

April 26, 2006

Ms. Colleen S. Benner  
National CIAP Coordinator  
Minerals Management Service  
381 Elden Street, MS 4040  
Herndon, Virginia 20170

Re: Comments on the Draft Guidelines for the Coastal Impact Assistance Program

Dear Ms. Benner:

Thank you for the opportunity to review and provide comments on the above referenced document. We have coordinated with our coastal political subdivisions during this review process and these comments reflect that coordination.

We have closely reviewed these draft guidelines and have also discussed these on the telephone with staff from the Minerals Management Service. Additionally, we met with Ms. Stephanie Gambino and Ms. Debra Vigil recently to discuss these guidelines. We appreciate the open discussions we have had with your agency as we move towards implementation of the Coastal Impact Assistance Program (CIAP).

Accordingly, we submit the comments and questions that follow below. Please do not hesitate to contact us with any questions or clarifications of these comments.

**Specific Comments by Section:**

***Section 4.1 Authorized Uses of Funds***

*Will expenditures towards educational efforts be authorized under any of the five stated uses? We recommend that states be given the latitude to plan such activities provided that they can make an adequate link to the authorized uses.*

*Under use # 4, will acceptable federally approved plans include, but not be limited to, the following: Coastal Zone Management, National Estuarine Research Reserves, Comprehensive Conservation Management Plans developed by National Estuary Programs, Comprehensive Wildlife Conservation Strategy, Coastal Estuarine Land Conservation Program, Forest Legacy Program and U.S. Army Corps of Engineers coastal projects? If a plan has been approved by a federal agency, we recommend that CIAP funds be eligible for implementing provisions of that plan.*

*Will land acquisition be subject to the 23% spending cap if it is attached to authorized uses 1,2 and 4? We recommend that land acquisition, restoration and preservation activities not be subject to the spending cap.*

*Will MMS require use of federal 'yellow book' appraisal standards for appraisals associated with land acquisitions which are a component of a state CIAP plan? We recommend use of such standards.*

*Will public access and capital improvement projects (i.e. boat ramps, boardwalks, parks, educational facility construction, etc.) be allowed under any of the stated authorized uses? We support the use of funding for such activities, provided that the necessary linkage is made to the authorized uses. Further, we understand that these kinds of projects, if they are contained in an approved federal plan as outlined in authorized use #4, will be allowable under the CIAP.*

*When a plan is submitted to MMS for review, is it acceptable to identify potential land acquisition targets by geographic area, habitat type or both, instead of identifying specific tracts? Given the dynamic nature of land acquisitions, we recommend that states be given flexibility to target geographic areas or habitat types rather than specific tracts in the planning process. Specific tracts would be identified as part of the actual grant application for such an acquisition. We also advise that the process allow for inclusion of alternative tracts in the event that a primary target falls through.*

#### **Section 4.4 Incurring Costs Before Plan Approval**

*If we hire dedicated program staff, prior to plan and grant application approval, will those costs be reimbursable once the funding is available in 2007? This is our understanding and recommendation.*

#### **Section 4.6 Sub-Grants and Project Funding**

*While the guidance clearly states that projects do not need to be undertaken solely within a State's coastal zone, we intend to limit the program boundary in the plan that we submit to MMS for review. We will likely limit the program boundary to the "coastal watersheds" defined by NOAA in its 1992 Coastal Zone Boundary Review as those 8-digit hydrologic cataloguing units that contain head of tide. Applying this boundary to the state CIAP would be consistent with our coastal and estuarine land conservation program. Is this acceptable?*

#### **Section 7 Performance and Financial Reports**

*We recommend that performance and financial reporting requirements be established on an annual basis (i.e. once per year). Given that the overall process includes plan review and approval, along with grant application review and approval, it seems that annual reporting should be more than sufficient for MMS to determine if expenditures are within the scope of any particular project.*

**General Comments:**

**Comment #1:**

*It has been stated that individual program funding amounts will not be available until April 2007. While we understand that these funding amounts are based on revenues accruing in this current year, we are struggling with the concept of putting a plan together without some idea of the funding that will be available. As such we recommend that program funding estimates be provided to each state and coastal political subdivision for purposes of plan development. Estimates could be derived from utilizing FY2005 revenues, or from utilizing revenue earned in the 1<sup>st</sup> half of the FY2006 and projecting those numbers out to a full year. We understand, of course, that any estimate provided may be substantially different from actual funding amounts that a state or coastal political subdivision may receive.*

**Comment #2:**

*Once a plan has been approved and exact funding amounts disclosed to each recipient, we understand that we will then be able to submit grant applications for projects we intend to implement under an approved plan. As such, we strongly recommend that grant applications be used to cover multiple projects. In other words, we request approval to bundle certain similar projects together into one grant application as opposed to individual grant applications for each similar project. Approving this request will afford greater efficiency and reduce redundancy and unnecessary paperwork.*

We hope you will find these comments and questions useful as you move towards finalizing these guidelines. Thank-you again for the opportunity to review and comment on these draft guidelines. We are looking forward to working with your agency as we develop and implement this program. Please contact me or Will Brantley if you have any questions regarding this correspondence.

Sincerely,

M. Barnett Lawley  
Commissioner

cc: Honorable Albert Lipscomb, Chairman, Baldwin County Commission  
Honorable Mike Dean, President, Mobile County Commission  
Ms. Stephanie Gambino, MMS Regional CIAP Coordinator  
Mr. William H. Brantley, Jr., State of Alabama CIAP Coordinator