

Section 306A Project Checklist

State Coastal Management Programs (CMPs) shall complete a Section 306A Project Checklist for each Coastal Zone Management Act (CZMA) section 306A project and submit it to the Coastal Programs Division (CPD), Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA) for approval. Approval of a 306A project requires a completed checklist, signed by the CMP Program Manager and CPD Chief; title documentation and appraisal (if applicable); and other information that may be required by this checklist. These are the only documents required for CPD approval, unless otherwise notified by CPD. See CPD, *Coastal Zone Management Act Section 306A Guidance* (February 1999) for further information.

1. **Grant Number:** _____ **State:** _____

2. **Name of Project:** _____

3. **Project Proponent** (must be a public entity): _____

4. **Total Cost:** _____ **Federal:** _____ **State/Local Match:** _____

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 PROJECT DESCRIBED IN THIS CHECKLIST IS CONSISTENT WITH CZMA SECTION 306A AND CPD'S SECTION 306A GUIDANCE; (3) THE STATE HAS ON FILE THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (4) I UNDERSTAND THE CONSEQUENCES, AS DESCRIBED IN CPD'S SECTION 306A GUIDANCE, IF THE PROJECT DESCRIBED IN THIS CHECKLIST DOES NOT COMPLY WITH CZMA SECTION 306A AND CPD'S SECTION 306A GUIDANCE.

Signature of State Coastal Management Program Manager

Date

Name of Signatory (please print or type): _____

Title: _____

Address:

Phone Number:() -

The signature below by the Chief, Coastal Programs Division, OCRM/NOAA, is NOAA's approval that the applicable special award condition is satisfied and releases the federal CZMA section 306A funds for the project described in this Checklist.

John King
Chief, CPD

Date

5. Project Eligibility:

a. 306A Objectives (Check all that apply):

- 306A(b)(1)(A) (preservation or restoration of areas designated in the state CMP)
Identify APC or APR: _____
- 306A(b)(1)(B) (preservation or restoration of coastal resource of national significance or restoring or enhancing shellfish production/clutch)
Identify coastal resource: _____
- 306A(b)(2) (redevelopment of deteriorating or underused urban waterfronts designated as APCs in the state's CMP)
Identify APC or APR: _____
- 306A(b)(3) (providing public access to coastal areas)
- 306A(b)(4) (development of process for aquaculture)

b. 306A Uses (Check all that apply):

- 306A(c)(2)(A) (fee simple or other interest in land)
- 306A(c)(2)(B) (low-cost construction projects)
- 306A(c)(2)(C)(i) (revitalize urban waterfronts-piers)
- 306A(c)(2)(C)(ii) (revitalize urban waterfronts-shoreline stabilization)
- 306A(c)(2)(C)(iii) (revitalize urban waterfronts-pilings)
- 306A(c)(2)(D) (designs and other 306A reports, including aquaculture process)
- 306A(c)(2)(E) (educational, and other management costs, including aquaculture process)

6. Project Description (briefly describe the project and project location – do not simply reference the task description from the CZM grant application):

7. Public Benefit:

a. The project will be located on a property that is publicly owned or accessible via a publicly-held easement. Yes No

b. The project will be for public benefit. Yes No

c. The project will not improve private property and/or result in private or commercial gain. Yes No

If the answer to any of the above is No, the project is not eligible for section 306A funding.

d. The state or sub-recipient will need to secure an easement or lease to conduct the project (i.e., because the state or sub-recipient does not own the property). Yes No

If the answer to 7d is Yes, attach a copy of the easement or lease to this checklist; if No, go on to 7e.

What is the term of the easement or lease (provide date of expiration or specify if in perpetuity)? _____

The easement or lease contains a reversionary clause. Yes No

e. The project will be open to the general public. Yes No N/A

If the answer to 7e is No, the project is not eligible for section 306A funding unless access is to be limited for a legitimate reason, such as public safety, resource protection, or scientific research. Attach an explanation for why the project will not be open to the public and describe the public benefits that would be provided by the project in the absence of public access.

f. The public will be charged a user fee to access the project. Yes No N/A

If the answer to 7f is Yes, attach an explanation for the user fee, including the amount, whether there will be differential fees (and a justification thereof), the need for the fees, and proposed use of the revenue.

8. Involvement of Non-profit Organizations:

The state CMP or sub-recipient will contract with a non-profit organization to complete part or all of the project. Yes No If the answer to 8 is Yes, the name of the organization is: _____

9A. Supporting Documentation for Low-Cost Construction Projects (if your project is land acquisition, skip to 9B):

a. A title opinion, title insurance commitment/certificate, or affidavit showing that the property on which the proposed project will be located is publicly owned, leased, or under easement in perpetuity or for the expected life of the project (at least 20 years) is attached. Yes No

b. The state CMP has on file a site plan for the project. Yes No

c. The state CMP has on file a site location map for the project. Yes No

(Go on to 10.)

9B. Supporting Documentation for Land Acquisition Projects:

a. A title opinion or title insurance commitment/certificate showing that the property to be acquired is owned by the contracted seller and is free of encumbrances that could affect the future viability of the property in its intended use is attached. Yes No N/A

b. The State or grant sub-recipient has obtained an independent appraisal of the fair market value for the property

to be purchased that was developed pursuant to CPD's Section 306A Guidance. Yes No

10. National Historic Preservation Act and State Historic Preservation Office's (SHPO's) Clearance:

- a. The project will affect sites listed or eligible to be listed on the National Register of Historic Places or a similar State registry. Yes No
- b. The state CMP has on file the SHPO's clearance. Yes No

If the answer to 10b is No, the CMP Program Manager certifies, by signing this checklist, that the State is seeking the SHPO clearance and that work will not begin and/or land will not be purchased until the SHPO clearance is received.

11. National Flood Insurance Program:

- a. The project involves land acquisition to support construction or actual construction. Yes No (If the answer to 11a is no, go on to 12)
- b. The project will be located in a Special Flood Hazard Area shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map. Yes No (If the answer to 11b is No, go on to 12)
- c. The community in which the project will be located is participating in the NFIP. Yes No If the answer to 11c is No, the project is not eligible for section 306A funding.

12. Coastal Barrier Resources Act:

The project is located on a coastal barrier island designated as a unit of the Coastal Barriers Resources System.
 Yes No

If the answer to 12. 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.

13. Endangered Species Act:

- a. There are 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 project site. Yes No

If the answer to 13a is Yes, attach a list of the species and/or their critical habitats.

- b. The proposed project may have adverse effects on species listed or proposed for listing as endangered or threatened or on their designated critical habitats. Yes No

If the answer to 13b. is Yes, 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.

14. National Environmental Policy Act

- a. The proposed project may significantly affect the quality of the human environment. Yes No
- b. The proposed project involves unresolved conflicts concerning alternative uses of available resources.
 Yes No

- c. This action may have significant adverse effects on public health and safety. Yes No
- d. This action may have highly controversial effects to the human environment. Yes No
- e. This action may have highly uncertain and potentially significant environmental effects or involve unique or unknown risks. Yes No
- f. The project may 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's effects may be individually insignificant, but their addition to effects from existing and reasonably foreseeable actions may result in cumulatively significant impacts. Yes No

If the answer to any one subpart of 14 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 state or sub-recipient believes an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) should not be required. CPD may require additional information in cases where potential impacts are not clearly described or where probable impacts require an EA or EIS.

15. Environmental Justice:

The project will have disproportionately high and adverse human health or environmental effects on minority or low income populations. Yes No

16. Coastal Nonpoint Pollution Control Program:

The project will employ best management practices as appropriate in conformance with the applicable State's Coastal Nonpoint Pollution Control Program. Yes No N/A

17. Americans with Disabilities Act:

The proposed project will be accessible to people with disabilities. Yes No N/A

If the answer to 17 is No, attach an explanation for how the project conforms with ADA requirements as described in CPD's Section 306A Guidance. If the project does not meet the requirements, it will not be approved.

18. State and Local Laws:

The project is consistent with applicable state and local laws. Yes No If the answer is No, the project will not be approved.

19. Tribal Interests:

a. The project is located on or will affect Tribal lands. Yes No (If No, go on to 20)

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

20. 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 state CMP Program Manager certifies, by signing this checklist, that the state CMP (or other public entity) is seeking the required local, state and federal permits and that work will not begin or land will not be purchased until the permits have been issued and received by the state CMP.

OMB Control # 0648-0119, expires **2/28/2009**. OCRM requires this information in order to adequately assess the eligibility of proposed CZMA section 306A projects. Public reporting burden for this collection of information is estimated to average 5 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 John King, Chief, Coastal Programs Division, OCRM, 1305 East-West Hwy., 11th Floor, Silver Spring, Maryland 20910. This reporting is required under and is authorized under 16 U.S.C. § 1455a. Information submitted will be treated as public records. 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.

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