

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Coastal and Estuarine Land Conservation, Planning, Protection, or Restoration
OMB Control No. 0648-0459

SUPPORTING STATEMENT PART A -

Abstract

This is a request for extension of a currently approved information collection.

NOAA has, or is given, authority under the [Coastal Zone Management Act](#) (CZMA), annual appropriations or other authorities, to issue funds to coastal states and localities for planning, conservation, acquisition, protection, restoration, or construction projects, including projects funded through the: Coastal and Estuarine Land Conservation Program (CZMA Section 307A), National Estuarine Research Reserve System (CZMA Section 315) Land Acquisition and Construction program; Coastal Zone Management Program's low-cost acquisition and construction program (CZMA Section 306A); or similar projects funded under the CZMA or the Fish and Wildlife Coordination Act. It is necessary to collect information beyond that outlined in 2 C.F.R part 200 (OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) in order to plan for and implement these projects, such as due diligence documentation, surveys or site plans. In addition, the CZMA Section 307A requires that each participating coastal state identify priority conservation needs within the state, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided. This is done through the development and submittal to NOAA of state CELCP plans in order to participate in the program.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Coastal Zone Management Act (CZMA) authorizes land acquisition and other activities that require additional information beyond that requested in standard federal forms for federal financial assistance, particularly due diligence materials needed to determine the fair market value, environmental condition and legal rights, ownership and boundaries associated with property acquisitions, site plans for potential improvements or restoration, and information needed to determine compliance with other federal laws and authorities. This collection addresses the information needed to make such determinations, as well as conservation planning requirements under the CZMA.

The Coastal and Estuarine Land Conservation Program (CZMA Section 307A) was established to protect 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." The program was originally authorized in 2002, and re-authorized through Title XII, Subtitle E of [P.L. 111-11](#) (Section 12502 of H.R. 146), codified at 16 U.S.C [§1456-1](#). In 2002,

Congress 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 guidelines, issued June 17, 2003 in the *Federal Register* ([68 FR 35860](#)) 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. Also, the information covered by this collection is needed to comply with requirements contained in 16 U.S.C §1456-1 and 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, particularly those relating to financial assistance awards to state or local government agencies or entities, non-governmental or private organizations, or others. It is also 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.

The required content of state conservation plans (CELCP plans) is described in Section 3 of the [CELCP Program Guidelines](#). The process and information needed for soliciting project proposals, as well as final grant applications for selected projects, are described in Section 4, and the Applicability of Other Federal Requirements are described in Section 6 of the CELCP Program Guidelines. The required content for National Estuarine Research Reserve Land Acquisition plans, within their Management Plan, is described in 15 CFR [§ 921.13](#) (7)(i).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

State conservation plans –

16 U.S.C. § 1456-1 (c)(2) specifies that each participating coastal state shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided. State CELCP 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. The initial plan development is considered a one-time collection of information, but may be updated periodically; for example, once every five years or so. The information to be included in state plans is described in Section 3 of the [CELCP Program Guidelines](#).

Land acquisition projects funded through the NERRS Acquisition and Construction program must be part of an approved Management Plan for the Reserve. Low-cost acquisition projects funded through the CZMA's Low-cost acquisition and construction program must be consistent with a state's NOAA-approved Coastal Management Plan. Development of state CZM and NERR management plans are covered under a separate information collection.

Applications for Federal Funding -

1 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.

- 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.
 - 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;
 - The project's expected benefits in terms of coastal and estuarine land conservation, or in the case of NERRS, CZM or FWCA funding, its expected benefits in terms of the desired resource values to be protected;
 - Discrete benchmarks for completing the project within a specified time period; an
 - 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.
- The Project Budget describes:
 - The breakdown of project costs, by category – such as salary, fringe benefits, travel, equipment, supplies, contractual, construction, other (primarily using the SF 424A);
 - The basis for the estimate of land acquisition costs and the source of matching funds;
 - Whether the project has been submitted in application(s) for other sources of federal funding, and if so, which federal program(s) and year(s).
- Project Location and Site Maps show:
 - the general location of the project within the state or coastal county, and
 - the location and extent of the proposed acquisition in relationship to significant natural features (slope, wetlands, dunes, floodplains, access points, etc.).
- The completed Project Application and NEPA checklist, along with supporting information:
 - demonstrates the project's eligibility or merit, and
 - helps NOAA to document compliance with Federal laws, regulations and policies.

If selected for funding, a final grant application is required, including any due diligence documents not submitted as part of the initial proposal, 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. Some of the information to be collected is already covered under OMB's Uniform Guidance at 2 C.F.R §200. 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.

Specifically, for each property being acquired or used as match, final grant applications require:

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. 16 U.S.C. § 1456-1(d)(1) specifies that land (or easements) must be purchased only from a willing seller, and not as a result of a forced taking.
2. Draft deed, notice of record, or easement, which shows the NOAA deed restriction, ownership, allowable uses, or other terms of the sale. 16 U.S.C. § 1456-1(d)(1) specifies that the grant recipient (or another appropriate public entity) must hold title to the property in perpetuity, manage it consistently with the purposes for which it was protected and will not be sold or converted to other uses, and provide such assurances as the Secretary of Commerce may require regarding the property's disposition. This is the legal mechanism to ensure the property's protections are clear and enforceable.
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. An independent, self-contained appraisal is used to establish fair market value of a property for acquisition purposes. "Yellow Book" appraisals are the standard for Federal land acquisitions, but in some cases, appraisals using the Uniform Standards for Professional Appraisal Practice ("USPAP") may be used, such as for properties whose value is being used as non-Federal match. Appraisals are a standard part of land transactions and are commissioned by prospective buyers regardless of Federal funding. The only potential additional burden is securing an appraisal that meets "Yellow Book" standards.
4. Environmental Assessment or Environmental Impact Statement, if applicable. A phase 1 environmental assessment is often conducted by prospective buyers to determine the presence or absence of environmental hazards on a property if there is reason to suspect their potential presence based on past/historical use of the property. It is used to determine whether any remediation/restoration of the property may be needed and if conditions could result in any new liability to the purchaser. Phase 1 assessments are not required, but if one has been done, applicants are asked to submit a copy. From NOAA's perspective as a funder, this helps determine potential barriers to an acquisition being successfully completed and/or the need for any additional work (and costs) to bring the property to its desired condition for conservation purposes and public use. An Environmental Assessment or Impact Statement may have been prepared (pursuant to the National Environmental Policy Act) if the proposed use of a property, such as for a major restoration project, would warrant such a review. If so, this documentation may be considered as part of NOAA's environmental compliance review.
5. Site Survey/Plat* Map. Survey plats establish the legal boundaries of a property. They generally form the basis of the legal description of the property in the deed and are often included as an attachment to the deed. As such, they are a standard part of land transactions and already exist. An updated survey may be commissioned as part of the pre-acquisition due diligence process if there will be any change to the property's boundary or rights-of-way resulting from the transaction, or if a potential boundary encroachment is suspected. NOAA uses the site survey map to determine the acreage, size and configuration of the property that will be conserved through the program and to identify the location of existing utility rights of way, easements, or other 'encumbrances' on the property. NOAA also uses it to ensure consistency with acreage and property description used in the property's appraisal.

6. Evidence of Title, including any exceptions to title. Title commitments or title reviews any encumbrances, such as easements or reserved ownership rights, which might interfere with the intended conservation purposes for the property. It can also help identify complex ownership or other unresolved issues that may interfere with a timely transfer of clear title and ownership.
7. Standard forms for Federal financial assistance (non-construction). – Covered by OMB’s PRA information collection for these standard forms.

This extension request (OMB Control No. 0648-0459) covers the complete checklist and any documents or supporting materials described in the checklist. This information collection enables NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under other authorities.

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.

NOAA’s Ocean Service 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

1NOAA encourages states to submit information in electronic format whenever possible, via internet-based submittal ([Grants.gov](#), NOAA’s internet-based grant application system “[Grants Online](#)” or email) or by disk, and supported by paper originals or copies if 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 so they are readily accessible to prospective applicants. NOAA encourages applicants to submit project proposals and final grant applications electronically through Grants.gov to NOAA’s Grants Online system. 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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

1NOAA is the only agency charged with administering and issuing funds under the Coastal Zone Management Act, including the CELCP, NERRS land acquisition, and CZM program (306A). 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 specific to land acquisition projects under the Coastal and Estuarine Land Conservation Program, NERRS Acquisition and Construction Program, CZM Low-cost construction program, as well as similar projects assigned to the agency under other authorities given by Congress. NOAA maintains separate information collections for state CZM administrative and NERRS operations awards.

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

1This 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 can also offer guidance or assistance in completing the application process.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

1The agency would not be able to implement the program or projects effectively or at all if the collection was not conducted or was conducted less frequently. The information collection corresponds 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). Also, the inability to collect due diligence information or land acquisition and restoration projects could increase financial and audit risk for NOAA.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day notice of the submission to OMB for this collection and request for comments was published in the Federal Register, Vol. 86, No. 215, pages 62511-62512, on Wednesday, November 10, 2021 (available [here](#)). No comments were received in response. Specific efforts to consult with persons outside the agency were not conducted for this most recent cycle, as they have been in the past, because the CELCP has not conducted a funding competition in the past three years due to lack of competitive funding for FY2018-2021. However, this information collection is needed to cover the funding appropriated to support land acquisition and restoration projects under the Infrastructure Investment and Jobs Act (IIJA) over the next five years. Please note: no comments or concerns were raised in response to outreach requests for the previous PRA renewal.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

1No payment or gift to respondents, other than remuneration of contractors or grantees, is provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Draft financial assistance awards and associated documents are received and stored in NOAA's Grants Online System. Financial assistance award applications are considered pre-decisional and not releasable under the Freedom of Information Act. PII is not requested, however, due diligence documents may include name, addresses and other contact information of landowners, or property tax information that is generally available via public databases, but which is treated nonetheless as sensitive information. Applications or award files may also include pre-acquisition materials, such as option agreements and appraisals, which are considered pre-decisional and not releasable under the Freedom of Information Act. Merit reviews for financial assistance applications are conducted through NOAA's Grants Online merit review module, which avoids the need to download and distribute application materials outside the system. Merit reviewer instructions specify that proposals are received in confidence and that merit reviewers are not to copy, quote or otherwise use or disclose material from any proposal. Further, reviewers are asked to destroy any copies of documents they may have printed once their review is

complete.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

1No sensitive questions are asked.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) (= (e) x (f))
Developing a state CELCP Plan (1-time)	Coastal Planner)	1	1	1	120	120	\$38.15	\$4,578
Update of state CELCP Plans (~every 5-7 years)	Coastal Planner	4	1	4	35	140	\$38.15	\$5,341
Project Application and Checklist	Coastal Planner	50	1	50	20	1,000	\$38.15	\$38,150
Final grant application with due diligence materials for selected/funded projects	Coastal Planner	30^	1	30	3.5	105	\$38.15	\$4,006
Semi-annual reporting for selected/funded projects.	Coastal Planner	30^	2	60	1.5	90	\$38.15	\$3,434
Totals				145		1,455		\$55,509

Note: ^ These 30 non-duplicated respondents are a subset of the 50 that submitted initial project application/checklists.

The mean hourly wage rate for Life, Physical, and Social Science Occupations (19-0000) was used since the position of Coastal Planner could fall into a number of categories. [BLS Occupational Employment Data](#)

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Developing a state CELCP Plan (1-time)	1	1	1	\$11.00 (copies + postage if mailed)	\$11.00
Update of state CELCP Plans (~every 5-7 years)	4	1	4	\$11.00 (copies + postage if mailed)	\$44.00
Project Application and Checklist	50	1	50	\$0	\$0.00
Final grant application with due diligence materials for selected/funded projects	30	1	30	\$0	\$0.00
Semi-annual reporting for selected/funded projects.	10	2	60	\$0	\$0.00
TOTALS			145		\$ 55.00

While most CELCP plans are emailed, some respondents still submit their plans by delivery service, particularly if the size of the plan is larger.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-14	\$217,464	1%		\$2,175
Federal Staffing	GS-12	\$154,764	13%		\$20,119
Contractor Cost					\$0
Travel					\$0
Other Costs:					\$0
TOTAL					\$22,294

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

There are no substantive changes to the information collection since the last OMB approval, but rather an adjustment to the calculation method for number of responses, as noted below, an update to reflect that all grant applications are now submitted electronically (vs. a portion of them in hard copy by mail), an update of estimated salary rates for Federal costs, and the addition of Federal oversight.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Developing a state CELCP Plan (1-time)	1	1	1	1	120	120	
Update of state CELCP Plans (~every 5-7 years)	4	4	4	4	140	140	
Project Application and Checklist	50	50	50	50	1,000	1000	
Final Application & Performance Reporting	0	30	0	30	0	150	Broken out into two separate ICs to accurately reflect burden.
Final grant application with due diligence materials for selected/funded projects	30^	0	30	0	105	0	# of responses are counted separately from the initial application (vs. an unduplicated response in the last renewal)
Semi-annual reporting for selected/funded projects.	30^	0	60	0	90	0	Previous renewal mis-calculated # of performance reports in a year, and therefore, the # of burden hours for responding.
Total for Collection	115	85	145	85	1455	1410	
Difference	30 (Note: only 50 unique respondents)		60		45		

In the last submittal, the total number of responses for final grant applications and semi-annual reporting were grouped and calculated as 30* respondents x 5 hours (3.5+1.5) for a total of 150 hours. Also, the number of respondents^ was reported as ‘unduplicated respondents’ for project/grant applications and reporting. This renewal clarifies that an estimated 50 respondents will submit project applications/checklists, and of those, 30 will be selected to submit a final grant application (with associated due diligence documentation) for funding. Once awarded funding, these same 30 respondents will submit semi-annual reports two times per year. So, the number of unduplicated respondents remains

the same, but the total number of unique responses submitted by those respondents has been corrected.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Developing a state CELCP Plan (1-time)	\$4,578	Not previously calculated	11	11	
Update of state CELCP Plans (~every 5-7 years)	\$5,341		44	44	
Project Application and Checklist	\$38,150		0	150	Recordkeeping is considered to be part of an offices normal day-to-day operations and does not incur any additional burden cost.
Final Application & Performance Reporting	\$0		0	0	Broken out into two separate ICs to accurately reflect burden.
Final grant application with due diligence materials for selected/funded projects	\$4,006		0	0	
Semi-annual reporting for selected/funded projects.	\$3,434		0	0	
Total for Collection	\$55,509		55	205	
Difference	\$55,509		-150		

The cost to the federal government increased (doubled) as a result of more accurately computing government salary costs.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

1NOAA may summarize information contained within the information collection in order to provide internal assessments of program performance or resource allocation, as well as to report externally on accomplishments, location of projects, or information required or requested 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 that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).