

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

04/21/2006

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 02/09/2006.

TITLE: Coastal and Estuarine Land Conservation, Planning, Protection, or Restoration

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0459

EXPIRATION DATE: 04/30/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	84	1,520	1
New	72	1,007	1
Difference	-12	-513	0
Program Change		0	0
Adjustment		-513	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

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

A. JUSTIFICATION

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

Congress directed the Secretary of Commerce 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, by September 30, 2002, 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, published guidelines that establish procedures for eligible applicants who choose to participate in this voluntary program to use when developing state conservation plans under this program; proposing or soliciting projects under this program; applying for funds; and carrying out projects. The authority for this program is codified at 16 U.S.C. 1456d.

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. It is necessary to collect information beyond that outlined in OMB Circular 102 in order to plan for and implement these projects. This information is needed to comply with applicable federal statutes, regulations and policies, including the National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fisheries Conservation Act, Coastal Barriers Resources Act, National Flood Insurance Program, National Historic Preservation Act, and Americans with Disabilities Act, among others. It is also needed to comply with requirements contained in OMB standards or other applicable laws, regulations or policies governing federal financial assistance related to construction, acquisition, restoration, enhancement, protection, and if necessary, disposition of property, and as well as 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 receive funds under this program, a coastal state must develop and submit to NOAA for approval, a Coastal and Estuarine Land Conservation Plan that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects within the state. 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 would include the following information:

- 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 this plan;
- A list of state or local agencies, or type 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 – Project Application Checklist (see attached)

OCRM will use the Checklist to review land acquisition, conservation or other similar projects proposed by eligible states and local governments. The information will be collected once, when the states and local governments submit projects for review and approval by NOAA. There are three main elements of the Checklist:

- Applicant and Project Information: project title, applicant point of contact, general location, and project description, characteristics and values of the property, and other supporting information needed to support the project’s eligibility or merit (described below).
- Eligibility of Project: the Checklist contains a list of criteria for projects under the CELCP, and the applicant is asked to check all that apply. This information will help ensure that proposed projects are consistent with the purposes of the CELCP.
- Compliance with Other Federal Authorities: several statutes, including but not limited to, the National Environmental Policy Act and the Endangered Species Act, put requirements on 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.

Applications submitted for federal financial assistance would contain the following information.

Some of the information to be collected is already covered under OMB Circular A-102.

1. Project Description. A statement of work that describes:
 - 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.
 - The project's budget, including a breakdown of the following costs, as applicable, by category -- salary, fringe benefits, travel, equipment, supplies, contractual, construction, other. (primarily using Standard Form 424A)
 - 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.
 - Whether this project has been submitted in application for other sources of federal funding, and if so, which federal program(s) and year(s).
2. Project Location. A map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access points, etc.).
3. A completed project checklist (See attached), along with any supporting information, to support the project's eligibility or merit, justify the proposed cost of the project, or document compliance with Federal laws, regulations and policies.
4. Documentation of a landowner's intent or willingness to sell, which may be in the form of a letter of intent, option letter, contract, or similar form.

Note: The project checklist submitted here for OMB approval under the Paperwork Reduction Act is a modified version of the project checklist that is already approved for section 306A of the CZMA under OMB Control # 0648-0119, which expires 2/28/2006. This request covers the checklist itself and any documents or supporting materials described in the checklist. This proposed information collection will enable NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under other authorities.

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.

Applications for financial assistance would be collected once per year, subject to availability of funding through the appropriations process. If projects are selected through a competitive

process, pre-applications may be solicited that contain a subset of the information that will be required with a grant application. Planning projects would normally be one-time collections of information but may be updated periodically, for example, once every five years. The information would be used to: evaluate the merit of project applications; 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.

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 #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, electronic mail, and supported by paper originals or copies as needed for proof of signature or approval. NOAA has developed an internet-based grant application system, and is working with coastal states and other applicants to facilitate their use of this system for grant applications and, if supported by the system, for performance reporting.

4. Describe efforts to identify duplication.

NOAA is the only agency charged with administering this program 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 # 0648-0119. Through this collection, NOAA avoids duplication by using the attached 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 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 and potential costs incurred by the applicant. For projects that are selected, for which additional information is needed, applicants would be asked to submit standard grant application forms, which are exempt from PRA, and would be eligible to request reimbursement of advance costs incurred in the preparation of the project or grant application. 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 a copy of 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 (copy attached) was published to solicit public comment. None was received.

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

Not applicable.

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

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

Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The total annual burden is estimated as 1,007 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. Because a number of states have already submitted plans to NOAA to participate in this voluntary program may vary, particularly, the calculation has been based on the remaining number of eligible states that have not yet submitted CELCP plans to NOAA, which is 22.

The total one-time burden for the respondents is estimated to be **770 hours** over 3 years.

22 respondents x 35 hours/respondent (one-time)	= 770 hrs/3 years
(development of CELCP plans)	= 257 hrs/year

The total annual burden for the respondents is estimated to be **750 hours**, based on the following assumptions.

50 respondents (est.) x 10 hours/respondent/year	= 500 hrs/year
(project application and checklist)	

50 respondents (est) x 5 hours/respondent/year	= 250 hours/year
(semi-annual and annual reporting)	

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

To copy and mail documents, the total cost is estimated at \$516, as follows:

For project applications, the annual cost is estimated as \$5.00 per project application to copy (5 copies each, max 20 pages, \$0.05/page), and mailing for approximately \$2.50 per project application and \$1.20 for semi/annual reports.

Subtotal: applications and performance reports (\$8.70 x 50) = \$435/year

For CELCP plans, the annual cost is estimated by spreading the total costs for the 22 respondents 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.

Subtotal: CELCP plans (\$11.00 x 22) = \$242/ 3 years = \$81/year

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

The cost in staff time for NOAA to review CELCP plans is estimated as 2 hours each at \$40/hour, for a total annual cost of approximately \$500-\$800 for 5-10 plans per year.

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

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

The reduced estimate for annual recordkeeping and reporting hours and costs is due to the following: A number of states have already submitted plans under the Coastal and Estuarine Land Conservation Program for review and approval by NOAA, so the number of respondents has been lowered for the renewal period. Also, the last submittal included the total number of hours for CELCP plans as annual cost. This renewal assumes that the total number of hours is spread equally across the three-year renewal period.

It should be noted that the estimate of 50 projects per year varies per year based on appropriations. The estimate is based on the maximum number of project applications that NOAA would expect to receive in an average year.

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

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

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

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Project Application Checklist

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

Applicant and Project Information

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

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

Signature of Applicant

Date

Name of Signatory (please print or type): _____ -

Title:

Address:

Phone Number: _____ E-mail _____

6. **Project Description:** Briefly describe the nature of the project, location, expected benefits, role partnerships in the project other information required in section 5.2 of the guidance, and any explain special circumstances noted elsewhere on the checklist. It is not necessary to repeat information that appears elsewhere in the checklist. If you have a paper copy and can't fit your response in the space provided, attach additional sheets.

7. Land Acquisition

For land acquisition projects,

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

- d. Is a long-term stewardship or management strategy attached that describes the proposed method for ensuring long-term operations, maintenance and safety needs related to the property?
_____ Yes _____ No
- e. Has a dedicated source of funding and staff for long-term conservation been identified?
_____ Yes _____ No If yes, what is the source? _____
- f. What type of activities/uses currently exist and what activities/uses are envisioned on the property?
- g. Will the recipient contract with a private or non-profit organization to complete part or all of this project? _____ Yes _____ No
If Yes, the name of the organization is: _____
- h. What resources do you or the organization have to successfully complete this project?

8. What is the acreage, and types of habitat, for the proposed project or property to be acquired (via fee title or easement)? **Total Acreage:** _____

What types of habitat are on the proposed project or property to be acquired? If you can provide more specific details as to habitat type, please provide an estimate of the acreage for each applicable habitat type. Further information, including explicit descriptions and photos of the following land classification system, can be found at http://www.csc.noaa.gov/crs/lca/tech_cls.html

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

9. Program Goals –

a. What is the primary purpose of the project? (check one)

Ecological Conservation Recreational Historic Aesthetic

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

Ecological – What type of habitats (e.g. upland forest, scrub/shrub, fields), species, or other features of significant ecological value are contained on the property, e.g. species of concern, vegetative riparian buffers, etc. (include acreage where appropriate) What is the quality of the habitat?

Conservation – How does this property help establish corridors and/or linkages among areas of significant conservation, ecological, recreational or aesthetic values that are already protected? e.g. natural/undeveloped areas or protected/preserved areas? Is this property an important keystone acquisition within a larger conservation plan? Will the project lead to water quality maintenance or improvement?

Recreational – What is the property's significance or contribution with regard to coast-dependent or nature-based recreation? What type of public access will be available and how will this project fulfill local, regional, and national recreational needs?

Historic – What historical features of significant value, for example, features that are designated or could be designated as a National Historical Landmark or are listed on the National Register of Historic Places or a State or Local Register of Historic places are contained on the property?

Aesthetic – What is the aesthetic value of the property? What significant contribution does this property make to the aesthetic character of the surrounding area? Does the scenic vista complement national designated scenic byway or trail programs?

10. Public Benefit:

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain.

_____ Yes _____ No

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

c. If the answer to the question above (10.b) is No, check any of the following reasons that apply and explain why access to the property will be limited.

_____ Public Safety _____ Resource Protection _____ Geographically Isolated/Inaccessible

_____ School Outings Only _____ Scientific Research _____ Other (please explain): _____

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

e. The public will be charged a user fee for access to or activities on the proposed property.

_____ Yes _____ No

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

11. Site Location Map: Site location maps are attached. _____ Yes _____ No

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

12. Public Coordination

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

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

If "no", please explain.

14. Project Readiness - Title Opinion and Appraisal:

- a. A title opinion or certificate is attached. Yes No

- b. The site is currently owned by Individual Corporation Public

- c. Documentation of the current owner's intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.) Yes No

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

If No, the applicant has attached a good-faith estimate and justification of the cost for the project based on market value or agreement with the willing seller. Yes No

(Note: An appraisal will be required at the time the applicant submits a formal grant application to NOAA for projects that have been selected for funding. If the appraised value is higher than the estimated cost, the applicant will be required to make up the difference in cost.)

15. Funding Sources:

- a. Has the proposed project been submitted to or is it currently under consideration by other programs for funding? Yes No

If yes, which program(s) and which year(s)?

- b. Partners in conservation: What are the sources and amounts of financial support being provided by partners?

Name of Partner	Monetary Value of Support	Type of support (cash or in-kind)	Have funds been expended? (Y/N)

16. Ability to Acquire Land

Briefly describe what authority, experience and expertise the applicant (or entity that will execute the project) has to execute the land transaction and manage the property for long-term conservation.

17. Threat of Conversion

What are the threat(s), the severity of the potential impact(s), and/or the anticipated timeframe for the threat or conversion of land? Have development plans been approved by a local governing body and regulatory agencies?

Eligibility of Project

18. Project Eligibility: (Check all that apply)

The proposed project:

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

Compliance with Other Federal Authorities

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

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

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

20. National Flood Insurance Program:

a. Is the project located in a designated special flood hazard area, floodway or "V" zone on a National Flood Insurance Program Floodway Map (www.fema.gov/maps/)? Yes No (If No, go to 11)

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

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

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

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

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

23. Magnuson-Stevens Fishery Conservation and Management Act.

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

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

24. National Environmental Policy Act:

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

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

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

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

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

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

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

If the answer to any one subpart of 13. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

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

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

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

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

Yes No N/A

If No or N/A, provide a brief explanation below (or attach separately) as to why the project does is not required to meet ADA handicapped accessibility requirements.

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

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

29. Contamination/Environmental Hazards (CERCLA/RCRA)

a. Are there any known or suspected contaminants on the project site? Yes No

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

b. Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example superfund site)?

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

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB #0000-0000. Information submitted will be treated as public record.

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

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-CITE-

16 USC Sec. 1456d 01/22/02

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 33 - COASTAL ZONE MANAGEMENT

-HEAD-

Sec. 1456d. Coastal and Estuarine Land Conservation Program

-STATUTE-

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

-SOURCE-

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

-COD-

CODIFICATION

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

Dated: October 26, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-21686 Filed 10-31-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

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

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before January 3, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

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

SUPPLEMENTARY INFORMATION:

I. Abstract

The FY 2002 Commerce, Justice, State Appropriations Act directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion, and to issue guidelines for this program delineating the criteria for grant awards. The guidelines establish procedures for eligible applicants who choose to participate in the program to use when developing state conservation plans, proposing or soliciting projects under this program, applying for funds, and carrying out projects under this program in a manner

that is consistent with the purposes of the program. Guidelines for the CELCP can be found on NOAA's Web site at: <http://www.ocrm.nos.noaa.gov/landconservation.html> or may be obtained upon request via the contact information listed above. NOAA also has, or is given, authority under the Coastal Zone Management Act, annual appropriations or other authorities, to issue funds to coastal states, localities or other recipients for planning, conservation, acquisition, protection, restoration, or construction projects. This information collection enables NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under different, but related, authorities.

II. Method of Collection

The Project Application Checklist, paper or electronic grant applications and performance reports, are required from participants. Other supporting information is submitted in accordance with guidance. The information can be submitted in paper or electronic format.

III. Data

OMB Number: 0648-0459.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local, or tribal government; not-for-profit institutions.

Estimated Number of Respondents: 50.

Estimated Time per Response: 35 hours for a CELCP plan; 10 hours for a project application and checklist; and 5 hours for semi-annual and annual reporting.

Estimated Total Annual Burden Hours: 1,007.

Estimated Total Annual Cost to Public: \$516.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Dated: October 26, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-21687 Filed 10-31-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Seabird Avoidance Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before January 3, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907-586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service Alaska Region actively seeks reduction of seabird incidental take in longline (hook-and-line) fisheries off Alaska through the Seabird Avoidance Program. The primary requirements of the Seabird Avoidance Program are: (1) Seabird avoidance gear must be onboard, made available for inspection upon request by specified persons, and must be used while hook-and-line gear is being deployed; (2) Use of a line or lines designed to deter seabirds from taking baited hooks (paired streamer line, single streamer line, or buoy bag line); (3) Offal discharge methods, including removal of hooks from any offal that is discharged;