

**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; and 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, 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 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](#), Grants and Cooperative Agreements With State and Local Governments, 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 and Management 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 clear 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 letter or purchase and sale agreement that specifies that the owner is a willing participant in negotiations for possible sale of property for conservation.
2. Draft deed, notice of record, or easement, which shows the CELCP deed restriction, ownership, allowable uses, or other terms of the sale.
3. Complete and self-contained appraisal developed in accordance with the Uniform Standards of Professional Appraisal Practice or the Uniform Standards for Federal Land Acquisition ("Yellow Book"), as applicable.
4. Environmental Assessment or Environmental Impact Statement, if applicable.
5. Site Survey/Plat* Map.
6. Evidence of Title, including any exceptions to title.
7. Standard forms for Federal financial assistance (non-construction).

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 pending). This renewal request (OMB Control No. 0648-0459) covers the complete checklist 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.

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

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, installed sign acknowledging NOAA's financial support for the project, and GIS shape-file, if available, for long-term tracking/monitoring of the property.

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. NOAA will make the project application/checklist and other required documents available on the CELCP website and through Grants.gov. Project proposals and final grant applications may be submitted electronically through Grants.gov to Grants Online. NOAA requires coastal states and other applicants to use the Grants Online system, which manages grant-related tasks, including performance reporting, for all financial assistance awards.

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. Eligible entities may include state, local, regional or inter-state government agencies or entities, or in some cases, non-governmental organizations, which in most cases would not qualify as small entities. Through the Coastal and Estuarine Land Conservation Program, a coastal state may solicit projects from qualified local governments, each of whom would participate on a voluntary basis. The program includes a "pre-application" process that would minimize the information collection burden by requiring only a sub-set of information that would be needed from the applicant for a final grant application. For projects that are selected for funding, for which additional information is needed, applicants would be asked to submit standard grant application forms, along with the materials already provided for the "pre-application" stage. 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 May 2, 2012 (77 FR 25962) solicited public comment on this renewal request. No comments were 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 financial assistance awards and associated documents are not releasable 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 or that are expected to be updated within the next three years.

The total **one-time** burden for the respondents is estimated to be **1,065 hours over 3 years, annualized to 355 hours.**

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| 27 responses x 35 hours/response (revision of draft CELCP plans or periodic update of plan) | = 945 hrs/3 years = 315 |
| 1 response x 120 hours/response (development of CELCP plans) | = 120 hrs/3 years = 40 |
| | 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.

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| 60 responses (est.) x 15 hours/response/year (project application and checklist) | = 900 hrs/year |
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| 30 responses (est.) x 5 hours/response/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)) | = 150 hours/year |
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Thus, there are **61 unduplicated respondents** (60 who complete all the information collections after submission of a new CECLP plan, plus 1 for a new CELCP plan (1/3, rounded up to 1)); the total annualized responses are estimated to be **100**: $9 (27/3) + 1 + 60 + 30$. 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 Question 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 = $\$103/\text{year}$

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 = \$170/year

Project applications submitted in paper: ($\$10.00 \times 5$) = \$50/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 + \$170 = \$273.

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.

The maximum total is \$8,000.

15. Explain the reasons for any program changes or adjustments.

Adjustment: There was an adjustment upward of \$66 to account for increased postage costs.

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.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.