and Coastal Resource Management, within the NOAA National Ocean Service.

Project Areas. Discrete areas to be identified within a CELC Plan that describe the state's priority areas for conservation based on national and state criteria, representing the values to be protected through the program and areas threatened by conversion. Project areas may consist, for example, of: geographic areas or habitat types identified by a state coastal management plan as areas of concern; significant areas within other coastal,

estuarine, or watershed management plan(s) that may be priority areas for conservation; or areas that provide linkages or corridors among conservation areas within a geographical area.

Secretary. The Secretary of Commerce.

State lead agency. The agency or entity responsible for coordinating the establishment and implementation of the CELCP at the state level. The lead agency will be presumed to be the lead agency designated for implementing the state's coastal management program, as approved pursuant to the CZMA, unless otherwise designated by the Governor. If a state's coastal management program does not wish to assume the lead role, the Governor may designate as the lead agency another state agency with authority to plan, acquire or manage land for conservation purposes.

2. Eligibility Requirements

2.1 Who May Participate in the CELCP

Coastal states with approved coastal zone management plans or National Estuarine Research Reserves are eligible to participate in the CELCP. State participation is voluntary, and states may choose to participate by developing a Coastal and Estuarine Conservation Plan for approval by NOAA. The state lead agency will be responsible for coordinating the establishment and implementation of the CELCP at the state level.

2.2 Who May Submit a Project Application to the Competitive Process

Eligible coastal states that have submitted, and received approval of, a Coastal and Estuarine Land Conservation Plan, may submit proposals to NOAA for federal funding under this program, provided that appropriated funds are available for competitive awards. The state lead agency may solicit, and include in their application, project proposals from additional state agencies, or local governments as defined at 15 CFR 24.3, or entities eligible for assistance under section 306A(e) of the CZMA (16 USC 1455a(e)), provided that each has the authority to acquire and manage land for conservation purposes.

The state lead agency will be responsible for: soliciting projects that are consistent with priorities outlined in the state's plan, reviewing them for completeness, prioritizing them according to state criteria, and nominating projects to the national selection process. States are encouraged to submit proposals from multiple agencies as a consolidated package to NOAA. The state will also be responsible for ensuring that allocated funds are used for the purposes of and in a manner consistent with this program.

2.3 Qualifying Projects

To be eligible for funding under the CELCP, a project must:

- be located in a coastal or estuarine area included within a state's approved coastal and estuarine land conservation (CELC) plan and meet the national criteria described in section 3.1.b.;
- match federal CELCP funds with non-federal funds at a ratio of 1:1;
- be held in public ownership (fee simple or conservation easements) and provide conservation in perpetuity; and
- provide for access to the general public or other public benefit, as appropriate and consistent with resource protection.

2.4 Who May Receive Funds and Hold Title to Land

NOAA may make financial assistance awards to eligible coastal states, including the state's lead agency for implementing the CELCP, the state's coastal management program or its National Estuarine Research Reserve(s). The recipient may in turn allocate grants or make sub-awards to other state agencies, local governments as defined at 15 CFR 24.3, or entities eligible for assistance under section 306A(e) of the CZMA (16 USC 1455a(e)) to carry out approved projects. NOAA may, at its discretion and in consultation with the applicable coastal state, make grants directly to any of these eligible entities in order to expedite completion of an approved project. The recipient, or other appropriate public agency designated by the recipient, will hold title to the land, or interests in land, in perpetuity. NOAA will not make grants under the CELCP to non-governmental organizations unless otherwise directed by Congress.

2.5 Uses of CELCP Funds

The purpose of funding under the CELCP is to protect important coastal and estuarine areas with significant values or that are threatened by conversion, and that can be effectively managed. NOAA has outlined the following uses of CELCP funding that are consistent with these purposes, as well as some that are not considered to be consistent.

a. Eligible uses. CELCP funds may be used for the following purposes:

1. State Planning:

- Development of CELC plans to carry out this program. Each eligible state's lead agency may receive up to a total of \$50,000 for this purpose, which must be matched with non-federal funds at a ratio of 1:1 through cash and/or in-kind contributions.

2. Program Administration:

- Administration of the program, including such direct or indirect costs as salaries and benefits of staff directly involved in program planning, implementation, project review, etc., that shall not exceed 5 percent of the amount appropriated to the Secretary each year. If a state proposes indirect costs as part of an application, the total dollar amount of the proposed indirect costs must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency.

3. Acquisition Projects:

- Acquisition of properties or interests in properties from willing sellers, provided that the terms and conditions will ensure that the property will be administered for conservation in perpetuity, including direct expenses relating to the acquisition of lands and interests in lands acquired under the authority of the CELCP; and
- Certain initial costs for land stewardship, not to exceed 5 percent of the award and not to exceed 3 years or the duration of award period, to allow for signage, public safety, or other stewardship purposes.

b. Ineligible uses. The federal share of CELCP funds may not be used for the following purposes:

- Funding long-term operations, maintenance, and management of the land;
- Construction of buildings, boat launching facilities, docks or piers, shoreline armoring, or other facilities;
- Research;
- Acquisition of lands, or interests in lands, that completely restrict access to specific persons (e.g. non-residents of a community);
- Acquisition of lands, or interests in lands, to comply with mandatory or compensatory mitigation for recent or pending habitat losses resulting from the actions of agencies, organizations, companies or individuals;
- The sole or primary purpose of enforcing fish, wildlife, or other regulations, except when necessary for the accomplishment of approved project purposes; and
- Acquisition of land for active recreation, such as sports facilities, water parks, playgrounds, or similar uses.

Some of these purposes are allowable under the non-federal matching share. Refer to section 2.7(b), Source of Matching Funds, for additional information.

2.6 Ownership, Use and Long-term Stewardship

- a. The title of property or interests in property will be held in perpetuity by the grant recipient or other appropriate public agency designated by the recipient. As a condition of any grant award, NOAA will require that the recipient, or the designated public agency, register and furnish to NOAA a lien, covenant, or other appropriate notice of record to advise that the property has been acquired or improved in whole or in part with federal financial assistance funds (pursuant to 15 CFR 24.31) and assurances that the land will be held for conservation in perpetuity. The terms and conditions specified in conservation easements must also be consistent with the purposes of the CELCP.
- b. In general, lands acquired with CELCP funds will allow access to the general public. However, access may be limited or controlled in an equitable manner for resource protection, public safety, or for other reasonable cause. User fees should not be charged to access lands acquired through this program. However, if user fees are charged, they should comply with any applicable state standards for user fees. In such

- cases, all income or other revenues derived from the fees shall be used for the maintenance or management of the property.
- c. The property shall be managed in a manner that is consistent with the purposes for which it was entered into the program and shall not convert to other uses. As a condition of the grant award, a strategy for long-term stewardship must be developed for each project that identifies the entity(ies) responsible for ongoing stewardship, including financial or staff support, and monitoring of conservation easements or ongoing activities to ensure that they are consistent with long-term conservation.

Activities that may be considered to be consistent with conservation purposes include: resource protection; restoration and enhancement, such as vegetative erosion control or restoration of natural water flow to the area; recreational activities, such as: hiking, hunting, and fishing; access for swimming, canoeing, kayaking; and research and educational activities. Construction of facilities on a minor scale, such as restrooms or boardwalks, to facilitate these activities and/or for the purpose of minimizing harm to coastal resources due to public access and recreation may be allowed depending on the proposed use of the property and the site environment.

Activities that are considered to be inconsistent include: active agricultural or aquaculture production; shoreline armoring or other hard erosion control structures; construction or expansion of roads, buildings or facilities except as noted above, or such facilities for active recreation as sports facilities, water parks, playgrounds, or similar uses.

- d. Non-governmental organizations, corporations, or individuals may participate in the acquisition and long-term stewardship of lands through this program, except as provided under sections 2.2 and 2.4 of these guidelines.
- e. Leasing or renting of the property or interest in property acquired through the CELCP to a third party is prohibited unless specifically authorized by NOAA. The recipient agrees that any authorized arrangement for leasing or renting property involved in the project must be: consistent with the authorized general and special purpose of the award; for adequate consideration; and consistent with applicable Department of Commerce requirements concerning, but not limited to, nondiscrimination and environmental compliance. All income or other revenues derived from an approved lease or rent arrangement shall be used to maintain or manage the property.
- f. Pre-existing uses on the property must be identified as part of the project application. NOAA will review such uses for potential impacts and to determine whether they are consistent with the purposes of the CELCP. Applicants may wish to consider protecting land that contains pre-existing uses through a conservation easement, rather than through fee simple acquisition. If a project is approved with pre-existing uses, such uses may not be expanded or converted to other uses without prior approval of NOAA.
- g. If the property or interest in the land acquired with CELCP funds is sold, exchanged, divested, or converted to other uses that are inconsistent with the purposes for which it was acquired without prior approval of NOAA, the recipient must return to NOAA

the full amount of the federal share of funds for re-distribution in the CELCP grant process. In some cases, at the recipient's request, NOAA may approve the disposition of the property and issue instructions to sell the property. In such cases, the correct value to be returned will be calculated by applying the federal share of participation in the cost of the original purchase to the proceeds of the sale after deduction of any actual and reasonable selling expenses.

2.7. Cost-sharing requirements

a. **Matching requirement.** Federal funds awarded under this program shall be matched with funds from non-federal sources on a 1:1 basis. The coastal state is responsible for ensuring that the full amount of the matching requirement is provided, particularly when the non-federal share includes contributions from other agencies, groups or individuals. Notwithstanding any other provision herein, and in accordance with 48 U.S.C. 1469a(d), the Program shall waive the requirement for local matching funds for any project under \$200,000 (including in-kind contribution) to the governments of Insular Areas, defined as the jurisdictions of the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

b. **Source of matching funds.** The non-federal share of funding may be derived from state, local, non-governmental or private sources in the form of cash or the value of non-monetary or in-kind contributions, such as the value of donated lands or interests therein, or services such as on-site remediation, restoration, enhancement, or donated labor and supplies, provided that the in-kind contributions are necessary and reasonable to accomplish the objectives of the project. Such in-kind contributions must be identified in the project application, completed within the financial assistance award period, and documented as part of the completed project. Any land used as match must be located within the vicinity of the property being acquired, in the same project area identified in the state's plan, or be substantially related in terms of conservation values or objectives, and must meet the eligibility criteria, ownership and stewardship conditions described in sections 2.3 through 2.6. The value of land used as match must be documented with the grant application, and must reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition (<http://www.usdoj.gov/enrd/land-ack/>).

No funds or in-kind contributions from federal or non-federal sources, including the value of donated lands or services, that have been previously used to satisfy the matching requirements of this program or that have been or will be counted or used to satisfy another federal grant, can be counted toward the non-federal matching share. Unless otherwise provided by law, the value of property or interests in property that were acquired with federal funding may not be used as non-federal match.

See 15 CFR 24.24 Matching or Cost-Sharing (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) for determining the value of in-kind contributions.

c. **Banked match.** States may apply the value of land or in-kind services accrued up to 3 years prior to submission of the grant application toward the non-federal share of funding. Such "banked match" is subject to the same terms described under section 2.7.b. above.

3. State Coastal and Estuarine Land Conservation Plans

3.1 Development of CELC Plans

In order to qualify to receive funds under this program, a coastal state must develop and submit to NOAA for approval, a Coastal and Estuarine Land Conservation Plan that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects within the state. State plans will be developed and submitted by the state lead agency, in conjunction with: the state's coastal management program (if different from the lead agency); any NERRs in that state; any other state or federal agencies involved in coastal land acquisition, conservation, or management in the state; and other interested parties.

Plans are intended to be fairly simple and concise, and may make use of work that has already been done in the state or region, such as regional, state or local watershed protection, restoration or land conservation plans. A state may incorporate existing plans, or portions thereof, by reference into a CELC plan. States are encouraged to consider conservation needs on a multi-state or regional scale, and to work with neighboring states where appropriate for the conservation of coastal and estuarine resources within the region. State plans must be developed through a public process, which would include a public scoping process and comment period. If a state CELC plan incorporates existing plans, or elements thereof, that were developed and vetted through a public review process, the state may choose to seek comment on whether those plans or elements should be incorporated into the CELC plan, rather than seeking comment on the substance of those plans or elements.

a. State CELC plans must include the following information:

- A map or description of the geographic extent of coastal and estuarine areas within the state, as defined for the purposes of the CELCP;
- A description of the types of lands or values to be protected through the program and the need for conservation through acquisition;
- Identification of "project areas" that represent the state's priority areas for conservation, including areas threatened by conversion, based on state and national criteria (listed below) for the program;
- A description of existing plans, or elements thereof, that are incorporated into this plan;
- A list of state or local agencies, or types of agencies, that are eligible to hold title to property acquired through the CELCP;
- A description of the state's process for reviewing and prioritizing qualified proposals for nomination to the national selection process. The vetting process should, at a minimum, involve representatives from the state's coastal zone management program, NERR(s), and any other agencies or entities that the state considers appropriate; and
- A description of public involvement and interagency coordination that occurred during the development of the plan.

b. State plans must address the following **national criteria** for projects and project areas as they relate to the purpose of the CELCP:

- Protects important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses;
- Gives priority to lands which can be effectively managed and protected and that have significant ecological value;
- Directly advances the goals, objectives, or implementation of the state's coastal management plan or program, NERR management plans approved under the CZMA, national objectives of the CZMA, or a regional or state watershed protection plan involving coastal states with approved coastal management plans; and
- Is consistent with the state's approved coastal management program.

3.2 Approval of plans. The Assistant Administrator for Ocean Services and Coastal Zone Management or his/her designee, shall be the approving official for plans submitted to NOAA under this program. Upon approval of its plan, a state will be eligible to receive competitive funding under the CELCP.

3.3 Update of plans. States must update their CELC plans at least once every 5 years to reflect changes that have taken place within the state or region and submit the updated plans to OCRM.

4. Application, Review and Ranking Process

4.1 State Nomination and Selection Process

a. Solicitation of Projects.

Based on notification from NOAA of the availability of funding to implement this program in any given year, states with approved CELC plans may notify and solicit project applications from qualified entities. States may, at their discretion, focus their annual project solicitation toward specific priorities or areas identified in their approved CELC plan.

Based on the requirements of the state's solicitation for project applications, eligible applicants should submit proposals to the state's lead agency. A project proposal that includes several separate and distinct phases may be submitted in phases, but any succeeding phases must compete against other proposals in the year submitted.

b. State review and prioritization

i. Proposal acceptance. The state lead agency determines whether a proposal should be accepted for consideration on the basis that it is complete and eligible under the criteria identified in section 2. If the application is incomplete, the lead agency may provide an opportunity for applicants to submit any information that is missing.

ii. Proposal review and ranking. The state lead agency reviews and prioritizes project applications through the process described in its CELC plan. Projects should be ranked according to the degree to which it meets the state's CELC plan. A list of prioritized projects is then submitted to NOAA for consideration at the national level.

4.2. Information Required in Project Applications to NOAA

Applications submitted to NOAA for the national competitive process must contain the following:

a. A completed and signed Project Application Checklist (Appendix B). The checklist addresses some of the information requested in items b. through f., below. NOAA may modify this checklist as needed to effectively implement the project application and selection process;

b. Project Description. A statement that describes:

- The nature of the project, including acreage and types of habitats or land values to be protected, the legal rights to be acquired (i.e., fee title or easement), how the funds (federal and non-federal) will be used, and conversion threats to the property, as well as a description of these same characteristics for any property that will be used as a match;
- How the proposed project meets the state and national criteria and its expected benefits in terms of coastal and estuarine land conservation;
- Any pre-existing uses of the property, the nature of those uses, and whether those uses will continue after acquisition;
- Discrete benchmarks for completing the project within a specified time period. These benchmarks should indicate whether the project is "ready to go," has any deadlines associated with it, and whether the project is likely to be completed within the award period.
- The types of activities that would be allowed to take place on the land and a strategy for long-term stewardship, including support for long-term operations, such as maintenance or enforcement against illegal uses; and
- Whether this project has been submitted in application for other sources of federal funding, and if so, which federal program(s) and year(s).

c. Project Location. Two maps, as follows:

- A map of the state or coastal county showing the general location of the project;
- A map of the project site, which shows the location and extent of the proposed acquisition, and its relationship to significant natural features (slope, wetlands, dunes, floodplains, access points, etc.), as well as adjacent land uses.

d. Project Budget and Justification of Proposed Costs/Appraisal.

The project budget must include a breakdown of the following costs, as applicable, by category -- salary, fringe benefits, travel, equipment, supplies, contractual, construction, other. (*Note:* Use of Standard Form 424A is suggested as it provides a model template for this information, and will be required in the grant application package for all projects

that are selected for funding.) The total budget must reflect the 1:1 match required by statute. For information on what may be counted as the non-federal matching share, refer to section 2.7. Applicants wishing approval of pre-award costs should include such a request in their application to NOAA and identify the costs, the time period in which they occurred, and a justification for their need as associated with the project. For information regarding pre-award costs, refer to section 5.1.b.

The negotiated price of the property, or interest in property, should be based on the fair market value determined by an independent appraisal conducted by a state-approved appraiser. Before funds can be disbursed to the grant recipient for purchase of a property, or interest in property, using CELCP funds, the applicant must obtain and submit the appraisal to NOAA (refer to section 4.4.b.) Independent appraisals must reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition, (<http://www.usdoj.gov/enrd/land-ack/>).

If an appraisal has been completed at the time of application and the applicant wishes to pursue the acquisition at a price above the appraised value, the applicant will need to demonstrate reasonable effort to negotiate at the appraised value and submit written justification for the higher price based on reasonableness, prudence, public interest, additional or updated appraisals, estimated condemnation/trial costs, and/or valuation.

If an appraisal is not available at the time the project application is submitted, the applicant may submit a good-faith estimate of the cost for the project based on market value or agreement with the willing seller. However, if the project is selected for funding, the amount of the grant cannot exceed the estimated cost in the project application. An appraisal will be required at the time the applicant submits a formal grant application to NOAA (refer to section 5.4). If the appraised value is higher than the estimated cost, the applicant will be required to make up the difference, and if that is not possible, the project may have to be withdrawn or terminated.

e. Certification of compliance with federal laws, regulations and policies. As part of the project application checklist (attached as Appendix B), the applicant must answer questions that will enable NOAA to determine whether a project may have an adverse impact and whether additional information may be required to satisfy the requirements of applicable federal laws, regulations, or policies. If an Environmental Assessment or Environmental Impact Statement has been prepared for the project, attach a copy with the application. States will be responsible for ensuring that any project applications submitted to NOAA are consistent with the state's approved coastal management program and any applicable NERR Management Plans. Refer to section 6.0, which describes the applicability of requirements under federal laws, regulations and policies.

f. Documentation of Willingness or Intent to Sell. The applicant must submit documentation that the current owner is a willing participant in a process of negotiation for possible sale of property, or interests in property, for conservation purposes and that the landowner has been advised of the applicability of Public Law 91-646, Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (refer to section 6.8). This documentation may be in the form of a letter of willingness or intent,

option letter, contract, or other similar form. If not submitted with the project application, it will be required with the grant application to NOAA.

4.3 National Ranking and Selection Process

NOAA will conduct a peer review process to prioritize and select among all projects nominated by states through their competitive process as follows:

a. Peer review and ranking process. A national peer review panel that consists of at least six members will review each project nominated by a state. Membership of the panel will be made up of at least one representative from each of the following: NOAA, another federal land conservation program, the state coastal resource management community, estuarine reserve community, and two from the non-governmental sector (i.e., industry, conservation community). Each member will rank projects according to the degree to which they meet national criteria and submit individual rankings to NOAA. No member may have a vested interest or stand to benefit from any of the proposed projects. Membership of the panel may be reconstituted annually, and NOAA may identify alternates in the event that substitutions are needed.

b. Ranking criteria. Projects will be reviewed and prioritized according to the degree to which they meet the national criteria described in section 3.1b. NOAA will establish weighting factors for these criteria, in consultation with the coastal states, and will provide these ranking criteria to the states with its notification of availability of funding. Within these criteria, NOAA may also consider the availability of support for long-term management and stewardship, and success in leveraging other sources of funding. All ranking factors will be described in the annual notification.

c. Selection of approved projects. The Assistant Administrator for Ocean Services and Coastal Zone Management or his/her designee will serve as the selecting official for projects, based on the national rankings as well as availability of funds. In selecting projects, NOAA may consider geographic distribution of projects, as well as other factors deemed necessary to select among similarly-ranked projects, as described in the annual notification. The selecting official may maintain and select from a contingency list, in the event that any approved projects fall through or are completed below the planned cost.

4.4 Grant Application to NOAA – Selected Projects

NOAA will notify each state of projects that have been selected through the competitive process. For each of these projects, the state must submit the following materials, which, when combined with the original project application, will complete the application for federal financial assistance. States are encouraged to consolidate multiple projects into one application, with each project as a separate task, particularly for projects that will be awarded to local governments. NOAA may, at its discretion and in consultation with the relevant coastal state, agree with the state to accept an application from, and make a grant directly to, an agency other than the lead agency in order to expedite the completion of an approved project that will be implemented by that other agency.

Grant application materials. The following materials must be submitted to NOAA, in order to complete the application for federal financial assistance:

a. Standard forms for federal financial assistance. These forms can be found at the NOAA Grants Management Web site (<http://www.rdc.noaa.gov/~grants/>) along with detailed application instructions.

- Application for Federal Assistance (Standard Form 424);
- Budget Information (Standard Form 424A);
- Statement of Assurances (Standard Form 424B);
- Certifications Regarding Debarment, Suspension, Drug-Free Workplace and Lobbying (CD-511)

b. Appraisal. If an appraisal was not previously submitted as part of the project application described in section 4.2, it must be submitted with the grant application. Refer to section 4.2 for guidelines regarding the appraisal.

c. Title Opinion for the land(s) that will be purchased. The opinion should identify the current owner from which the land will be purchased, and whether there are any easements or other encumbrances on the land to be acquired. If there are easements or encumbrances, the applicant's attorney should specify the nature of these and certify that they would not interfere with the purposes for which the land is being acquired. A sample title opinion can be found at Appendix C.

5. Acceptance and Use of Funds

5.1 Allowable costs

a. Cost principles. Allowable grant costs are limited to costs necessary and reasonable to achieve the approved objectives of the grant and be consistent with general cost principles for grants awarded by federal agencies, as contained in the Office of Management and Budget (OMB) Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments," which will be incorporated into the grant award. A copy of OMB Circular A-87 can be found at <http://www.whitehouse.gov/omb/grants/>.

b. Pre-award costs. If an applicant incurs costs before the effective date of the grant, they do so at their own risk. Pre-award costs cannot be reimbursed except as approved by NOAA, although they may be counted as match. When approved, pre-award costs may include such costs as those necessary for conducting: environmental assessments, including risk assessments; feasibility surveys; appraisals; title searches or opinions; or preparation of documents needed to satisfy federal legal requirements, such as the National Environmental Policy Act. In some cases, with prior approval from NOAA, the cost of the land acquisition (fee simple or easement) may be reimbursed as a pre-award cost if the acquisition occurred between the date the project was recommended for funding through the competitive selection process ("selected") and the date that the grant award was approved by NOAA.

5.2 Expenditure of funds

- a. Availability of funds. Once a grant agreement has been signed, a recipient may draw funds, as needed, toward completion of the project, in accordance with 15 CFR 24.21 Payment.
- b. Timetable for expenditure of funds. The standard financial assistance award period is 18 months, and may be extended an additional 18 months if circumstances warrant, but may not exceed 3 years. Awards may also be closed out early if the project is completed in less time.
- c. Unexpended funds. Any funds not expended within the grant period shall be de-obligated and revert to NOAA for redistribution through the CELCP process, including projects that fall through.
- d. Projects that exceed planned costs. All requests for additional federal funding for approved CELC projects must be submitted to the review process along with new grants.
- e. Funds from the CELCP may be supplemented with funding from other federal or non-federal sources, subject to any conditions that may apply to the expenditure of funds from such sources.
- f. Amending a proposal. Any amendments to a proposal or request to reallocate funding within a grant proposal must be approved by NOAA. In general, if negotiations on a selected project fall through, the applicant cannot substitute an alternate site.
- g. Performance reports. The state lead agency, and/or any other agency that received a financial assistance award directly from NOAA, is responsible for submitting to NOAA semi-annual reports documenting progress toward completion of each project, and a final report documenting completion of the projects and all terms and conditions of the award.

5.3 Conditions on use of funds

All CELCP financial assistance awards will contain the following special award conditions and/or other applicable requirements for the Department of Commerce described in the *Federal Register*, October 1, 2001 (66 FR 49917), as amended October 30, 2002 (67 FR 66109):

- In the event there are title discrepancies or encumbrances that NOAA deems interfere with the purpose for which these funds were granted, or if NOAA determines that the property is no longer used for the purpose for which it was acquired, the recipient shall reimburse NOAA or its successor agencies for the federal funds received for the project, subject to “use” and “disposition” instructions from NOAA or its successor agencies.
- Federal funds for this project will not be transferred to the recipient for the acquisition of land or interest(s) in land until the recipient has submitted the following to NOAA

for review and approval: a completed and signed project checklist; appraisals of land made by a qualified independent appraiser and performed in accordance with federal or state appraisal standards; evidence of title insurance or an opinion of title and a copy of the real estate contract for each parcel; and a map indicating the tract boundaries for the property or portion of property being acquired.

- Deeds for real property acquired with federal funds provided through this award shall contain substantially the following provision:

“This property has been acquired with funds from a federal financial assistance award. Title of the property conveyed by this deed shall vest in the [recipient of the award or other appropriate public agency designated by the recipient] subject to the condition that the property shall be managed for conservation purposes, consistent with the purposes for which it was entered into the CELCP, and shall not convert to other uses. In the event that the property is sold, exchanged, or converts to other uses, NOAA shall consult with the recipient before deciding to exercise any of the rights regarding disposition of the property and reimbursement of the Federal Government.”

- Upon completion of all real estate closings, the recipient shall submit to NOAA/OCRM copies of the closing documents.
- The recipient shall cause to be erected and maintained at the site of any project, a permanent sign or plaque, satisfactory to NOAA, that identifies the project and indicates that the project has been funded under the Coastal and Estuarine Land Conservation Program by NOAA, in conjunction with the coastal state and/or National Estuarine Research Reserve or other partner.

5.4 Information the Recipient Must Retain on File

A grant recipient is expected to retain the following information for at least 3 years after a grant has been closed by NOAA at the end of the award period:

- A copy of the grant application, including project proposal, submitted to NOAA;
- Site location maps;
- Title opinion or certification;
- Appraisal;
- State Historic Preservation Officer’s clearance; and
- Copies of any notices or determinations that pertain to compliance or consistency with federal requirements.

6. Applicability of Other Federal Requirements

The approval of plans under this program and award of financial assistance are federal activities subject to authorities such as the National Environmental Policy Act, Endangered Species Act, and the federal consistency provisions of the CZMA. Before awarding funds, NOAA is responsible for ensuring that projects comply with these and other relevant authorities. A checklist, provided as part of the project application, will be

used to determine whether additional information may be required to satisfy these requirements for any project.

6.1 National Flood Insurance Program (NFIP). The NFIP prohibits the use of funds for acquisition or construction of buildings in special flood hazard areas in communities that are not participating in the Flood Insurance Program, as identified in the NFIP's Community Status Book. Construction of buildings is not an eligible use of CELCP funds. A community is not precluded from proposing projects within the floodplain for conservation purposes.

6.2 Coastal Barriers Resource Act (CoBRA). In order to receive federal funds, all proposed projects located on undeveloped coastal barriers designated in the CoBRA system must be consistent with the purposes of minimizing: the loss of human life; wasteful federal expenditures; and damage to fish, wildlife, and other natural resources. For projects in these areas, the Office of Coastal and Resource Management (OCRM) must consult with the regional office of the U.S. Fish and Wildlife Service (USFWS) and allow 30 days for them to determine whether the project is consistent with CoBRA. Because OCRM defers to their opinion in these cases, some projects or grant awards may be conditioned pending the results of the consultation process. Early coordination by the applicant with the USFWS is advisable.

6.3 Endangered Species Act. An applicant shall indicate whether it believes that a proposed project may affect threatened or endangered species or critical habitat as defined by the Endangered Species Act (ESA), and shall state the basis for its conclusion. If a proposed project may have minor and temporary effects, OCRM will informally consult with the relevant federal agency – either the USFWS or NOAA's National Marine Fisheries Service (NMFS). If a proposed project may significantly affect threatened or endangered species or critical habitat, OCRM will consult with the applicant regarding further steps that may need to be taken. If the applicant still wants to proceed, OCRM will enter into formal consultation with the USFWS or NMFS, pursuant to section 7 of the ESA. OCRM will not approve a proposed project that the USFWS or NMFS has determined will adversely and significantly affect threatened or endangered species or critical habitat.

6.4 National Environmental Policy Act (NEPA). These guidelines are administrative and financial in nature, and therefore are considered a categorical exclusion under NEPA. Subsequent actions concerning the approval of CELC plans, or acquisition, restoration, or enhancement of properties may require further analysis on a programmatic or case-by-case basis to determine compliance with NEPA. As part of the application for each project, applicants must complete an environmental compliance checklist that will be used to determine whether additional information or an Environmental Assessment or Environmental Impact Statement is needed.

6.5 Magnuson-Stevens Fishery Conservation and Management Act. The Magnuson-Stevens Act requires that federal agencies consult with NMFS regarding any action authorized, funded, or undertaken that may adversely affect essential fish habitat (EFH) for federally managed fish. Consultation is generally initiated when a federal agency notifies NMFS of an action that may adversely affect EFH, and provides NMFS with an assessment of the action. In response, NMFS provides Conservation Recommendations

to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. Federal agencies must provide a detailed response in writing to NMFS that includes proposed measures for avoiding, mitigating, or offsetting the impact of the proposed activity on EFH. If the federal agency chooses not to adopt NMFS' EFH Conservation Recommendations, it must provide an explanation. EFH consultation and coordination should be consolidated, where appropriate, with interagency consultation, coordination, and environmental review procedures required by other statutes. Consultation procedures are outlined at 50 CFR 600.920.

6.6 National Historic Preservation Act. Under the provisions of Section 106 of the National Historic Preservation Act of 1966, the Secretary of the Interior has compiled a national register of sites and buildings of significant importance to America's history. Before submitting an application, the applicant must determine whether land acquisitions or other grant-supported activities will affect a property listed on the national register. If so, the applicant must obtain clearance from the appropriate State Historic Preservation Office before submitting the application.

6.7 Americans with Disabilities Act (ADA). As a general rule, no qualified individual with a disability shall be subject to discrimination or be excluded from participation or benefits of the services, programs, or activities of a public entity. The ADA does not address issues of handicapped accessibility for outdoor recreation projects and public access projects that are needed to reduce harm to natural resources. Each project shall be handicapped accessible to the extent that conditions allow. Any construction associated with projects that provide for recreation, using funds other than CELCP, shall be handicapped accessible unless the construction of a handicapped accessible structure would damage coastal resources. Requirements for handicapped accessibility for the ADA are based on 42 U.S.C. §§ 12101 *et. seq.*, and the U.S. Architectural and Transportation Barriers Compliance Board.

6.8 Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. This Act, Public Law 91-646, as amended, (42 U.S.C. 4601 *et. seq.*) requires certain assurances for projects conducted by a state agency or its agent that involve the acquisition and/or modernization of real property or cause the displacement of persons, businesses, or farm operations. Because CELCP only supports acquisition of property or interests in property from willing sellers, it is not anticipated that this program will result in any displacements. In cases of displacement, P.L. 91-646 requires that applicants ensure that fair and reasonable relocation payments and advisory services will be provided to any displaced persons and that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement. The state agency must be guided by the real property acquisition policies of the Act, and the property owners must be paid or reimbursed for necessary expenses as specified in the Act. The Act provides for an exemption to the appraisal, review and certification rules for "voluntary transactions" that meet the conditions specified at 49 C.F.R. §24.101(a)(1), including written notification to the owner that the agency will not acquire the property in the event negotiations fail to result in an amicable agreement. Department of Commerce regulations implementing the Act can be found at 15 CFR Part 11.

6.9 Environmental Justice. Consistent with the President's Executive Order on Environmental Justice (Feb. 11, 1994) and the Department of Commerce's Environmental Justice Strategy, applicants shall ensure that their CELCP projects will not have disproportionately high and adverse human health or environmental effects on minority or low income populations.

6.10 Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements. The Department of Commerce has published in the *Federal Register*, October 1, 2001 (66 FR 49917), as amended October 30, 2002 (67 FR66109), a set of requirements that are applicable to all federal financial assistance awards issued by the Department. These will be addressed as Special Award Conditions on financial assistance awards.

7. Classification

7.1 Administrative Procedure Act/Regulatory Flexibility Act.

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, and contracts (5 USC 553 (a) (2)). Because notice and opportunity for comment are not required pursuant to 5 USC 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 USC 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Opinion

7.2 Executive Order 12866.

These draft guidelines do not constitute a "significant regulatory action" as defined by Executive Order 12866 because: (1) they will not have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) they will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) they will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; and (4) they will not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

7.3 Paperwork Reduction Act.

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA), and which have been approved by OMB. The use of Standard Forms 424, 424A, 424B, and SF-LLL have been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046. The information to be collected under these guidelines through conservation plans, the

project application, checklist, and grant application materials has been approved by OMB under control number 0648-0459.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

APPENDIX A

Policies of the Coastal Zone Management Act Relating to Coastal and Estuarine Land Conservation.

Related to ecological and conservation values, the CZMA declares it national policy to:

- Protect fish and wildlife and their habitat in the coastal zone;
- Protect estuaries to provide opportunities for long-term research, education, interpretation, and stewardship;
- Manage development to maintain and improve coastal water quality to protect and enhance natural resources and existing uses of those waters;

Related to recreational, historical, and aesthetic values, the CZMA declares it national policy to:

- Maintain and enhance environmentally sound public access to the coasts for recreation purposes;
- Protect barrier islands within the coastal zone to provide protection against storm surge, wave damage and flooding, and maintain sand supplies and protect important recreational areas;
- Give priority consideration for coast dependent uses, including recreation; and
- Assist in the sensitive preservation and restoration of historic, cultural, and esthetic coastal features.

APPENDIX B –

OMB Control # 0648-0459

Project Application Checklist

(Note: NOAA may modify this checklist as needed, and consistent with the Paperwork Reduction Act, to effectively implement the project application and selection process.)

The project applicant must complete and sign this Project Checklist and submit it to the National Oceanic and Atmospheric Administration, along with the other required application materials, in order to receive approval of a project.

Applicant and Project Information

1. State: _____ Award Number: [provided by NOAA] _____
2. Project Title: _____
3. Project Location (Approximate): (City, County, Major Intersections)
4. Project Applicant (Must be a public entity at the state or local level): _____
5. Total Cost: \$ _____
- | | |
|---|----------|
| CELCP Federal share (requested amount): | \$ _____ |
| State/Local Match Contributions: | \$ _____ |
| Other Federal \$: | \$ _____ |
| Other Non-Federal \$: | \$ _____ |

I ATTEST TO THE FOLLOWING: (1) THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS CHECKLIST ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; (2) THE RECIPIENT HAS ON FILE THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (3) I UNDERSTAND THE CONSEQUENCES OF NON-COMPLIANCE WITH THE SPECIAL AWARD CONDITIONS THAT WILL BE PLACED ON THIS GRANT.

Signature of Applicant Date

Name of Signatory (please print or type): _____
Title: _____
Address: _____

Phone Number: _____

6. Project Description: (briefly describe the nature of the project, location, expected benefits, role of partnerships in the project, other information required in section 4.2 of the guidance, and any explain special circumstances noted elsewhere on the checklist.)

7. Project Eligibility: (Check all that apply)

The proposed project:

- is located in a coastal or estuarine area included within a state's approved coastal and estuarine land conservation (CELC) plan;
- matches federal funds with non-federal funds at a ratio of 1:1;
- will be held in public ownership and provide conservation in perpetuity;
- will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection;
- protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- can be effectively managed and protected;
- directly advances the goals, objectives, or implementation of state coastal management plan or program, NERR management plans approved under the CZMA, national objectives of the CZMA, or a regional or state watershed protection plan involving coastal states with approved coastal management plans; and
- is consistent with the state's approved coastal management program.

8. Land Acquisition

For land acquisition projects,

- a. What are the legal rights that will be acquired? _____ Fee title _____ Easement _____
_____ Other (please explain)
- b. If an easement, what is the life of the document? _____ In perpetuity
_____ Duration (please specify, e.g., in years)
- c. What public agency or entity will hold title to the land?

- d. Is a long-term stewardship or management strategy attached that describes the proposed method for ensuring long-term operations, maintenance, and safety needs related to the property?
_____ Yes _____ No
- e. What type of activities/uses currently exist or are envisioned on the property? _____

- f. Will the recipient contract with a private or non-profit organization to complete part or all of this project. _____ Yes _____ No
If Yes, the name of the organization is: _____

9. What is the acreage of the proposed project or property to be acquired (via fee title or easement)?

10. What values are contained within the proposed project or property to be acquired?

Ecological – what type of habitats, species, or other features of significant ecological value are contained on the property? (include acreage where appropriate)

Historical – what historical features of significant value are contained on the property?

Aesthetic – what is the aesthetic value of the property? what significant contribution does this property make to the aesthetic character of the surrounding area?

Recreational – what is the property's significance with regard to coast-dependent or nature-based recreation?

Conservation – What values does this land provide in terms of establishing linkages or corridors among existing conservation lands, filling conservation gaps in the geographic area, or protecting land from converting to other uses.

11. Public Benefit:

a. The acquisition will be publicly held or under publicly controlled easement and is for public benefit. The project does not improve private property for private or commercial gain. Yes No

b. The property will be accessible to the general public. Yes No

c. If the answer to 6.b. is No, check any of the following reasons that apply and explain why access to the property will be limited.

Public Safety Resource Protection Geographically Isolated/Inaccessible
 School Outings Scientific Research Other (Please explain.) _____

d. The property will be leased or rented. Yes No If yes, please explain.

e. The public will be charged a user fee for access to or activities on the proposed property. Yes No

If Yes, please attach a description of the user fee that includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

12. Title Opinion and Appraisal:

a. Documentation that the current owner is a willing participant in a process of negotiation for possible sale of property, or interests in property, for conservation purposes is attached. (This documentation may be in the form of a letter of willingness or intent, option letter, contract, or similar form.) Yes No

b. The applicant has obtained and attached an independent appraisal. Yes No

If No, the applicant has attached a good-faith estimate and justification of the cost for the project based on market value or agreement with the willing seller. Yes No
(Note: An appraisal will be required at the time the applicant submits a formal grant application to NOAA for projects that have been selected for funding. If the appraised value is higher than the estimated cost, the applicant will be required to make up the difference in cost.)

c. A title opinion or certificate is attached (Note: A title opinion not required at this stage of the

process, but will be required later for selected projects). Yes No

13. Site Location Map: Site location maps are attached. Yes No

Attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.) and adjacent land uses.

14. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:

a. The project will affect properties listed on the National Register of Historic Places (www.cr.nps.gov/nr/), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act (www2.cr.nps.gov/laws/NHPA1966.htm) or a similar State Preservation Act. Yes No

b. The Recipient has on file the SHPO's clearance. Yes No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

15. National Flood Insurance Program:

a. Is the project located in a designated floodway or "V" zone on a National Flood Insurance Program Floodway Map (www.fema.gov/maps/)? Yes No
(If No, go to 16)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program (www.fema.gov/nfip). Yes No

16. Coastal Barriers Resource Act: The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (www.fws.gov/cep/cbrunits.html). Yes No

If the answer to 11. is Yes, attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

17. Endangered Species Act: May the proposed project affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? (endangered.fws.gov/) or (www.nmfs.noaa.gov/endangered.htm). Yes No

If the answer to 12. is No, please provide a brief statement explaining the basis for the conclusion. If the answer to 12 is Yes, attach a description of the effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. OCRM will not approve a project that USFWS or NMFS has determined will significantly affect threatened or endangered species or critical habitat.

18. Magnuson-Stevens Fishery Conservation and Management Act.

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish? Yes No

19. National Environmental Policy Act:

a. The proposed project may significantly affect the human environment.
 Yes No

b. The proposed project involves unresolved conflicts concerning alternative uses of available resources.
 Yes No

c. This action would have significant adverse effects on public health and safety.
 Yes No

d. This action will have highly controversial environmental effects. Yes No

e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. Yes No

f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. Yes No

g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. Yes No

If the answer to any one subpart of 19. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

20. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

- a. persons, Yes No
- b. businesses, or Yes No
- c. farm operations? Yes No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

21. Handicapped accessibility: Will the proposed project be handicapped accessible?

Yes No N/A

If No, attach to this checklist an explanation as to how the project meets ADA handicapped accessibility requirements.

23. Environmental Justice. Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? Yes No

24. State, Local and Tribal Laws. The project is consistent with state, local, and tribal laws to protect the environment. Yes No

25. Required permits: Please list local, state, tribal, or federal permits required for this project and the status of the permits. If the permits have not been obtained, then the Recipient certifies, by signing this checklist, that the Recipient (or other public entity) is seeking the required local, state and federal permits and that work will not begin and land will not be purchased until the permits have been issued and received by the Recipient. _____

26. Public Coordination

Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process? Yes No
If "yes," please describe the results of that process and note when the coordination occurred.

If "no," please explain.

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. The public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77, and has been approved under OMB #0648-0459. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

APPENDIX C

Sample Title Opinion

Date: _____

RE: _____
Project Name

I hereby certify that I am a member in good standing of the bar of _____ [state] and have been requested to determine record ownership for the parcel (s) of property to be acquired or for which an easement will be obtained, _____ [name and brief description of land]. After thoroughly examining the public land records or other appropriate records in accordance with laws of _____ [state], I hereby certify that record title to the parcel is held by _____ in [check one]:

____ Fee simple absolute

____ Other (specify) _____

I have determined that there are (check one)

____ No easements or other encumbrances on the property

____ Easements or other encumbrances on the property (list below or attach); however, they will not interfere with the proposed acquisition and the proposed uses of the property

Other Comments: _____

Signature

Bar Number (required)

Name: _____

Telephone Number: _____

Address: _____

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H.R.146

Omnibus Public Land Management Act of 2009 (Enrolled as Agreed to or Passed by Both House and Senate)

Subtitle E--Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the 'Coastal and Estuarine Land Conservation Program Act'.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

' AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

' Sec. 307A. (a) In General- The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

' (b) Property Acquisition Grants- The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of--

- ' (1) a Coastal Zone Management Plan or Program approved under this title;
- ' (2) a National Estuarine Research Reserve management plan;
- ' (3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or
- ' (4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

' (c) Grant Process- The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

- ' (1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).
- ' (2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.
- ' (3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.
- ' (4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.
- ' (5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.
- ' (6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.
- ' (7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.
- ' (B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that--
 - ' (i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

- ˆ (ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.
- ˆ (8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.
- ˆ (9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).
- ˆ (10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.
- ˆ (d) Limitations and Private Property Protections-
 - ˆ (1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.
 - ˆ (2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.
 - ˆ (3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.
- ˆ (e) Recognition of Authority to Control Land Use- Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.
- ˆ (f) Matching Requirements-
 - ˆ (1) IN GENERAL- The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.
 - ˆ (2) COST SHARE REQUIREMENT-
 - ˆ (A) IN GENERAL- Grant funds under the program shall require a 100 percent match from other non-Federal sources.
 - ˆ (B) WAIVER OF REQUIREMENT- The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.
 - ˆ (3) OTHER FEDERAL FUNDS- Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.
 - ˆ (4) SOURCE OF MATCHING COST SHARE- For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:
 - ˆ (A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that--
 - ˆ (i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;
 - ˆ (ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and
 - ˆ (iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.
 - ˆ (B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.
 - ˆ (C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.
- ˆ (g) Reservation of Funds for National Estuarine Research Reserve Sites- No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.
- ˆ (h) Limit on Administrative Costs- No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.
- ˆ (i) Title and Management of Acquired Property- If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide--
 - ˆ (1) such assurances as the Secretary may require that--
 - ˆ (A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;
 - ˆ (B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

(2) certification that the property (including any interest in land) will be acquired from a willing seller.

(j) Requirement for Property Used for Non-Federal Match- If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

(k) Definitions- In this section:

(1) CONSERVATION EASEMENT- The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

(2) INTEREST IN PROPERTY- The term 'interest in property' includes a conservation easement.

(l) Authorization of Appropriations- There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.'

TITLE XIII -- MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) North Dakota Trust Funds- The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

SEC. 26. NORTH DAKOTA TRUST FUNDS.

(a) Disposition- Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the 'trust fund')--

- (1) deposit all revenues earned by a trust fund into the trust fund;
- (2) deduct the costs of administering a trust fund from each trust fund; and
- (3) manage each trust fund to--

- (A) preserve the purchasing power of the trust fund; and
- (B) maintain stable distributions to trust fund beneficiaries.

(b) Distributions- Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

(c) Management of Proceeds- Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

(d) Management of Land and Proceeds- Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).'

(b) Management and Distribution of Morrill Act Grants- The Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

(a) Expenses- Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

(b) Disposition of Proceeds- Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')--

- (1) deposit all revenues earned by a trust fund into the trust fund;
- (2) deduct the costs of administering a trust fund from each trust fund; and
- (3) manage each trust fund to--

- (A) preserve the purchasing power of the trust fund; and
- (B) maintain stable distributions to trust fund beneficiaries.

(c) Distributions- Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

(d) Management- Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.'

(c) Consent of Congress- Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled 'A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date' and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) Priority Projects- Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking ` \$5,000,000' and inserting ` \$2,500,000'.

(b) Cost Sharing- Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended--

(1) by striking ` The value' and inserting the following:

` (1) IN GENERAL- The value'; and

(2) by adding at the end the following:

` (2) BONNEVILLE POWER ADMINISTRATION-

` (A) IN GENERAL- The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

` (B) NON-FEDERAL SHARE- Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.'.

(c) Report- Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended--

(1) by inserting ` any' before ` amounts are made'; and

(2) by inserting after ` Secretary shall' the following: ` , after partnering with local governmental entities and the States in the Pacific Ocean drainage area,'.

(d) Authorization of Appropriations- Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended--

(1) in subsection (a), by striking ` 2001 through 2005' and inserting ` 2009 through 2015'; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

` (2) ADMINISTRATIVE EXPENSES-

` (A) DEFINITION OF ADMINISTRATIVE EXPENSE- In this paragraph, the term ` administrative expense' means, except as provided in subparagraph (B)(iii)(I), any expenditure relating to--

` (i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

` (ii) the review, processing, and provision of applications for funding under the Program.

` (B) LIMITATION-

` (i) IN GENERAL- Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

` (ii) FEDERAL AND STATE SHARES- To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)--

` (I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

` (II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

` (iii) STATE EXPENSES- Amounts made available to States for administrative expenses under clause (i)--

` (I) shall be divided evenly among all States provided assistance under the Program; and

` (II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with--

` (aa) arranging meetings to promote the Program to potential applicants;

` (bb) assisting applicants with the preparation of applications for funding under the Program; and

` (cc) visiting construction sites to provide technical assistance, if requested by the applicant.'.

SEC.

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16 USC Sec. 1456d 01/22/02

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 33 - COASTAL ZONE MANAGEMENT

-HEAD-

Sec. 1456d. Coastal and Estuarine Land Conservation Program

-STATUTE-

The Secretary shall establish **a** Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That by September 30, 2002, the Secretary shall issue guidelines for this program delineating the criteria for grant awards: Provided further, That the Secretary shall distribute these funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds, and shall give priority to lands which can be effectively managed and protected and which have significant ecological value: Provided further, That grants funded under this program shall require **a** 100 percent match from other sources.

-SOURCE-

(Pub. L. 107-77, title II, Nov. 28, 2001, 115 Stat. 776.)

-COD-

CODIFICATION

Section was enacted as part of the Department of Commerce and Related Agencies Appropriations Act, 2002, and also as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, and not as part of the Coastal Zone Management Act of 1972 which comprises this chapter.

intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain stainless steel butt-weld pipe fittings from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) for the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the less-than-fair-value investigation or a prior review, the cash deposit rate will continue to be the company-specific rate from the most recent review; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the producer is, the cash deposit rate will be that established for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will be 51.01 percent, the all-others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until further notice.

Notification to Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period.

Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also is the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 5, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

APPENDIX

Issues in Decision Memorandum

1. Calculation of Revised Cost of Production ("COP")
2. Calculation of Storage Expenses
3. Constructed Export Price ("CEP") Offset
4. Identification of Manufacturer
5. Ta Chen's Raw Material Cost
6. Calculation of CEP Profit Ratio

[FR Doc. E9-356 Filed 1-9-09; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal and Estuarine Land Conservation Planning, Protection or Restoration

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 13, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Elaine Vaudreuil, (301) 713-3155 ext. 103 or Elaine.Vaudreuil@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The FY 2002 Commerce, Justice, State Appropriations Act directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion, and to issue guidelines for this program delineating the criteria for grant awards. The guidelines establish procedures for eligible applicants who choose to participate in the program to use when developing state conservation plans, proposing or soliciting projects under this program, applying for funds, and carrying out projects under this program in a manner that is consistent with the purposes of the program. Guidelines for the CELCP can be found on NOAA's Web site at: <http://coastalmanagement.noaa.gov/land/> or may be obtained upon request via the contact information listed above. NOAA also has, or is given, authority under the Coastal Zone Management Act, annual appropriations or other authorities, to issue funds to coastal states, localities or other recipients for planning, conservation, acquisition, protection, restoration, or construction projects. The required information enables NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under different, but related, authorities.

II. Method of Collection

Respondents have a choice of electronic or paper formats for submitting CELCP plans, project applications, performance reports and other required materials. Project applications may be submitted electronically via Grants.gov or by mail in paper form. Methods of submittal for plans, performance reports or other

required materials include electronic submittal via e-mail or NOAA Grants Online, mail and facsimile transmission of paper forms, or submittal of electronic files on compact disc.

III. Data

OMB Control Number: 0648–0459.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, Local, or Tribal Government; not-for-profit institutions.

Estimated Number of Respondents: 50.

Estimated Time per Response: CELCP Plans, 120 hours to develop or 35 hours to revise; project application and checklist, 15 hours; and final grant applications and semi-annual and annual reporting, 5 hours.

Estimated Total Annual Burden Hours: 1,508.

Estimated Total Annual Cost to Public: \$493.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 6, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–247 Filed 1–9–09; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Mandatory Shrimp Vessel and Gear Characterization Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 13, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jason Rueter, (727) 824–5350 or Jason.Rueter@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS) manages the shrimp fishery in the waters of the Gulf of Mexico under the Shrimp Fishery Management Plan (FMP). The regulations implementing the FMP appear at 50 CFR part 680, and regulations at 50 CFR part 697 and subpart H of 50 CFR part 600 also pertain. The corresponding regulations established completion of a mandatory vessel and gear characterization form by participants in the shrimp fishery.

Collection of vessel and gear characterization and fishing effort information is necessary, supplemental information to the economic, social, and biological information regarding the fishery (collected by other means) that is vital to the Optimum Yield (OY) management of marine fishery resources as mandated under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802 M–S Act § 3). The term “Optimum” is defined under section 104–297 of the Act, as: (A) Will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed as such on the basis of the

maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factors; and (C) in the case of an overfished fishery, provides for the rebuilding to a level consistent with producing the maximum sustainable yield in such a fishery.

The currently approved application and reporting requirements are being revised to incorporate necessary information identified during the first three years of data collection. These changes are not expected to alter burden or costs for the collection of information.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0542.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time per Response: Reports, 20 minutes.

Estimated Total Annual Burden Hours: 1,000.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.