

- enable states to use lands anywhere in the states' coastal zone as match, rather than lands in "...the vicinity of the property...or in the same project area ..";

- not require that lands used as match also contain deed restrictions similar to the land directly acquired under this program;

- prohibit "the acquisition of land for active recreation such as sports facilities, playgrounds or like uses.≥;

- address how pre-existing uses would be handled;

- not make too onerous the requirement for "a strategy for long-term stewardship" for each project, but rather ensure that the restrictions on future use of the property noted in 2.6(a) of the guidance are included as part of the land transaction;

- give greater recognition in the national ranking and selection criteria to: inter-state cooperation in developing state plans; to priorities within National Estuary Program comprehensive plans; and to projects within project areas that have higher population densities or urbanized areas;

- clarify whether an "assessment of priority land conservation needs", as described in section 1.3 is included among plan components at section 3.1;

- base the project identification process on scientific assessments of habitat needs;

- allow plans developed through other planning and public review processes, such as approved coastal management programs or watershed conservation plans, to be "adopted" or "recognized" by the state for purposes of a state's CELC Plan;

- add restoration plans to the types of plans to be considered in developing CELC plans;

- remove the criterion in section 3.1.b that requires projects to establish or help to "establish conservation corridors and/or linkages" as an overriding national project selection criteria;

- clarify that the "letter of intent" reflects an expectation of continuing negotiations leading to a purchase agreement;

- emphasize negotiation with willing sellers, and avoid projects that require condemnation;

- ask applications to note adjacent land uses on the project location map;

- clarify which standards are to be used for appraisals;

- allow cost estimates at the project application stage and not limit project applications to properties with letters of intent or contracts;

- reappoint and reconstitute the national peer review panel annually and

identify alternates to ensure that conflicts of interest can be addressed without delay;

- ensure geographic representation of coastal regions on the peer review panel and in the distribution of project funds;

- allow eligible entities to apply for grants for projects that have already closed during the prior year;

- administer CELC grants efficiently, recognizing that states must act on a timely basis to take advantage of conservation opportunities;

- clarify how resources will be allocated to each state on an annual basis, eg. through a formula based on shoreline mileage; and

- consider that requiring "...maps of "project areas" that identify the State's priority areas..." is too specific for planning purposes and may cause concern.

In response to these comments, in the final guidelines, NOAA has:

- added language to clarify which elements of the guidelines apply to earmarks versus competitive grants;

- provided more flexibility regarding when certain documents must be submitted and with regard to reimbursement of land acquisition costs in certain cases;

- clarified that the term "acquisition" includes the purchase of conservation easements;

- clarified that easements would be held in public ownership, as well as donated lands that are counted toward the non-federal match;

- revised the definition of "project areas" to clarify its meaning and relationship to other terms, and not intended to identify specific properties.

- clarified that the state's lead agency is eligible to apply for planning funds;

- clarified that NOAA will consult with the state's lead agency prior to making direct grants to other state agencies or local governments;

- clarified a waiver of match for U.S. insular areas for projects up to \$200,000, in accordance with 48 U.S.C. 1469a(d);

- addressed state indirect costs incurred for grant administration;

- extended to 3-years the period for initial land stewardship and limited the costs to 5 percent of the grant award;

- made the acquisition of land for active recreation such as sports facilities, playgrounds or similar uses

- ineligible for use of CELCP funds and inconsistent activities under section 2.6;

- clarified that state CELC plans identify the need for conservation through acquisition;

- clarified that plans developed through other planning and public review processes, such as approved coastal management programs or

watershed conservation plans, may be incorporated into a CELC plan;

- added restoration plans to the types of plans that may be considered in developing a CELC plan;

- clarified the nature of the documentation needed to prove an owner's willingness to sell;

- included identification of adjacent land uses on the project location map;

- added clarification regarding the budget justification and documentation required in the project application, including standards for appraisals, and some flexibility regarding projects that must go to settlement before a grant award is issued;

- clarified that NOAA will reconstitute the peer review panel annually and identify possible alternates; and

- removed the criterion for conservation corridors from the list of national criteria, as it is not listed in statute with the other criteria.

Statutory language requires 100 percent match of CELCP funds and distribution of funds in consultation with the States' Coastal Zone Manager or the Governors' designated representative. Coastal states are encouraged to work with other state, interstate, and local governments, with input from non-governmental organizations, to identify and nominate projects that advance the state's conservation priorities. No discretion is provided to NOAA by statute to waive the match for planning grants or for underserved communities.

Unless otherwise provided by law, lands (or interests therein) acquired with Federal funds under the CELCP will be held by a public entity. Federal regulations that govern matching funds generally presume a connection between the land to be acquired and the land used as match, and that deed restrictions would apply to properties counted as match as they would to property acquired through a cash contribution of the non-federal share.

Like the Forest Legacy Program, after which the CELCP was modeled, eligible states are to develop a plan in order to participate in the competitive program. NOAA encourages states that have existing plans that directly address land conservation priorities for portions of its coastal area to make use of, or even incorporate, those existing plans, if applicable, in a CELC plan. The program's project ranking criteria will address whether projects meet the national criteria and are included within a state CELC plan.

NOAA will publish deadlines and guidance for project applications in its annual request for proposals. NOAA