

**COASTAL IMPACT ASSISTANCE PROGRAM
STATE PLAN AND PLAN AMENDMENT
GUIDELINES**

**U.S. Department of the Interior
Bureau of Ocean Energy Management, Regulation and Enforcement
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ABBREVIATIONS AND ACRONYMS

Act	Energy Policy Act of 2005
BOEMRE	Bureau of Ocean Energy Management, Regulation and Enforcement
CAA	Clean Air Act
CBRA	Coastal Barrier Resource Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CIAP	Coastal Impact Assistance Program
CPS	eligible Coastal Political Subdivision
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ERP	Executive Review Panel
ESA	Endangered Species Act
FCMA	Magnuson-Stevens Fisheries Conservation and Management Act
FY	fiscal year
MHW	mean high water
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPDES	National Pollution Discharge Elimination System
OCS	Outer Continental Shelf
Plan	Coastal Impact Assistance Plan
Secretary	Secretary of the Department of the Interior
State	eligible producing State
U.S.	United States
USACE	United States Army Corps of Engineers
U.S.C.	United States Code

1. INTRODUCTION

Section 384 of the Energy Policy Act of 2005 (Act) has created the Coastal Impact Assistance Program (CIAP) by amending Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. § 1356a; Appendix A). The CIAP authorizes funds to be distributed to Outer Continental Shelf (OCS) oil and gas producing States for the conservation, protection and preservation of their coastal wetlands.

Under the provisions of the Act, the authority and responsibility for the management of CIAP is vested in the Secretary of the Department of the Interior (Secretary). The Secretary delegated this authority and responsibility to the Minerals Management Service, which was renamed the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) by Secretarial Order 3302 on June 18, 2010.

Under Section 1356a(b)(1) of the Act, BOEMRE shall disburse \$250 million for each fiscal year (FY) 2007 through 2010 to eligible producing States (State) and coastal political subdivisions (CPS). This money will be shared among Alabama, Alaska, California, Louisiana, Mississippi, and Texas and will be allocated to each producing State and eligible CPS based upon allocation formulas prescribed by the Act. The funds allocated to each State are based on the proportion of qualified Outer Continental Shelf (OCS) revenues offshore the individual State to total qualified OCS revenues from all States. In order to receive CIAP funds, States are required to submit a coastal impact assistance plan (Plan) that BOEMRE must approve prior to disbursing any funds (Section 1356a(c)(2)(A)). All funds will be disbursed through a grant process.

This guidance has been developed by BOEMRE to provide the information necessary for States to develop a Plan and submit it to BOEMRE. States should develop Plans in coordination with their CPSs. Pursuant to the Act (Section 1356a(c)(1)(A)), a State must have submitted its Plan no later than July 1, 2008. The BOEMRE's goal is to ensure Plans are approved and funds disbursed in the most efficient and expeditious manner.

2. ELIGIBLE PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS

A *producing State* is defined in the Act (Section 1356a(a)(9)(A) and (B)) as having a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the OCS. This does not include a State with a majority of its coastline subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State. States eligible to receive funding are Alabama, Alaska, California, Louisiana, Mississippi, and Texas.

The Act also specifies eligibility criteria for CPS (Section 1356a(a)(1) and (8)). A *political subdivision* is defined as "the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs." The term *coastal political subdivision* is further defined in the Act as "a political subdivision of a coastal State any part of which political subdivision is (A) within the coastal zone (as defined in Section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1453)) as of the date of enactment of the Energy Policy Act of 2005 [August 8, 2005]; and (B) not more than 200 nautical miles from the geographic

center of any leased tract.” Given these criteria, BOEMRE, in consultation with the States, has determined 67 CPSs are eligible to receive CIAP funding (Appendix B).

3. COASTAL IMPACT ASSISTANCE PROGRAM ALLOCATIONS

The BOEMRE shall determine CIAP funding allocations to States and CPSs using the formulas mandated by the Act (Section 1356a(b)). The Act directs that the funds allocated to States and CPSs for FY 2007 and 2008 be determined using qualified OCS revenues received for FY 2006; FY 2009 and 2010 funds shall be determined using the amount of qualified OCS revenues received for FY 2008.

The Act requires a minimum annual allocation of 1 percent to each State and provides that 35 percent of each State’s share shall be allocated directly to its CPSs. A State or CPS may not receive less than its allocation unless BOEMRE finds that the proposed uses of funds are inconsistent with the Act (Chapter 4.1) or if a State or CPS chooses to relinquish some or all of its allotted funds. The FY 2007, FY 2008, FY 2009, and FY 2010 allocations for each State and CPS are available on the BOEMRE CIAP website (www.BOEMRE.gov/offshore/CIAPmain.htm).

4. COASTAL IMPACT ASSISTANCE PROGRAM FUNDS

The CIAP funds will be disbursed to States and CPSs through a noncompetitive grant process. For planning purposes, grant recipients shall comply with all applicable sections of 43 CFR Part 12, *Administrative and Audit Requirements and Cost Principles for Assistance Programs*. Guidelines for the grant process are available on the CIAP website: www.BOEMRE.gov/offshore/CIAPmain.htm.

4.1. AUTHORIZED USES OF FUNDS

The Act (Section 1356a(d)(1)) stipulates that a State or CPS shall use CIAP funds only for one or more of the following authorized uses:

1. Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland;
2. Mitigation of damage to fish, wildlife, or natural resources;
3. Planning assistance and the administrative costs of complying with CIAP;
4. Implementation of a Federally-approved marine, coastal, or comprehensive conservation management plan; and
5. Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.

States and CPSs shall be responsible to demonstrate in their proposed project descriptions (Chapter 5.2.7) that each proposed project:

- Is consistent with one of the five authorized uses and, as required, and
- Directly or indirectly benefits the natural coastal environment.

The primary use or benefit of a project shall determine its authorized use (Chapters 5.2.6 and 5.2.7). All CIAP projects do not need to be undertaken solely within a State's coastal zone, but

project benefits should flow to the coastal zone. Using CIAP funds to support litigation or to fund publicity or lobbying efforts for purposes of influencing or attempting to influence a member of the U.S. Congress or an agency of the Federal Government (43 C.F.R. Part 18) is not consistent with any authorized use.

Projects and activities that directly or indirectly benefit the natural coastal environment through the conservation, protection, or restoration of the natural coastal environment are acceptable under Authorized Use #1. Particular categories of potential projects may be considered if they include a direct or indirect link to the natural and coastal environment. Such projects may include public access to the natural and coastal and marine environment; public recreation in the marine and coastal environment; safety, and restoration and protection of cultural (including subsistence) and archaeological resources and education about those resources.

For Authorized Use #1 projects, the State or CPS must demonstrate in the proposed project description how the project directly or, as appropriate, indirectly benefits the natural coastal environment through the conservation, protection, or restoration of the natural coastal environment. Examples of potential projects considered Authorized Use #1 include, but not limited to: sensitive habitat land acquisitions for conservation, shoreline stabilization projects for protection, and marsh restoration.

For Authorized Use #2 projects, the State or CPS must demonstrate in the proposed project description how the project mitigates the damage to fish, wildlife, or natural resources. Creation of an artificial reef to mitigate damage to fish populations would be an example of Authorized Use #2.

For Authorized Use #3, administrative costs may include costs associated with preparing and managing the Plan. Such costs could include, but are not limited to, Plan implementation and oversight, reasonably justified travel expenses associated with Plan development and management (including travel to CIAP workshops and any necessary meetings or coordination efforts held within or reasonably near States that are eligible to receive CIAP funding), copying and publication costs for the Plan, and costs incurred for public meetings, notices, and other coordination efforts. They do not include those administrative costs (direct or indirect) associated with the actual performance of a project.

For Authorized Use #4, projects and activities that directly benefit the natural coastal environment and, at a minimum, are consistent with the goals of a Federally-approved marine, coastal, or comprehensive conservation management plan are acceptable under Authorized Use #4. For each Federally-approved marine, coastal, or comprehensive conservation management plan that is referenced in a proposed project description, the State or CPS must:

- Provide the name and a copy (or link) of the referenced Plan
- Demonstrate that the referenced plan is Federally approved, and
- Demonstrate that the referenced plan meets the definition of Authorized Use #4: *a Federally-approved marine, coastal, or comprehensive conservation management plan.*

Examples of Federally-approved plans may include, but are not limited to, Coastal Zone Management Plans and Coastal and Estuarine Land Conservation Program Plans. For Authorized Use #4 projects, the State or CPS must:

- Justify in the proposed project description how the project meets the referenced plan's goals and/or objectives and the project should be discernable from the plan.
- Include the citation (page number and paragraph) for the above-referenced goals and/or objectives in the proposed project description, and
- Demonstrate in the proposed project description how the project directly benefits the natural coastal environment.

For Authorized Use #5 projects, the State or CPS must demonstrate in the proposed project description how the project directly mitigates the impact of OCS activities and (where necessary) meets a public service need (Section 1356a(d)(1)(E)). Not more than 23% of the amounts received by a State or CPS for any one fiscal year may be used for AU#3 projects and AU#5 projects combined.

For Authorized Use #5, *infrastructure* means public facilities or systems needed to support commerce and economic development; it may include, but is not limited to, buildings, roads, trails, parks, bridges, utility lines, wastewater treatment facilities, detention/retention ponds, seawalls, breakwaters, piers, and port facilities. Funding of infrastructure projects encompasses land acquisition, new construction, and upgrades and renovations to existing facilities or systems, but does not include maintenance or operating costs for the facilities or systems.

If consistent with the authorized use, land acquisition and construction of infrastructure may also occur under Authorized Uses #1, #2, and #4.

Any infrastructure constructed entirely above mean high water (MHW) will be considered as *onshore infrastructure*. Any infrastructure or portion of infrastructure constructed below MHW is not onshore infrastructure. The MHW is the standard the State uses, but in the absence of a standard, it will mean the average elevation of high water recorded from a rising tide at a particular point or station over a considerable period of time, usually 19 years.

4.2. RESTRICTIONS ON THE USE OF FUNDS

4.2.1. Cost Sharing or Matching of Funds

The Coastal Impact Assistance Program does not require States or CPSs to cost share or match CIAP funds.

The statute creating CIAP is neutral on the use of CIAP funds for cost sharing or matching requirements with other Federal programs (grant programs, cooperative agreement programs, and various other forms of Federal assistance). Thus, the determination of whether CIAP funds can be used to meet another Federal program's cost sharing or matching requirement depends upon whether the other Federal program's authorizing statutory language permits the use of Federal funds for cost sharing or matching. The agency charged with administering the Federal program that contains the cost sharing or matching requirement is responsible for making that determination.

If a State or CPS uses CIAP funds for a federally required project or to meet a cost sharing or matching requirement, the recipient will be required to submit, with the grant application, a letter

from the other Federal agency (the agency charged with administering the program that includes the federally required project or cost sharing or matching requirement) containing a determination that the other agency's program allows the use of CIAP funds for the federally required project or to meet the cost sharing or matching requirement and the statutory citation for the authority to accept federal funds from another federal program. A copy of the language that cites the statutory authority should be obtained from the federal agency accepting the funds.

4.2.2. Funds Distribution Limitation

Pursuant to the Act (Section 1356a(d)(3)), not more than 23 percent of the amounts received by a State or CPS for any one fiscal year shall be used for Authorized Use #3 (planning assistance and the administrative costs of complying with CIAP) and Authorized Use #5 (mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs). For Authorized Use #5, States and CPSs should describe in their project description how the project will mitigate the impact of OCS activities (Chapter 5.2.7).

Authorized Uses #1, #2, and #4 are not subject to the 23 percent limitation.

4.3. COMPLIANCE WITH AUTHORIZED USES OF FUNDS

If BOEMRE determines that any expenditure made by a State or CPS is inconsistent with the uses authorized under the Act (Chapter 4.1), BOEMRE shall not distribute additional CIAP funds to that State or CPS until such time as all amounts obligated for unauthorized uses have been repaid or re-obligated to authorized uses (Section 1356a(d)(2)).

4.4. INCURRING COSTS BEFORE PLAN APPROVAL

The BOEMRE shall not disburse any CIAP funds to a State or CPS until BOEMRE has approved the State's Plan and the grant application for a project. If a State or CPS chooses to begin work on a proposed project prior to approval, it does so at its own risk. Only those costs incurred after August 8, 2005, the Act's enactment date, which are in compliance with the Act and all other applicable statutes, regulations, policies, and guidelines, shall be considered for funding.

4.5. ESCROW ACCOUNT

As authorized in the Act (Section 1356a(b)(5)(B)), all CIAP funds shall be held in a U.S. Treasury account. Any interest shall accrue to the benefit of the Federal Government (43 CFR §§ 12.61(h) and (i)).

Funds disbursement will be contingent upon Plan approval and grant approval. If a State is not making a good faith effort to develop, submit, or revise its Plan (Chapter 5.1), BOEMRE may allocate those funds to the remaining States and CPSs.

4.6. SUB-GRANTS AND PROJECT FUNDING

Only States and CPSs shall receive CIAP funds. States and CPSs, however, may issue sub-grants to other State or local agencies, universities, or other entities so long as such sub-grants and their respective projects are explicitly described in its grant application. Sub-grantees are subject to the Federal regulations contained in [43 CFR Part 12](#).

States and CPSs may also combine their allocations to fund mutually beneficial projects. Each recipient, however, must submit a separate application for their specific portion of the work with separate objectives and deliverables; each recipient will receive a separate grant award. The location of all such projects and the funding combinations for the project must be described in the State's Plan.

4.7. TIME LIMITATION OF FUNDING

The Act does not provide a time limit for the use of CIAP funds; however, Federal procurement law requires grants to have performance periods. Therefore, BOEMRE will issue grants for Authorized Use #1, #2, #4, and #5 projects for a one-, two-, three- or four-year performance (award) period; the award period for Authorized Use #3 projects may exceed four years.

All Plan Amendments must be submitted by December 31, 2012, all grant applications must be submitted by December 31, 2013 and all grants must be completed and closed-out by December 31, 2016.

5. COASTAL IMPACT ASSISTANCE PLAN

In order to receive coastal impact assistance, the Governor of each State must submit a Plan to BOEMRE for review and approval (Section 1356a(c)(1)(A)). In preparing the Plan, a Governor must solicit local input and provide for public participation in the development of the Plan (Section 1356a(c)(1)(B)).

5.1. PLAN SUBMITTALS

The BOEMRE began accepting Plans October 2, 2006. All Plans and correspondence should be sent to both the National CIAP Coordinator and the State's Regional CIAP Representative. States are directed to send one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) to each of these contacts.

All States:

National CIAP Coordinator
Bureau of Ocean Energy Management, Regulation
and Enforcement
381 Elden Street
Mail Stop 4040

	Herndon, Virginia 20170
Alaska:	Regional CIAP Representative Bureau of Ocean Energy Management, Regulation and Enforcement Alaska OCS Region 3801 Centerpoint Drive Suite 500 Anchorage, Alaska 99503
Alabama, Louisiana, Mississippi, and Texas:	Regional CIAP Representative Bureau of Ocean Energy Management, Regulation and Enforcement Gulf of Mexico OCS Region 1201 Elmwood Park Boulevard Mail Stop 5450 New Orleans, Louisiana 70123
California:	Regional CIAP Representative Bureau of Ocean Energy Management, Regulation and Enforcement Pacific OCS Region 770 Paseo Camarillo Camarillo, California 93010

5.2. PLAN REQUIRED COMPONENTS

The Act (Section 1356a(c)(2)(B)) lists five components that must be included in a Plan (Chapters 5.2.1-5.2.5). The BOEMRE recommends that States follow the format and instructions provided in Appendices C, D, and E of this document; the submittal of standardized Plans will expedite the review process. Appendix C presents a recommended table of contents, while Appendix D includes a recommended format for project lists (Chapter 5.2.6) and Appendix E includes a recommended format for proposed project descriptions (Chapter 5.2.7).

5.2.1. Designated State Agency

A Plan must contain the name of the State agency that will have the authority to represent and act for the State in dealing with BOEMRE for CIAP purposes (Section 1356a(c)(2)(B)(ii) (I)). A point of contact for the designated agency and their contact information (title, address, telephone number, fax number, and e-mail address) must also be provided.

5.2.2. Designated Contact for Coastal Political Subdivisions

For each CPS, a Plan must contain the name of a point of contact and their contact information (title, address, telephone number, fax number, and e-mail address) (Section 1356a(c)

(2)(B)(ii)(III)(aa)). Each Plan must also include a description of how each CPS intends to use its CIAP funds (Chapter 5.2.5) (Section 1356a(c)(2)(B)(ii)(III)(bb)).

5.2.3. Governor's Certification of Public Participation

A Plan must include a certification by the Governor that sufficient opportunity has been provided for public participation in the development and revision of a Plan (Section 1356a(c)(2)(B)(ii)(IV)). The certification is to be included in the Plan and can be provided in the form of a letter or other document signed by the Governor.

Public participation can be achieved through a variety of means, e.g., use of advisory committees, commission meetings, informal public workshops, and formal public hearings. At a minimum, States should provide adequate public notice of Plan availability and provide a 30-day public comment period on the Plan. It is recommended that States involve relevant Federal, State, and local agencies in their review and comment process.

5.2.4. Coordination with Other Federal Resources and Programs

A Plan must describe the measures taken to determine the availability of assistance from other relevant Federal resources and programs for proposed Plan projects (Section 1356a(c)(2)(B)(ii)(V)). Examples of other federal resources and programs include, but are not limited to, the following: Coastal Zone Management Programs (CZMP); National Estuarine Research Reserves; U.S. Army Corps of Engineer programs for shoreline protection and conservation of coastal resources; National Marine Sanctuaries; federally-funded conservation, development, or transportation projects; and federally-mandated activities such as wetlands or endangered species protection.

5.2.5. Plan Implementation Program

The Act (Section 1356a(c)(2)(B)(ii)(II)) requires that each State Plan contain a program for the implementation of the Plan, describing how CIAP funds will be used. The State and its CPSs should ensure that the goals and objectives identified in the State Plan do not create conflict between statewide and local program implementation. The implementation program description should include a:

- Description of the State/CPS goals and objectives under the Program
- Description of how the State/CPS will manage, implement, and monitor the Program
- Description of the State/CPS public participation process including the dates and periodicals in which notices are placed; the locations, dates, and times of meetings and the number of attendees; and a summary of public comments on the draft Plan
- Discussion of the State/CPS decision-making process for selecting projects
- Discussion of how the State/CPS plans to ensure compliance with all relevant Federal, State, and local laws including each State's CZMP
- Description of the major activities and/or categories to be funded under the Program (e.g., infrastructure, habitat restoration, mitigation, etc.) (Chapter 5.2.7), and

- Detailed estimate of the amount of funds, by State and CPS, that will be spent annually on each authorized use (Chapter 5.2.6).

5.2.6. Proposed Project Lists

Each State must include in its Plan a list of projects the State and its CPSs anticipate submitting for CIAP grant funding (Section 1356a(c)(2)(B)(ii)(II)). At a minimum, each State's initial Plan must identify all proposed projects for FY 2007 CIAP allocations (Chapter 3). Plans may, however, include proposed project lists for the other CIAP fiscal year allocations (FY 2008, 2009, and 2010). States that do not provide all four years of proposed project lists should be aware that each subsequent submittal of newly proposed projects will be a Plan Amendment (Chapter 6.3.2), which will require new public participation (Chapter 5.2.3).

Appendix D, Table 1 provides a recommended format for proposed project lists. Proposed projects should be organized by authorized use and include:

- The title of each project
- The estimated cost of each project
- The estimated cost of each project broken down by Fiscal Year CIAP Allocation
- The subtotal of all estimated costs by authorized use, and
- The total estimated cost for all authorized uses (which should equal the fiscal year allocation).

The BOEMRE recommends proposed projects be prioritized into two tiers. Tier 1 projects submitted by States and CPSs for grant funding are anticipated to utilize 100 percent of their CIAP fiscal year allocation. Tier 2 projects are for backup purposes. If a Tier 1 project is cancelled, scaled back, or deferred, States and/or CPSs may then submit a Tier 2 project for grant funding without having to amend the Plan (Chapter 5.3.2). At a minimum, each State and CPS should submit Tables 1, 2, and 3 for the appropriate Fiscal Year CIAP Allocation for their proposed projects. Table 3 should indicate the Tier 2 project name and corresponding Fiscal Year.

States and CPSs must also demonstrate compliance with the 23 percent spending limitation (Chapter 4.2.2). Appendix D, Table 2 provides a recommended format. At a minimum, each State and CPS should submit Table 2 demonstrating the 23 percent limitation for their appropriate Fiscal Year CIAP allocation; Table 2 should only be submitted for Tier 1 proposed projects.

5.2.7. Proposed Project Descriptions

For each proposed Tier 1 and Tier 2 project, the Plan should include:

- A summary (1-2 pages) of the project, including goals and measurable objectives
- An explanation (1-2 pages) of how the project is consistent with the identified authorized use; including, as appropriate, how the project directly or indirectly benefits the natural coastal environment (Chapter 4.1)
- If funding under Authorized Use #4, the name and citation for the Federally approved marine, coastal, or comprehensive management plan, the date the plan was approved,

and by what Federal agency. Also include the page # and paragraph # for the applicable goals/objectives of this plan as related to the CIAP project authorized use, and

- If funding public service needs or onshore infrastructure projects under Authorized Use #5, include how the project will mitigate the impact of OCS activities, and
- A description of intent to use CIAP funds for cost sharing or matching purposes with acknowledgement that the State and/or CPS will be required to submit, with their grant application, a letter from the other Federal agency (the agency charged with administering the program that includes the cost sharing or matching requirement) containing a determination that the other agency's program allows the use of Federal funds to meet cost sharing or matching requirements (Chapter 4.2.1).

Appendix E provides a recommended format for the individual State and CPS project descriptions to be included in the Plan.

Appendix F, Environmental Checklist (Checklist) has been provided as an aid to the applicant and may be submitted, although not required, with the grant application. The BOEMRE developed the Checklist to help applicants identify the environmental laws that may apply to their projects and the environmental documents they may need to submit. The BOEMRE will use submitted documents to record the applicant's assertion that they have complied with applicable environmental laws.

6. COASTAL IMPACT ASSISTANCE PLAN REVIEW AND APPROVAL PROCESS

6.1. PLAN REVIEW

The BOEMRE will review a Plan for completeness, adequacy, and the consistency of proposed projects to the identified authorized use (Chapter 4.1).

Within 90 calendar days from receipt of a Plan, BOEMRE will notify the State in writing that the Plan is either:

- a. Approved
- b. Disapproved
- c. Requires revisions, or
- d. Remains under review.

In the latter case, BOEMRE will provide the State with an estimate of the amount of additional time necessary to complete its review. In the event BOEMRE fails to provide written notice to the State of its review determination, the Plan is deemed disapproved.

6.1.1. Plan Review Comments

Following its review, BOEMRE will provide detailed comments to the State that will offer the highest level of guidance possible to assist the State in achieving an approvable Plan. The comments will identify:

- Missing and/or inadequate general information that should be revised

- Projects that are complete, adequate, and consistent with the identified authorized use
- Projects that are consistent with the identified authorized use, but are incomplete and/or inadequate and should be revised
- Projects that can not be determined consistent with the identified authorized use due to incomplete and/or inadequate information and should be removed from the Plan and
- Projects that are not consistent with the identified authorized use and should be removed from the Plan

As part of the review process (Chapter 6.1), the BOEMRE CIAP Executive Review Panel (ERP) will review and rule on any project that has been recommended by BOEMRE staff for Plan removal. The ERP consists of high-level regional and headquarters representatives. While all ERP rulings are final, a State may pursue the approval of a removed project by submitting it in an amendment to the approved Plan (Chapter 6.3.2).

6.1.2. Revised Plan

In order to address Plan review comments, the State may revise and re-submit its Plan once. In the revised Plan, it is the responsibility of the State to provide, in a clear and concise manner, any information found to be incomplete and/or inadequate. . The revised Plan must include a list of all changes made from the original Plan (e.g., a list of removed projects) and indicate all text changes (e.g., in track changes). Projects identified for removal (Chapter 6.1.1) can not be submitted in the revised Plan. New projects can not be added to the revised Plan. Tier 2 projects may be moved to Tier 1 projects in the revised Plan.

If a State or CPS does not account for all of its CIAP allocations in a revised Plan, it may note the deficiency in the revised Plan and submit an amendment at a later time for the outstanding allocations. New projects can not be added to the revised Plan for the outstanding allocations.

6.1.3. Revised Plan Review

The BOEMRE will review a revised Plan to confirm that the State addressed the Plan review comments sufficiently (Chapter 6.1.1).

Within 90 calendar days from receipt of a revised Plan, BOEMRE will notify the State in writing that the Plan is either:

- a. Approved
- b. Disapproved, or
- c. Remains under review

In the latter case, BOEMRE will provide the State with an estimate of the amount of additional time necessary to complete its review. In the event BOEMRE fails to provide written notice to the State of its review determination, the revised Plan is deemed disapproved.

6.1.4. Revised Plan Comments

Following its review, BOEMRE will inform the State whether the revised Plan addressed all of the Plan review comments sufficiently (Chapter 6.1.1). If the revised Plan addressed all of the Plan review comments sufficiently, BOEMRE staff will send to the Director a determination recommending approval of the Plan (Chapter 6.2.1).

If the revised Plan did not address all of the Plan review comments sufficiently, BOEMRE will provide the State with a list of incomplete or missing information in the Plan and a list of project(s) that remain incomplete and/or inadequate and therefore must be removed in order for the Plan to be recommended for approval. If the State provides the missing information, removes the requested projects from the Plan, and re-submits within 10 working days a final copy of the Plan, a determination recommending approval of the Plan will be sent to the Director.

States are directed to send one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) to both the National CIAP Coordinator and the State's Regional CIAP Representative. If the State does not complete the revised Plan and provide missing information and does not remove the requested project(s) from the Plan, a determination recommending disapproval of the Plan will be sent to the Director.

6.2. PLAN APPROVAL

6.2.1. Plan Recommendation to BOEMRE Directorate

Following its review of a Plan or, as appropriate, revised Plan, BOEMRE staff will send to the Director a determination recommending approval or disapproval of the Plan. The Director, after review, will either approve or disapprove the Plan. The State will be provided a letter informing them of the decision.

6.2.2. Project Funding Approval

The BOEMRE approval of a Plan shall not be construed as final funding approval of the individual State and CPS projects incorporated in that Plan. Individual CIAP projects will be given final funding approval by BOEMRE independently of Plans through the grant application and approval process (Chapter 4).

6.3. MODIFICATIONS TO AN APPROVED PLAN

The BOEMRE recognizes that not all modifications to an approved Plan will constitute an amendment but will involve changes. Section 1356a(c)(3) of the Act states that any amendment to the Plan shall be prepared according to the requirements and procedures of the Act; this includes the public participation requirement (Chapter 5.2.3). When a State has made the determination that it needs to prepare a Plan Amendment, the State should follow the information and guidance provided in Chapter 4 CIAP Funds. (See also Chapter 5, CIAP Plan, and Chapter 6, CIAP Plan Review and Approval Process.)

For CIAP purposes, BOEMRE has developed definitions and processes for submittal of changes (to an approved Plan (Chapter 6.3.1) and to a project in an approved Plan (Chapter 6.3.2)) and Plan Amendments (Chapter 6.4).

6.3.1. Changes to an Approved Plan

A modification to an approved Plan is considered a *change* if the change does not affect the overall scope or objective of the Plan. Changes to an approved Plan include, but are not limited to, changing the contact person for the State or CPS (Chapters 5.2.1 and 5.2.2).

Changes to an approved Plan are to be submitted to BOEMRE in a State's annual Administrative copy of the Plan (Chapter 7). Changes that effect real-time contact and communication should be provided to the CIAP Regional Representative at the time of the occurrence.

6.3.2. Changes to a Project within an Approved Plan

A modification to a project in an approved Plan is considered a *change* if the project still complies with the original intent of the project as stated in the approved Plan. The modified description should comport with the original project description to the extent it remains recognizable as, and is still covered by, the Governor's Certification of Public Participation provided in the approved Plan.

Changes to projects in an approved Plan must be submitted in a grant application. The changes must be identified and explained in Section 11 of the Project Narrative, *Changes from the Approved State Plan*, and must:

- Identify any project/technical change and explain the reason for the change
- Identify any financial change and explain the reason for the change
- Show compliance with the FY Allocation and 23% limit and
- Include an assurance statement that the proposed changes comply with the original intent of the project as stated in the approved Plan and the modified description comports with the original project description to the extent it remains recognizable as, and is still covered by, the Governor's Certification of Public Participation. *Application submittal and official signature by the recipient will validate the assurance.*

The BOEMRE will evaluate the grant application to determine if the modified project 1) still meets the original authorized use and 2) is in financial compliance. Modifications considered to be approvable changes to projects and still meet an authorized use include, but are not limited to:

1. Changing the scope of a project (e.g. decreasing the number of created wetlands acres due to an increase in the project cost);
2. Changing the budget of a project (e.g., increasing the budget due to an increase in the cost of materials);
3. Moving a project from one Tier to another (e.g., moving a project from Tier 2 to Tier 1); and

4. Changing which FY funds are to be used for a project.

6.3.3 Amendments to an Approved Plan

Any modification that can not meet the criteria for a change (Chapter 6.3.1 and 6.3.2) should be considered an *amendment*. Amendments include, but are not limited to:

1. Changing the Plan Implementation Program (Chapter 5.2.5)
2. Modifying a project in an approved Plan such that it no longer complies with the original intent of the project as stated in the approved Plan and the modified description no longer comports with the original project description to the extent it remains recognizable as, and is still covered by, the Governor's Certification of Public Participation,
3. Adding a new project to the Proposed Project Lists (Chapter 5.2.6)
4. The State and CPSs providing for public participation in the preparation of the Plan Amendment;
5. The State providing adequate public notice of the Plan Amendment availability and a 30-day public comment period for the Plan Amendment (which shall include all approved Plan material modified by the Amendment, such as the financial tables, as well as any new material associated with the Plan Amendment, such as the project descriptions.); and
6. Certification by the Governor that sufficient opportunity has been provided for public participation in the development of the Plan Amendment.

6.4 SUBMITTAL OF PLAN AMENDMENT

A submitted Plan Amendment should include a list of all the modifications as well as all affected Plan components. For example, if a State submits a new proposed project, the associated proposed project description is required along with Tables 1 and 2 and the Governor's certification of public participation.

If a Plan Amendment incorporates by reference materials in the approved Plan, it is recommended that the State make the approved Plan available to the public for their reference (e.g., via a website or other mechanism) during the public notice and comment period for the Plan Amendment.

Copies of Plan Amendments must be submitted to both the National CIAP Coordinator and the State's Regional CIAP Representative. States are directed to send one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) to each of these contacts.

All Plan Amendments should be submitted by December 31, 2012.

7. ADMINISTRATIVE COPIES OF PLANS

All States, in coordination with their CPSs, must submit to BOEMRE an annual copy of their State Plan that incorporates all Plan changes (Chapter 6.3.1), all approved project changes (Chapter 6.3.2) and all approved Plan Amendments (Chapter 6.3.3) since submittal of the last administrative copy or the last Plan Amendment, whichever is the most current.

Administrative copies should be submitted in track changes and incorporate all relevant changes to financial tables, lists, tables of contents, etc. States should submit their annual administrative copies according to the following schedule:

State	Month Due
Alabama	January
Alaska	March
California	May
Louisiana	July
Mississippi	September
Texas	November

The Administrative copy is to be sent to both the National CIAP Coordinator and the State's Regional CIAP Representative. States are directed to send one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) to each of these contacts.

**APPENDIX A.
COASTAL IMPACT ASSISTANCE PROGRAM
SECTION 31 OF THE OUTER CONTINENTAL SHELF
LANDS ACT (43 U.S.C. § 1356a) (AS AMENDED BY
SECTION 384 OF THE ENERGY POLICY ACT OF 2005,
PUB. L. 109-58 (AUGUST 8, 2005)):**

SEC. 1356a. COASTAL IMPACT ASSISTANCE PROGRAM.**(a) Definitions— In this section:**

(1) COASTAL POLITICAL SUBDIVISION- The term `coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State as of the date of enactment of the Energy Policy Act of 2005; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) COASTAL POPULATION- The term `coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

(3) COASTAL STATE- The term `coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(4) COASTLINE- The term `coastline' has the meaning given the term `coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(5) DISTANCE- The term `distance' means the minimum great circle distance, measured in statute miles.

(6) LEASED TRACT- The term `leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

(7) LEASING MORATORIA- The term `leasing moratoria' means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3063).

(8) POLITICAL SUBDIVISION- The term `political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

(9) PRODUCING STATE-

(A) IN GENERAL- The term `producing State' means a coastal State that has a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

(B) EXCLUSION- The term `producing State' does not include a producing State, a majority of the coastline of which is subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State.

(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES-

(A) IN GENERAL- The term `qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

(i) lying—

(I) seaward of the zone covered by section 8(g); or

(II) within that zone, but to which section 8(g) does not apply;
and

(ii) the geographic center of which lies within a distance of 200 nautical miles from any part of the coastline of any coastal State.

(B) INCLUSIONS- The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

(C) EXCLUSION- The term 'qualified Outer Continental Shelf revenues' does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

(b) Payments to Producing States and Coastal Political Subdivisions-

(1) IN GENERAL- The Secretary shall, without further appropriation, disburse to producing States and coastal political subdivisions in accordance with this section \$250,000,000 for each of fiscal years 2007 through 2010.

(2) DISBURSEMENT- In each fiscal year, the Secretary shall disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

(3) ALLOCATION AMONG PRODUCING STATES-

(A) IN GENERAL- Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES- For purposes of subparagraph (A)--

(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2007 and 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2006; and

(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 and 2010 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

(C) MULTIPLE PRODUCING STATES- In a case in which more than 1 producing State is located within 200 nautical miles of any portion of a leased

tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between--

- (i) the nearest point on the coastline of the producing State; and
- (ii) the geographic center of the leased tract.

(D) MINIMUM ALLOCATION- The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS-

(A) IN GENERAL- The Secretary shall pay 35 percent of the allocable share of each producing State, as determined under paragraph (3) to the coastal political subdivisions in the producing State.

(B) FORMULA- Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)--

(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that--

(I) the coastal population of the coastal political subdivision; bears to

(II) the coastal population of all coastal political subdivisions in the producing State;

(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that--

(I) the number of miles of coastline of the coastal political subdivision; bears to

(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

(C) EXCEPTION FOR THE STATE OF LOUISIANA- For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be considered to be 1/3 the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

(D) EXCEPTION FOR THE STATE OF ALASKA- For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

(E) EXCLUSION OF CERTAIN LEASED TRACTS- For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a

leasing moratorium on January 1, 2005, unless the lease was in production on that date.

(5) NO APPROVED PLAN-

(A) IN GENERAL- Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

(B) RETENTION OF ALLOCATION- The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

(C) WAIVER- The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

(c) Coastal Impact Assistance Plan-

(1) SUBMISSION OF STATE PLANS-

(A) IN GENERAL- Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

(B) PUBLIC PARTICIPATION- In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

(2) APPROVAL-

(A) IN GENERAL- The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

(B) COMPONENTS- The Secretary shall approve a plan submitted under paragraph (1) if--

(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

(ii) the plan contains--

(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

(III) for each coastal political subdivision that receives an amount under this section--

(aa) the name of a contact person; and

(bb) a description of how the coastal political subdivision will use amounts provided under this section;

(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

(3) **AMENDMENT**- Any amendment to a plan submitted under paragraph (1) shall be--

(A) developed in accordance with this subsection; and

(B) submitted to the Secretary for approval or disapproval under paragraph (4).

(4) **PROCEDURE**- Not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

(d) Authorized Uses-

(1) **IN GENERAL**- A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Planning assistance and the administrative costs of complying with this section.

(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

(2) **COMPLIANCE WITH AUTHORIZED USES**- If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

(3) **LIMITATION**- Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described subparagraphs (C) and (E) of paragraph (1).

APPENDIX B.

ELIGIBLE COASTAL POLITICAL SUBDIVISIONS

**Coastal Impact Assistance Program
Eligible Coastal Political Subdivisions***

Alabama Counties	Alaska Boroughs	California Counties	Louisiana Parishes	Mississippi Counties	Texas Counties
Baldwin	Anchorage	Alameda	Assumption	Hancock	Aransas
Mobile	Bristol Bay	Contra Costa	Calcasieu	Harrison	Brazoria
	Kenai Peninsula	Los Angeles	Cameron	Jackson	Calhoun
	Kodiak Island	Marin	Iberia		Cameron
	Lake & Peninsula	Monterey	Jefferson		Chambers
	Matanuska- Susitna	Napa	Lafourche		Galveston
	North Slope	Orange	Livingston		Harris
	Northwest Arctic	San Diego	Orleans		Jackson
		San Francisco	Plaquemines		Jefferson
		San Luis Obispo	St. Bernard		Kenedy
		San Mateo	St. Charles		Kleberg
		Santa Barbara	St. James		Matagorda
		Santa Clara	St. John the Baptist		Nueces
		Santa Cruz	St. Martin		Orange
		Solano	St. Mary		Refugio
		Sonoma	St. Tammany		San Patricio
		Ventura	Tangipahoa		Victoria
			Terrebonne		Willacy
			Vermilion		

APPENDIX C.

COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED TABLE OF CONTENTS

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APPENDIX D.

COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT FOR PROPOSED PROJECT LISTS

**[Insert Name of STATE] COASTAL IMPACT ASSISTANCE PLAN
for FY [Insert FY's covered by Plan: 2007, 2008, 2009, and/or 2010]**

TABLE 1: [Insert Name of STATE or COASTAL POLITICAL SUBDIVISION] TIER 1 PROJECTS

Project by Authorized Use (insert as many rows as needed for number of proposed projects)	Estimated Project Cost (\$)	Estimated Project Cost (\$) by FY Allocation Request			
		FY 2007	FY 2008	FY 2009	FY 2010
Authorized Use #1: Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.					
1					
2					
Authorized Use #1 Subtotal:					
Authorized Use #2: Mitigation of damage to fish, wildlife, or natural resources.					
1					
2					
Authorized Use #2 Subtotal:					
Authorized Use #3: Planning assistance and the administrative costs of complying with CIAP.					
1					
2					
Authorized Use #3 Subtotal:					
Authorized Use #4: Implementation of a Federally-approved marine, coastal, or comprehensive conservation management plan.					
1					
2					
Authorized Use #4 Subtotal:					
Authorized Use #5: Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.					
1					
2					
Authorized Use #5 Subtotal:					
Total All Authorized Uses:					

**[Insert Name of STATE] COASTAL IMPACT ASSISTANCE PLAN
for FY [Insert FY's covered by Plan: 2007, 2008, 2009, and/or 2010]**

**TABLE 2: [Insert Name of STATE or COASTAL POLITICAL SUBDIVISION] TIER 1 PROJECTS
– FISCAL COMPLIANCE**

	Estimated Project Cost Subtotals (\$) by FY Allocation Request (from Table 1)				
	Total	FY 2007	FY 2008	FY 2009	FY 2010
Authorized Use #1					
Authorized Use #2					
Authorized Use #3					
Authorized Use #4					
Authorized Use #5					
Total All Authorized Uses:					
Actual FY Allocation					
Actual minus Total:					
Total Authorized Use #3 and #5:					
Actual 23% FY Limit					
Actual minus Total:					

	Estimated Project Cost Subtotals as a Percentage of Total FY Allocation Request				
	Total	FY 2007	FY 2008	FY 2009	FY 2010
Authorized Use #1					
Authorized Use #2					
Authorized Use #3					
Authorized Use #4					
Authorized Use #5					
Total All Authorized Uses:	100%	100%	100%	100%	100%

	Estimated Project Cost Subtotals as a Percentage of Actual FY Allocation				
	Total	FY 2007	FY 2008	FY 2009	FY 2010
Total All Authorized Uses					
Authorized Use #3					
Authorized Use #5					
Total Authorized Use #3 and #5:					

**[Insert Name of STATE] COASTAL IMPACT ASSISTANCE PLAN
for FY [Insert FY's covered by Plan: 2007, 2008, 2009, and/or 2010]**

TABLE 3: [Insert Name of STATE or COASTAL POLITICAL SUBDIVISION] TIER 2 PROJECTS

Project by Authorized Use (insert as many rows as needed for number of proposed projects)		Estimated Project Cost (\$)
Authorized Use #1: Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.		
1	Project Name (FY 07)	
2	Project Name (FY 08)	
3	Project Name (FY 09)	
4	Project Name (FY 10)	
Authorized Use #1 Subtotal:		
Authorized Use #2: Mitigation of damage to fish, wildlife, or natural resources.		
1		
2		
Authorized Use #2 Subtotal:		
Authorized Use #3: Planning assistance and the administrative costs of complying with CIAP.		
1		
2		
Authorized Use #3 Subtotal:		
Authorized Use #4: Implementation of a Federally-approved marine, coastal, or comprehensive conservation management plan.		
1		
2		
Authorized Use #4 Subtotal:		
Authorized Use #5: Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.		
1		
2		
Authorized Use #5 Subtotal:		
Total of all Authorized Uses:		

APPENDIX E.

COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT FOR PROPOSED PROJECT DESCRIPTIONS

**STATE OF [Insert Name of STATE]
COASTAL IMPACT ASSISTANCE PLAN**

1. Designated State Agency or CPS
 - Agency, Name, Title, Address, Telephone, Fax, e-mail
2. Project Title
3. Contact Information:
 - Recipient Staff Contact
 - Name, Address, Telephone, Fax, e-mail
 - Application Contact
 - Name, Address, Telephone, Fax, e-mail
 - Sub-grantee Contact
 - Name, Address, Telephone, Fax, e-mail
4. Project Summary:
 - Total CIAP Cost
 - By FY Allocation
 - Location
 - Lat/Long
 - Nearest city/town
 - Duration
 - Goals and measurable objectives of the project
 - Summary of project
 - Describe all Federal and non-Federal partners, including all CIAP partners, which will provide funding support or contributing resources to the project. If the partner is another CIAP recipient, please include the title of the partner project.
 - Provide a description of intent to use CIAP funds for cost sharing or matching purposes with acknowledgement that the State and/or CPS will be required to submit, with their grant application, a letter from the other Federal agency (the agency charged with administering the program that includes the cost sharing or matching requirement) containing a determination that the other agency's program allows the use of Federal funds to meet cost sharing or matching requirements.
5. Authorized Use (AU)
 - Identify the authorized use by number (1-5) and its title.
 - Provide an explanation of how the project is consistent with the identified authorized use; include, as appropriate, how the project directly or indirectly benefits the natural coastal environment.
 - AU#1 projects (projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands):**
 - Must demonstrate how the project directly or, as appropriate, indirectly benefits the natural coastal environment through the conservation, protection, or restoration of the natural coastal environment

AU#2 projects (mitigation of damage to fish, wildlife, or natural resources):

- o Must demonstrate how mitigating the damage to fish, wildlife, or natural resources.

AU#3 projects (planning assistance and the administrative costs of complying with CIAP):

- o Does not include those administrative costs (direct or indirect) associated with the actual performance of the project; it should be Program related;
- o Individual projects may not contain AU#3 budget items; and
- o Not more than 23% of the amounts received by a State or CPS for any one fiscal year may be used for AU#3 projects and AU#5 projects combined.

AU#4 projects (implementation of a federally-approved marine, coastal, or comprehensive conservation management plan)

- o Must provide the name and a copy (or link) of the referenced Plan;
- o Must demonstrate that the referenced plan is federally approved;
- o Must demonstrate that the referenced plan meets the definition of AU#4: *a federally-approved marine, coastal, or comprehensive conservation management plan*;
- o Must justify how the project meets the referenced plan's goals and objectives and the project should be discernable from the Plan;
- o Must include the citation (page number and paragraph) for the above referenced goals and objectives as related to the CIAP project authorized use; and
- o Must demonstrate how the project directly benefits the natural coastal environment.

AU#5 projects (mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs):

- o If funding public service needs or onshore infrastructure projects, must demonstrate how the project will mitigate the impact of OCS activities; and
- o Not more than 23% of the amounts received by a State or CPS for any one fiscal year may be used for AU#3 projects and AU#5 projects combined.

APPENDIX F.

ENVIRONMENTAL CHECKLIST FOR PROPOSED PROJECTS

The following questions have been provided as an aid to the applicant to help identify environmental laws that may apply to your project and environmental documents that may be submitted with the grant application (e.g., biological opinion, permit, letter, or consistency determination). The BOEMRE will use the submittals to record the applicant's assertion that they have complied with applicable environmental laws.

Applicants will also be required to submit with their grant application a standard form 424B, Assurance for Non-Construction Projects, and/or 424D, Assurance for Construction Projects, as appropriate. These forms are available from the Office of Management and Budget, and they attest that the grant project is in compliance with all applicable laws.

F.1. FEDERAL LAWS

F.1.1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The NEPA of 1969 (42 U.S.C. 4321 *et seq.*) provides a national policy that encourages “productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man . . .” The NEPA requires that all Federal agencies use a systematic, interdisciplinary approach for protection of the human environment; this approach will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an impact upon the environment. The NEPA also requires the preparation of a detailed Environmental Impact Statement (EIS) on any major Federal action that may have a significant impact on the environment.

- 1) Will the proposed project be under the permitting authority of any Federal agency?
 Yes **No**

- 2) Will the proposed project receive Federal assistance (other than CIAP funding)?
 Yes **No**

- 3) Will the proposed project be subject to any Federal regulatory decision or approval?
 Yes **No**

If the answer to any of these questions is “yes,” contact the relevant Federal agency or agencies for further guidance on environmental compliance.

Additional information concerning NEPA can be found at:
<http://ceq.hss.doe.gov/nepa/nepanet.htm>.

F.1.2. COASTAL ZONE MANAGEMENT ACT (CZMA)

Coastal Impact Assistance Plans and grant applications may be subject to the review provisions of Section 307 of the Coastal Zone Management Act (CZMA) and implementing regulations at 15 CFR Part 930. Questions as to the applicability of the CZMA consistency provisions should be directed to the Office of Ocean and Coastal Resource Management within the National Oceanic and Atmospheric Administration.

A Federal consistency determination or certification may be required from the state coastal zone management program, based on the following questions:

1) Will the proposed project occur in or near the state designated coastal zone (<http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>)?

Yes **No**

2) Is the project likely to have reasonably foreseeable effects on any land or water use or natural resource of the designated coastal zone?

Yes **No**

If the answer to either of these questions is “yes,” contact the State Coastal Zone Management Program (<http://coastalmanagement.noaa.gov/programs/czm.html>) for further guidance on Federal consistency requirements in your state.

Additional information on Federal consistency can be found at:

<http://coastalmanagement.noaa.gov/consistency/welcome.html>

F.1.3 ENDANGERED SPECIES ACT (ESA)

Section 7 consultations may be required if a threatened or endangered species or critical habitat is present.

1) Will the proposed project occur in proximity to threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of the National Marine Fisheries Service (NMFS) (<http://www.nmfs.noaa.gov/pr/laws/esa/>) or the U.S. Fish and Wildlife Service (USFWS) (<http://endangered.fws.gov/>)?

Yes **No**

2) Will the proposed project potentially affect threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS)?

Yes **No**

If the answer to either of these questions is “yes,” contact the regional office of USFWS (<http://www.fws.gov/offices/>) and/or NMFS (<http://www.nmfs.noaa.gov/regional.htm>) to determine if consultation is required. Most consultations are conducted informally with the Federal agency or a designated non-Federal representative. Non-Federal representatives may be involved in the informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for the formal consultation. However, the USFWS requires the action agency to designate formally the non-Federal representative in writing. Moreover, the ultimate responsibility for Section 7 obligations remains with the action agency.

Additional information concerning Section 7 consultations can be found in the *Endangered Species Act Consultation Handbook* at: <http://www.fws.gov/policy/m0002.html>

F.1.4 MAGNUSON – STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (FCMA)

Consultation with the NMFS may be required if Essential Fish Habitat (EFH) is present. The trigger for EFH consultation is a Federal agency’s determination that an action or proposed action, funded, authorized, or undertaken by that agency may adversely affect EFH.

1) Will the proposed project occur in proximity to EFH as identified by the nearest Regional Fishery Management Council (<http://www.fisherycouncils.org/> and http://sharpfin.nmfs.noaa.gov/website/EFH_Mapper/map.aspx)

Yes **No**

2) Will the proposed project potentially adversely affect EFH?

Yes **No**

If the answer to either of these questions is “yes,” contact the nearest regional office of the NMFS (<http://www.nmfs.noaa.gov/regional.htm>) or Regional Fishery Management Council (<http://www.fisherycouncils.org/>) to determine if consultation is required.

Additional information concerning EFH can be found at: <http://www.habitat.noaa.gov/index.html> and <http://swr.nmfs.noaa.gov/hcd/efhprim.pdf>.

Information about consultations can be found in the *Essential Fish Habitat Consultation Guidance* at: http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf.

F.1.5 MARINE MAMMAL PROTECTION ACT (MMPA)

A permit may be required if an activity will result in the “take” of a marine mammal. Taking is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” Permits for most marine mammals are issued by NMFS. Manatees, polar bears, sea otters, walruses, and dugongs, however, are under the jurisdiction of the USFWS.

1) Will the proposed project occur in proximity to any known marine mammals (<http://www.nmfs.noaa.gov/pr/species/mammals/>)?

Yes **No**

2) Will the proposed project likely result in the take of a marine mammal?

Yes **No**

If the answer to either of these questions is “yes,” contact the nearest regional office of NMFS (<http://www.nmfs.noaa.gov/regional.htm>) to determine if a permit is required.

Additional information concerning marine mammal permits can be found at:

http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.htm and <http://www.nmfs.noaa.gov/pr/permits/guide.htm>.

F.1.6 CLEAN WATER ACT (CWA)

A separate type of permit is required to dispose of dredge or fill material in the Nation’s waters, including wetlands. Authorized by **Section 404** of the Act, this permit program is

administered by the U.S. Army Corps of Engineers (USACE), subject to and using environmental guidance from the Environmental Protection Agency (EPA). Some types of activities are exempt from permit requirements, including certain farming, ranching, and forestry practices that do not alter the use or character of the land; some construction and maintenance; and activities already regulated by States under other provisions of the Act. EPA may delegate certain Section 404 permitting responsibility to qualified States but has done so only twice, in Michigan and New Jersey.

A permit may be required from the USACE for the disposal of dredge or fill material in the nation's waters, including wetlands.

1) Will the proposed project result in any disposal of dredge or fill material to the nation's waters or wetlands?

Yes **No**

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE (http://www.usace.army.mil/CECW/Pages/reg_districts.aspx) for further guidance on Section 404 permits.

A Water Quality Certification (Section 401) is required for activities that may result in a discharge into navigable waters, including wetlands, watercourses, and natural or man-made ponds. A National Pollution Discharge Elimination System (NPDES) permit may also be required for such discharges. 1) Will the proposed project result in any discharge to navigable waters?

Yes **No**

If the answer to this question is "yes," contact your state water quality agency for additional guidance.

Additional information concerning Section 401 or NPDES requirements can be found at: <http://www.epa.gov/owow/wetlands/waterquality> and (<http://cfpub.epa.gov/npdes/>).

F.1.7 CLEAN AIR ACT (CAA)

Special conditions may be required on projects that could affect air quality.

1) Will the proposed project result in any direct or indirect emissions within a non-attainment area (<http://www.epa.gov/oar/oaqps/greenbk/index.html>)?

Yes **No**

If the answer to this question is "yes," contact the nearest state air quality agency (<http://www.4cleanair.org>) for further guidance on determining conformity with the state implementation plan.

F.1.8 NATIONAL HISTORIC PRESERVATION ACT (NHPA)

Special conditions may be required on projects that could affect historic resources.

1) Will the project occur near property listed or eligible for listing in the National Register of Historic Places (<http://www.cr.nps.gov/nr>), or near property otherwise protected by section 106 of the National Historic Preservation Act (<http://www.nps.gov/history/local-law/nhpa1966.htm>) or a similar State Preservation Act?

_____ **Yes** _____ **No**

If the answer to this question is “yes,” contact the U.S. Advisory Council on Historic Preservation (<http://www.achp.gov>), or your state historic preservation office (<http://www.ncshpo.org/>) for further guidance concerning compliance requirements.

F.1.9 COASTAL BARRIER RESOURCE ACT (CBRA)

Federal funding may be prohibited for projects that occur on certain designated coastal barriers.

1) Is the project located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (http://www.fws.gov/habitatconservation/coastal_barrier.html)?

_____ **Yes** _____ **No**

If the answer to this question is “yes,” contact the nearest Regional Office of USFWS (<http://www.fws.gov/where>) for further guidance.

F.1.10 RIVERS AND HARBORS ACT

A permit may be required from the USACE if the proposed project involves any work in, over, or under navigable waters of the United States.

1) Will the proposed project involve any work (including structures) that will occur in, over or under navigable waters of the United States?

_____ **Yes** _____ **No**

If the answer to this question is “yes,” contact the Regulatory Program of the nearest District Office of the USACE (<http://www.nap.usace.army.mil/cenap-op/regulatory/districts.html>) for further guidance on Section 10 permits. The USACE can authorize activities by a standard individual permit, letter-of-permission, nationwide permit, or regional permit. The USACE will make the determination on what type of permit is needed.

F.1.11 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

A RCRA permit may be required from the EPA or designated state agency for the long-term storage, treatment, or disposal of hazardous materials or petroleum products.

1) Will the proposed project include the long-term storage of hazardous materials or petroleum products?

_____ **Yes** _____ **No**

If the answer to this question is “yes,” contact the nearest RCRA Regional Office of the EPA or state authorized agency (<http://www.epa.gov/compliance/resources/faqs/cleanup/rcra/index.html>) for further guidance on RCRA compliance. This site also contains RCRA guidance from EPA: <http://www.epa.gov/epawaste/hazard/refdocs.htm>

F.1.12 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

Special provisions and requirements may apply if the proposed project involves a Superfund site (<http://www.epa.gov/superfund/sites/index.htm>).

- 1) Will the proposed project involve a known Superfund site?
 Yes No

If the answer to this question is “yes,” contact the nearest Regional Office of the EPA (<http://www.epa.gov/epahome/comments3.htm>) for further guidance on CERCLA requirements.

F.2 EXECUTIVE ORDERS

Executive Orders are directives from the President of the United States to Federal agencies and officials.

F.2.1 E.O. 11988 – FLOODPLAIN MANAGEMENT

This Executive Order requires that an eight-step process be followed for projects that may have potential impacts to or within floodplains.

- 1) Is the project located in a designated floodway or “V-zone” on a National Flood Insurance Program map:
(<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>)?
 Yes No

If the answer to this question is “yes,” contact the nearest Regional Office of the Federal Emergency Management Agency (<http://www.fema.gov/about/contact/regions.shtm>) for further guidance.

F.2.2 E.O. 11990 – WETLAND PROTECTION

This Executive Order requires agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural beneficial values of wetlands.

- 1) Is any portion of the proposed project in wetlands?
 Yes No

If the answer to this question is “yes,” provide documentation in your grant application demonstrating that: (1) there is no practicable alternative, and (2) the project includes all practicable measures to minimize harm to wetlands.

F.2.3 E.O. 12898 – ENVIRONMENTAL JUSTICE

This Executive Order requires that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

1) Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations?

Yes **No**

If the answer to this question is “yes,” see the Council on Environmental Quality website for further guidance on Environmental Justice: http://www.epa.gov/compliance/resources/policies/ej/ej_guidance_nepa_ceq1297.pdf.

Additional information regarding Executive Order 12898 can be found at <http://www.BOEMRE.gov/eppd/compliance/12898/guidance.htm>.

F.2.4 E.O. 13089 – CORAL REEF PROTECTION

This Executive Order requires that any actions that are authorized or funded by Federal agencies not degrade the condition of coral reef ecosystems. The CIAP States contain coral reef ecosystems and include National Marine Sanctuaries (<http://sanctuaries.noaa.gov>).

1) Will the proposed project involve a coral reef ecosystem or National Marine Sanctuary?

Yes **No**

If the answer to this question is “yes,” contact the National Oceanic and Atmospheric Administration Coral Reef Conservation Program (<http://www.coralreef.noaa.gov>) for further guidance.

Additional information regarding Executive Order 13089 can be found at: <http://ceq.hss.doe.gov/nepa/regs/eos/eo13089.html>.

F.2.5 E.O. 13112 – INVASIVE SPECIES

This Executive Order requires agencies to prevent the introduction of invasive species and provide for their control.

1) Will the proposed project have the potential to introduce or cause the spread of an invasive species? For more information on invasive species, see <http://www.invasivespecies.gov/>

Yes **No**

If the answer to this question is “yes,” provide documentation in the grant application demonstrating that the benefits of the project clearly outweigh the potential harm caused by invasive species, and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

F.2.6 E.O. 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS

This Executive Order requires the incorporation and promotion of migratory bird conservation considerations into all agency activities. All of the CIAP states contain North American migration flyways (<http://www.birdnature.com/flyways.html>).

1) Is the proposed project likely to occur during a time of the year when migrating birds are in the vicinity (<http://www.birdnature.com/timetable.html>)?

Yes **No**

If the answer to this question is “yes,” contact the nearest Regional Office of the U.S. Fish and Wildlife Service (<http://www.fws.gov/where>) for further guidance.

Additional information regarding Executive Order 13186 can be found at: <http://www.fws.gov/migratorybirds>.