



# Section 306A Guidance

**Office of Ocean and Coastal  
Resource Management**

**National Oceanic and Atmospheric Administration**

**May 1990**





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## **I. Introduction**

In May 1985 the Office of Ocean and Coastal Resource Management (OCRM) issued guidance to states on how to apply for §306A, "Resource Management Improvement Grants." The guidance was revised in March 1988. This new guidance, that replaces the March 1988 guidance, simplifies and clarifies §306A application requirements based on five years of OCRM experience.

This paper and attachments describe: the §306A application process, §306A record retention options, necessary §306A project information, and general §306A eligibility requirements. In developing this paper, OCRM is guided by the language of §306A and the Congressional reports accompanying the passage of the amendments in 1980, as well as other established policies and procedures governing the award of Federal financial assistance. These include those issued by the Office of Management and Budget, the Department of Commerce, the NOAA National Capital Administrative Support Center (NCASC), and OCRM.

## **II. State §306A Eligibility**

### **CZMA Eligibility Requirements**

Section 306A(a)(1) provides that a coastal state is eligible to receive funding under §306A if for any fiscal year for which a grant application is made under that section, a coastal state:

- (A) has a management program approved under §306; and
- (B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in §303(2)(A) through (I).

In addition, §306A(i) of the CZMA states that:

The coastal states are encouraged to provide in their management programs for--

- (A) the inventory and designation of areas that contain one or more coastal resources of national significance; and
- (B) specific and enforceable standards to protect such resources.

A determination on whether a state meets the eligibility requirements identified in §306A will be based on the most recent evaluation conducted prior to the award of a grant, on findings and recommendations contained in the OCRM Special Report, Section 306(i) Findings to Determine Eligibility for Section 306A Funds, May 1985, on performance reports which demonstrate satisfactory progress on current significant improvement tasks,

and on the Federal financial assistance applications which must clearly show that adequate funding is available to maintain an approvable program under §306 before funds will be allocated to §306A projects. In making this determination, OCRM will comply with the language in the House Report which states:

Although the Committee has decided not to prescribe a limit on the amount or percentage of funds which a state may be reduced as a result of program review under §312, and maintain its eligibility for §306A funds, it is expected that if a state is clearly not making satisfactory progress and their §306 grant has been reduced, NOAA will use its discretion to terminate eligibility until the problems have been remedied.

#### National Flood Insurance Program Requirements

State and local governments should be aware that any coastal community listed by the Federal Insurance Administration (FIA) in its most current National Flood Insurance Program Community Status Book as being a community which is not participating in the Flood Insurance Program will not be eligible for any §306A projects which include the "acquisition or construction of buildings in the special flood hazard areas shown on the FIA map." States are encouraged to notify such non-participating applicants that §306A projects which meet the above criteria are not eligible for §306A funds. This does not preclude the community from proposing §306A projects both in the flood plain or outside of it, that are not acquisition for construction or actual construction projects, i.e., acquisition of wetlands.

#### Coastal Barriers Resource Act Requirements

Projects proposed for funding under §306A must also conform to the requirements of the Coastal Barrier Resources Act (CBRA). CBRA states that Federal funds may only be used for projects on undeveloped coastal barriers designated in the CBRA system if they are consistent with the three purposes of the Act--to minimize: 1) the loss of human life, 2) wasteful Federal expenditures, and 3) damage to fish, wildlife and other natural resources. If a project is to be located in a designated undeveloped coastal barrier, OCRM is required to consult with the relevant regional office of the U.S. Fish and Wildlife Service (FWS). The FWS consultation process requires that OCRM provide the FWS with up to 30 days to render an opinion that the project is consistent with the CBRA. Thus, some delays in awarding the grant may be expected or some projects may be conditioned pending the results of the consultation process. Therefore, early coordination by the applicant with the FWS is advisable. While OCRM has the authority to make the final determination if a project is consistent with the purposes of the CZMA and CBRA, great deference will be given to the FWS opinion.

### **III. Allowable Uses of §306A Funds**

Grants made under §306A may be used for land acquisition, low-cost construction, shoreline rehabilitation and modification to increase or improve public access, engineering designs or specifications, and educational, interpretive and management activities that are consistent with the purposes of the section. These purposes are declared to be:

1. Preservation or restoration of specific areas that (a) are designated under the management program procedures required by §306(c)(9) because of their conservation, recreational, ecological, or esthetics values, or (b) contain one or more coastal resources of national significance (§306A(b)(1));
2. Redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under §305(b)(3) in the state's management program as areas of particular concern (§306A(b)(2)); and
3. Provision of access to public beaches and other coastal areas and to coastal waters in accordance with the planning process required under §305(b)(7) (§306A(b)(3)).

Thus, §306A activities must be supportive of the goals and objectives of the state's approved coastal management program. More specifically, §306A tasks must be undertaken in areas which have been designated for preservation or restoration as part of a "critical areas" program or similar state process, in ports or urban waterfront areas which have been designated as Areas of Particular Concern in the approved program, or in the current or proposed public access areas which are identified in the state's planning process developed as part of its coastal program. The linkage between these processes or designations and the proposed project must be demonstrated in the grant application.

The types of projects eligible for funding include:

1. The acquisition of fee simple or other interest in land;
2. Low-cost construction projects including but not limited to paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures;
3. In the case of ports and urban waterfronts described in purpose (2) above,
  - (i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increased public access and use of urban waterfront areas; and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas;

4. Engineering designs, specifications, and other appropriate reports related to the above; and
5. Educational, interpretive, and other management costs (non-construction and non-acquisition only).

The CZMA does not address direct pass-through of §306A funds to non-profit organizations and development corporations/quasi-governmental units. While public ownership is the preferred option, such pass-through funds may be permitted if the state takes steps to insure public access for such projects. Such access could be insured through an easement, license or other agreement. For further guidance on this subject consult with OCRM's Coastal Programs Division.

Construction and acquisition projects funded under §306A(c)(2)(A) - (C) are not eligible to meet a state's significant improvement requirements under §306(a)(3). Engineering design, educational, interpretive, and management projects under §306A(c)(2)(D) and (E) are eligible as significant improvement projects.

#### **IV. Application Procedures**

##### **Application Method**

The §306/306A application must be submitted on Standard Form 424 with the appropriate accompanying information. The state must submit one application for the entire fiscal year §306/306A grant. In addition to the specific §306 task descriptions the §306/306A grant must either include all necessary §306A information, or identify the portion of the grant that will be used for §306A tasks. Further, if complete §306A project applications are not received within 120 days of the start of the grant, §306A funds may not be approved for that award. OCRM will condition the Federal financial assistance award approving the amount of funds identified for §306A tasks and require complete documentation for these tasks to be submitted to OCRM no later than 120 days from the date of award approval.

Submission of all §306A project information at one time results in only one §306A grant action that can be processed in a more timely manner. Submission of all §306A project information with the entire §306/306A grant application further speeds the §306A project approval process.

If a state submits a §306A package with several §306A projects for which there is incomplete documentation for one or more of the projects, then processing of the entire §306A package will be delayed. If a §306A package contains all required documentation, but there are deficiencies with a particular project, i.e., project eligibility questions, inadequate site plan or appraisal, user fee questions, etc., only the project(s) with problems will be delayed.

If completion of a project is expected to take more than one year, it should be submitted in phases. Each phase of a project should be completed during a one year grant cycle. At the completion of each phase, a functionally useful final project must result (e.g., final plans and specifications for a "T" fishing pier in the first year; construction of the fishing pier in the second year). Approval of one phase of a project does not guarantee that Federal CZM funds will be available for future phases.

#### Information Requirements and Record Maintenance

OCRM divides §306A projects into three categories, each of which, with the exception of plans and specifications, has slightly different information requirements. These are: construction projects (Federal and matching funds), land acquisitions (including easements), and final architectural and engineering plans and specifications.

States must submit the following information to OCRM for review and approval, and maintain the balance of required information, described below, in state files. These will be subject to OCRM review during Section 312 evaluations and may be examined by OCRM staff during programmatic site visits (Attachment I contains a sample §306A project proposal).

#### §306A Construction Projects

The state must submit the following documentation for each §306A construction project to OCRM:

1. Detailed task description
2. Site location map
3. Site plan
4. Budget
5. Title certification



6. Categorical exclusion checklist or EA (See discussion below)
7. Preliminary engineering report (PER) (See discussion below)

The state may choose either to keep the following additional documentation for each §306A construction project in its files or submit it to OCRM as part of the application:

1. State Historic Preservation Officer's (SHPO's) clearance letter
2. Floodplain/Wetlands notice
3. Copies of required State and Federal permits

OCRM reserves the right to require submission of any or all of the above documentation for a project if the complexity of the project or sensitivity of the proposed site indicates a need to review the project in more detail.

Failure to maintain these project files may result in:

- a. the deobligation of Federal funds used for a particular §306A project; and/or
- b. the submission of all documents to OCRM prior to Federal funding of §306A activities.

States must address any SHPO comments and/or requirements and have on file copies of required permits before funds for constructing projects may be expended on any §306A project.

OCRM may require the submission of an environmental assessment (EA) and/or a preliminary engineering report (PER) for a project if the complexity of the project or sensitivity of the proposed site indicates a need to review the project in more detail. States are encouraged to consult with OCRM staff early in the project development stage to determine the need for an EA or PER.

#### §306A Land Acquisition and Easements

For each land acquisition proposal the state is required to submit the following documentation to OCRM for approval:

1. Detailed task description
2. Site location map
3. Budget
4. Categorical exclusion checklist
5. Title opinion or title insurance policy
6. An independent appraisal following the Federal Appraisal Guidelines (NOTE: OCRM retains the right to require a second appraisal).

States that do not include the project documentation with the §306/306A grant application are encouraged to do as much of the preliminary work, e.g. title search, as soon as possible to ensure acquisition within the award period.

### Architectural and Engineering Final Plans and Specifications

Documentation for §306A plans and specifications include:

1. Detailed task description
2. Budget
3. A statement as to the source of funds which will be used to construct the proposed projects once the plans and specifications have been completed.

### V. Documentation Description

The various forms of required documentation are discussed below. Attached to this paper is a sample §306A construction project.

#### Task Description

Each project proposed for funding under §306A must be accompanied by a concise narrative which includes a description of the general location, site and scope of the proposed activity, an explanation of how the activity meets the eligibility requirements found in §306A(b)(1)-(3), handicapped accessibility, and a discussion of how the activity supports the goals and objectives of the approved coastal management program. For projects proposed for funding under §306A(c)(2)(A) - (C), the narrative should contain sufficient detail to describe the project; its location (including site location map and site plan); its relationship to other projects, if any; major materials to be used; and the proposed completion date. This narrative also should provide the information for OCRM's environmental assessment (EA) review and preliminary engineering report (PER), if applicable (See Attachment 1 for example). If the proposal is for public access it must include assurances that the project site will have adequate signage to identify its availability to the public, and the Federal, state, and/or local support for the project. A sign identifying the OCRM/NOAA and State CZMP support must be erected at §306A construction sites. Following construction, a smaller permanent sign or plaque must be placed at the §306A project site.

#### Site Location Map

In addition to describing the project site location in the task description, this description must be accompanied by a map indicating the exact location. (See Attachment I for example.)

### Site Plan

A detailed drawing of the proposed construction project on the project site showing the relationship of the project to other facilities and significant natural features (slope, access points, wetlands, dunes, floodplains, etc.) (see Attachment I for example). The site plan must also show how structures will be handicapped accessible.

### Title Certification

A title opinion or title insurance policy is required for any land proposed for acquisition.

For §306A construction projects a state can submit a title opinion, title insurance, or a certificate or affidavit (example attached) signed by a state or local official attesting that the property is in public ownership. In certain cases, OCRM may require a title opinion or title insurance instead of a certificate or affidavit. All §306A projects approved by NOAA will contain the following special award condition:

In the event there are title discrepancies or encumbrances that NOAA deems interfere with the purpose for which the §306A funds were granted, the recipient shall reimburse NOAA the Federal funds used for the project.

While title opinions are no longer required for §306A construction projects, it is in the state or local government's interest to ascertain clear title to property proposed for §306A activities.

OCRMs funds can only be used for projects on public land, publicly leased land, or land for which an easement is obtained. While easements in perpetuity are preferred, the lease or easement must be for the expected life of the constructed project. The life of a project includes expected repairs to a facility. For example, a boat ramp might be expected to last 20 years with normal maintenance and repair. If the project ceases to be available for the intended use at any time during the life of the project, the state will be required to provide full reimbursement to NOAA. Further, the facility must be open to the general public. Facilities which are restrictive in use to specific persons or residents of a specific community are not eligible for Federal funding.

### Budget Information

All budget information should be included in the specific information for each §306A project. The budget information should include the "object class categories" found in Section B

of Standard Form 424A. All budget information must include Federal and state matching amounts. If the §306A project includes construction activities Standard Forms 424C and 424D must also be completed (See Attachment II - Budget Sheets). The §306A construction and acquisition project totals should be entered under "construction" in Section B of the grant application's Standard Form 424A. For projects with proposed non-handicapped accessible structures, the budget must clearly differentiate between Federal and state funded portions of the project. (see handicapped access section).

Detailed information may be required in Standard Form 424C "Non-Federal Resources," if construction activities and land acquisition will be a part of the state's required match. A brief description of the composition and source(s) of the matching share is required.

Attachment I includes an example of a §306A project cost breakdown. Attachment III includes an example of a §306A project cost breakdown for those projects that may require a PER.

#### Preliminary Engineering Report

Given the legislative intent for low-cost construction and the need to complete projects quickly, OCRM does not envision many large projects. However, a PER may be required for large scale construction projects if the complexity of the project or the sensitivity of the proposed site indicates a need to review the project in more detail. Guidance on the form and content of a PER is included in Attachment III to this guidance.

#### Categorical Exclusion Checklist (See Attachment I)

The Categorical Exclusion Checklist normally provides the environmental information required for most §306A projects. The Checklist should be filled out and signed by an appropriate state CZM official. This includes certifying that the project is consistent with the state's coastal management program. Under certain circumstances, however, Environmental Assessment information may be required (See Attachment IV).

#### Handicapped Accessibility Requirements

Previously, OCRM's §306A policy was contained in the March 22, 1988 OCRM §306A Guidance and CPD's October 17, 1988 handicapped access memo. Handicapped access requirements for §306A projects have evolved over the past two years in response to the requirements of the U.S. Architectural and Transportation Barriers Compliance Board (Board). The following guidance supersedes OCRM's October 17, 1988 handicapped access memo.

1. If possible all new §306A construction projects should be 100% handicapped accessible. This includes Federally funded projects and any state funded projects used to match the §306/306A awards. One hundred percent handicapped accessible means that any project that is constructed to allow access and/or project support facilities for non-handicapped people must also provide access for handicapped people.
2. All handicapped accessible projects funded under §306A must be in compliance with the Uniform Federal Accessibility Standards (Attachment V.) and the Board's draft technical paper Access to Outdoor Recreation Planning and Design (Attachment VI.). Task descriptions must include a statement to this effect.
3. Any Federally funded improvements to an existing public access project should be handicapped accessible regardless of the source of funds used to construct the original project.
4. Site plans showing handicapped accessibility must be included with the §306A information submitted to OCRM for approval.

#### Exceptions

If OCRM agrees with a state that the construction of a handicapped accessible structure would damage coastal resources or if resource damage would occur in the absence of a §306A access project, OCRM may approve dividing the funding for a particular §306A project into non-handicapped accessible and handicapped accessible portions. If the funds are divided, Federal funds must only be used for the handicapped accessible portion. In rare circumstances, i.e., where a proposed §306A project meets the resource protection criteria but does not contain a handicapped accessible portion, then OCRM may allow the expenditure of Federal funds for a non-handicapped accessible portion of a project. In either case, the local government and/or state must provide adequate justification to OCRM showing the need for a non-handicapped accessible portion of a §306A project. Further, the project budget must clearly identify the handicapped accessible portions of the project (Federal funds) and the non-handicapped accessible portions of the project (state/local matching funds).

In addition to the rare instances where OCRM would approve Federal funds for a non-handicapped portion of a project, a state or local government may use Federal §306A funds for a non-handicapped accessible project if a waiver of the Uniform Federal Accessibility Standards is obtained from the U.S. General Services Administration (GSA) within 120 days after the start of

the grant. It is OCRM's understanding that a GSA waiver is very difficult and time consuming to obtain, and may still require alterations to the project.

#### User Fees

In general, fees should not be charged to access Federally funded §306A projects. If user fees are necessary or desired, all revenues must revert to the maintenance or management of the Federally funded project. If a state or local government proposes to charge a higher fee for non-state, county, or city residents, the §306A project proposal must clearly demonstrate that the differential non-resident fee is based on the amount of project subsidization from the resident tax base. However, non-resident fees must be reasonable, as determined by OCRM. OCRM must approve all requests for user fees.

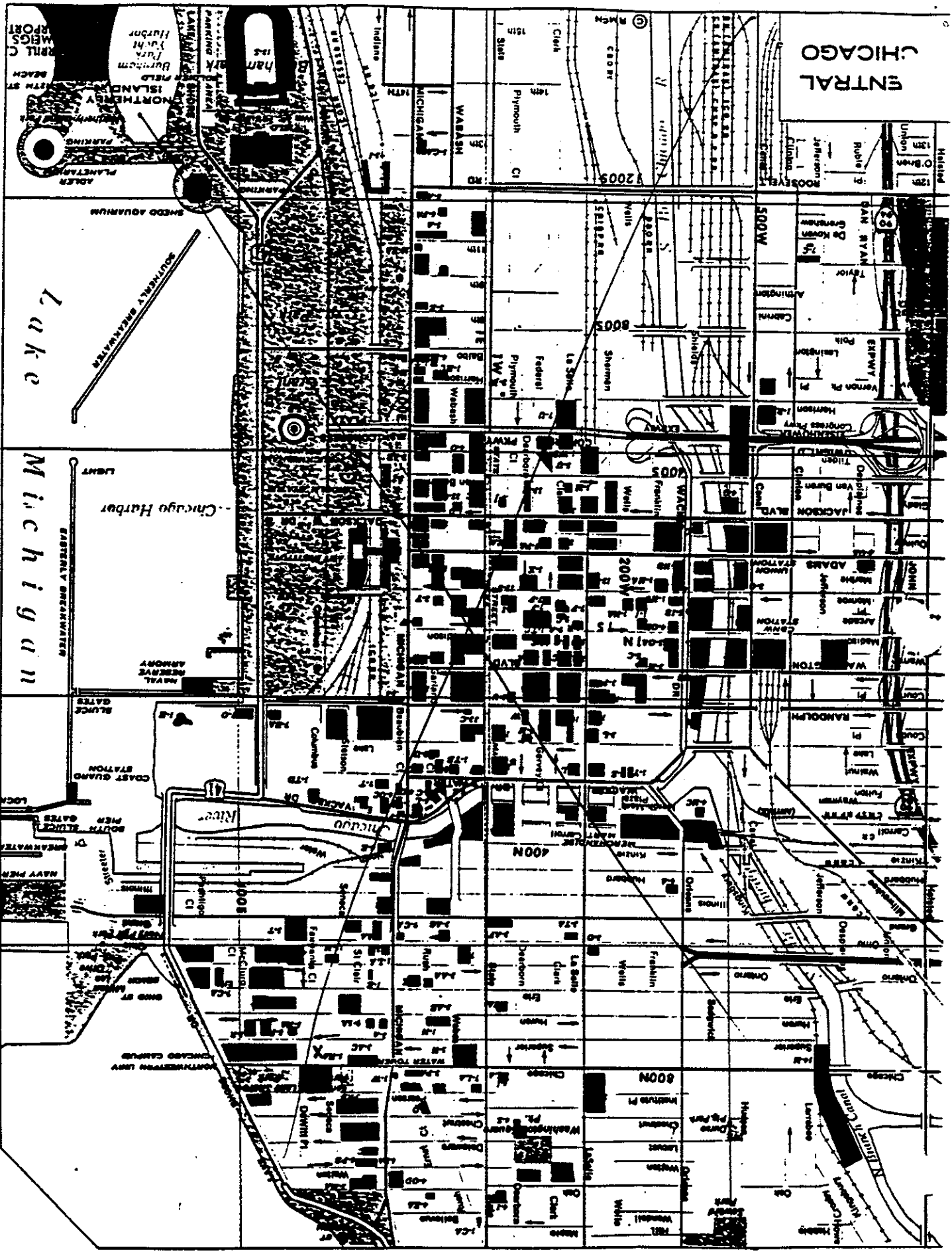
## BARRIER-FREE REFERENCES

The Architectural Barriers Act P.L. 90-480 (1968)  
As amended thru 1984.

Americans with Disabilities Act (ADA) Date? (1990?)

Uniform Federal Accessibility Standards, (1985)

OCRM<sup>306A</sup> Guidance May 1990





**ATTACHMENT I**

**SAMPLE S306A CONSTRUCTION PROJECT**

GRANT REQUEST FORM

CATEGORY D - RESOURCE MANAGEMENT IMPROVEMENT GRANT (306A)

Local Jurisdiction: Town of Ocean City, Worcester County, MD.

Project Name: Inlet Boardwalk - ( Phase II )

Project Coordinator: Robert E. Mason, Jr. (301) 289-8221

Project Description:

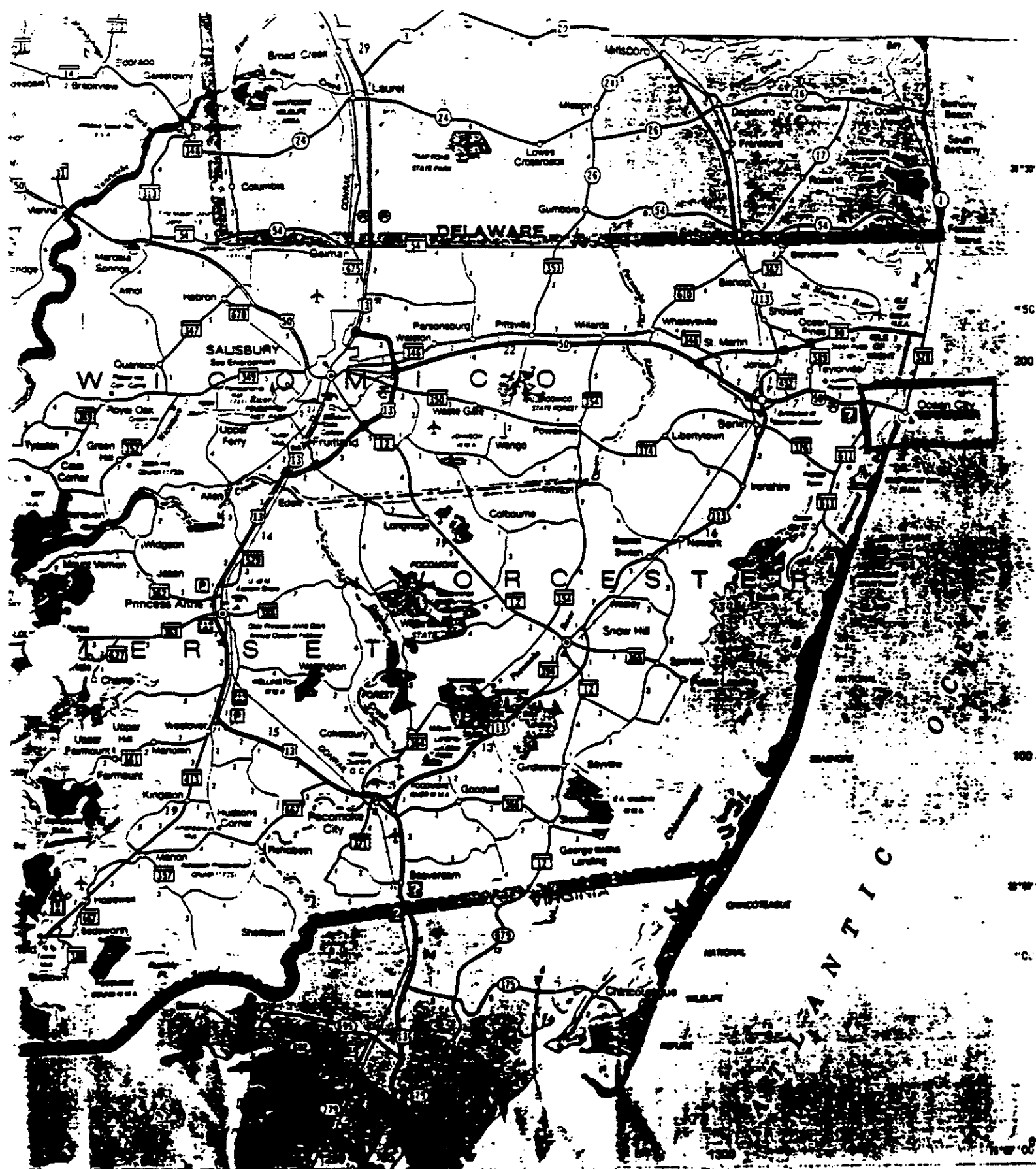
At the south end of Ocean City, the Boardwalk passes the widest part of the beach and many attractions for the tourist public such as rides, arcades, restaurants, and shops. It ends at the Ocean City Inlet. The northern tip of Assateague Island is on the south side of the inlet. It is a shared state and federal park. On the island are the wild ponies, bird nesting areas and protective sand dunes. Phase I of the Inlet Boardwalk built a walkway along the inlet's north seawall to the west of the boardwalk. Phase II is proposed to extend this popular walkway 400' eastward.

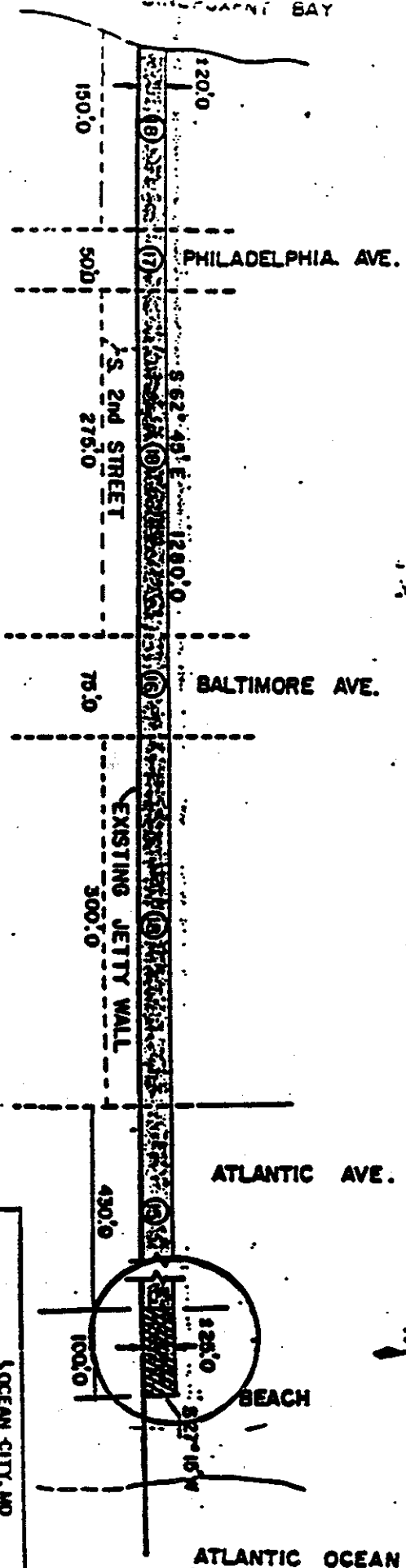
The eastward extension will allow much greater access for viewing the natural beauty of the Ocean inlet and Assateague Island's wildlife and additional space for the public to enjoy fishing the inlet, walking along the seawall, and seeing the educational displays about the Ocean and Assateague habitats. The additional space provided will enhance the recreational opportunities and shoreline access of the public in the south end of the Town.

The Phase II expansion will be handicapped accessible from the existing boardwalk with ramps provided at any grade changes.

INLETII4







--INLET--

NOTES:

- 1. (P) - PARCEL NUMBER, FROM CONDEMNATION, LAW # 5405 U.S. DISTRICT COURT 1934
- 2. ALL BEARINGS ARE BASED ON MAGNETIC NORTH AS PER SINEPUXENT BEACH CO. PLAT
- 3. ~~EXISTING EASEMENT~~ - EXISTING EASEMENT No. DACW-31-4-88-049

REFERENCE:

SINEPUXENT BEACH CO. PLAT 1890  
ODC 1 FOLIO 2  
OCEAN CITY, WORCESTER CO., MD.  
OCEAN CITY AND SINEPUXENT BAY  
PROJECT, WORCESTER CO., MD.  
U.S. CORPS OF ENGINEERS NOV. 1950

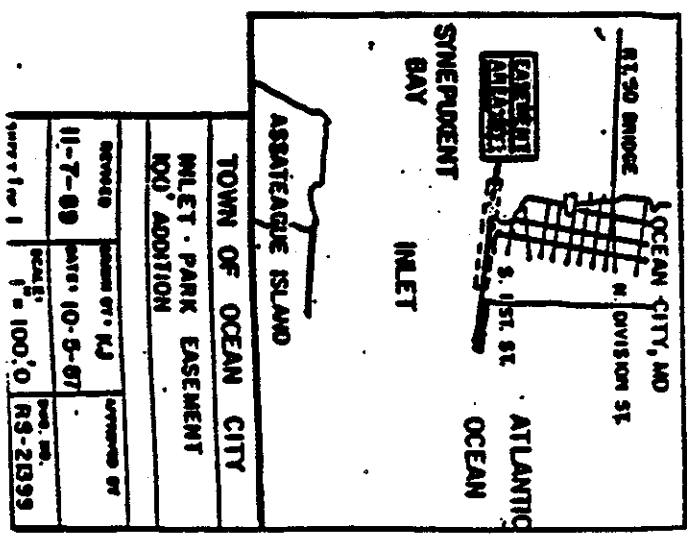


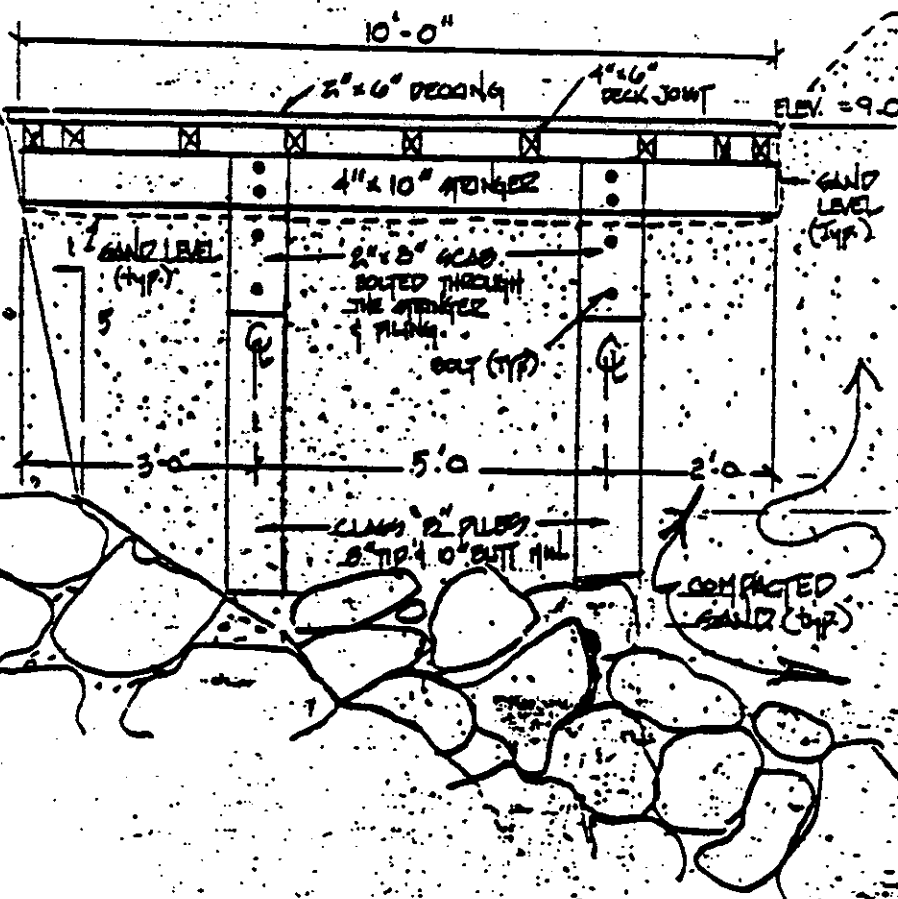
EXHIBIT C

LANDFILL

NOTE: DATUM BASE = MEAN SEA LEVEL

EXISTING  
CONCRETE SEAWALL

LET



TYPICAL BOARDWALK  
CROSS-SECTION

NO SCALE

Revised 4/3/90

FUNDING REQUEST for Inlet Boardwalk (Phase II)

	306A Funding	Local Match
Engineering Design and Management	\$ -0-	\$9,000
Construction Contracts	39,885	5,093
Educational, Interpretive and management costs	<u>-0-</u>	<u>3,000</u>
TOTALS	\$39,885	\$17,093

DETAILED COST ESTIMATES

No.	Item	306A	Match	Total
1.	Design and Engineering	\$ -0-	\$ 6,000	\$ 6,000
2.	Boardwalk construction	36,000	3,000	39,000
3.	Safety Rail construction	3,885	2,093	5,978
4.	Exhibits, Benches & Trash cans	-0-	3,000	3,000
5.	Construction Management	<u>-0-</u>	<u>3,000</u>	<u>3,000</u>
TOTALS		\$39,885	\$17,093	\$50,978

April 1990  
date

RE: Inlet Park Boardwalk  
Project name on Grant package

I hereby certify that I am a member in good standing of the bar of Maryland  
(state) and have been requested to determine record ownership for the parcel(s) of  
property on which the above-referenced project will be constructed, Inlet  
Boardwalk - along North Jetty at Ocean City Inlet

(name or brief description of land). After thoroughly examining the public land  
records or other appropriate records in accordance with the laws of Maryland  
(state), I hereby certify that record title to the parcel is held by U.S. Army  
Corps of Engineers / United States of America in (check one)

☒ fee simple absolute


☐ other (specify) \_\_\_\_\_

I have determined that there are (check one)

☐ no easements or other encumbrances on the property

☒ easements or other encumbrances on the property (list below or attach a list).

Other Comments: Easement to Town of Ocean City for construction of Boardwalk

  
name Guy R. Ayres III  
5200 B Coastal Highway  
address  
Ocean City, MD 21842

MUST BE INCLUDED



bar number

301 723-1400

telephone number



DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1713  
BALTIMORE, MARYLAND 21203-1713

REPLY TO ATTENTION GFI

Real Estate Division  
Civil Projects Support Branch

TOWN OF OCEAN CITY  
(KEN JORDAN)  
P.O. BOX 158  
OCEAN CITY, MD 21842-

Dear Sir:

Enclosed is a fully executed copy of Supplemental Agreement No. 1  
Department of the Army Easement No. DACW-31-2-88-049 which grants you use  
of Government property at Ocean City Channel Improvement, MD.

Your cooperation has been appreciated.

Sincerely,

Thomas H. Henderson  
Chief, Civil Projects Support Branch  
Real Estate Division

Enclosure

EASEMENT

INLET BOARDWALK  
PHASE II





SUPPLEMENTAL AGREEMENT NO. 1  
TO  
DEPARTMENT OF THE ARMY  
EASEMENT NO. DACW-31-2-88-049

WHEREAS, on 7 December 1987, the Secretary of the Army, hereinafter called the Government, granted the Town of Ocean City Mayor and City Council, hereinafter called the grantee, Easement No. DACW-31-2-88-049 for a period of fifty (50) years, beginning 7 December 1987 for a right of way for construction, operation, and maintenance of a boardwalk and landscape area adjacent to the Ocean City Inlet; and

WHEREAS, the grantee has requested a 100 foot long and 25 foot wide extension to the existing easement at the Ocean City Inlet; and

WHEREAS, the Government has no objections to the proposed extension to the existing boardwalk provided the structural integrity of the North Jetty seawall is maintained during construction; and

WHEREAS, it is required by the Government to correct the Easement No. to read a 2 in lieu of a 4; and

WHEREAS, it is considered to be in the best interest of the Government to amend Easement No. DACW-31-2-88-049 as indicated above.

NOW THEREFORE, effective immediately, Department of the Army Easement No. DACW-31-2-88-049 is amended as follows:

1. A portion of the granting clause is changed in part to read: "...boardwalk, 1,380 foot long, and landscape area adjacent to the Ocean City Inlet,..."

2. The Contract No. has been changed to read: "...DACW-31-2-88-049..."

3. A map showing the 100 foot extension is attached hereto and made a part hereof as Exhibit "C".

THAT ALL OTHER TERMS AND CONDITIONS of the aforesaid easement shall remain in full force and effect.

5. This action is related to other action with individually insignificant but cumulatively significant effects. No ☒ Uncertain ☐ Yes ☐
6. This section will affect properties listed in the National Register of Historic Places or otherwise protected by Section 106 of the National Historic Preservation Act or a similar State Preservation Act. No ☒ Uncertain ☐ Yes ☐
7. Condemnation is required for the purchase of property (attach list of property owners). No ☒ Uncertain ☐ Yes ☐
8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No ☒ Uncertain ☐ Yes ☐
9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No ☐ Uncertain ☒ Yes ☐
10. This action is inconsistent with Federal, State, local or tribal law or requirements imposed for protection of the environment. No ☒ Uncertain ☐ Yes ☐
11. Please list permits required and their status in the space below:
- |                           |                        |                    |
|---------------------------|------------------------|--------------------|
| <u>Town of Ocean City</u> | <u>Building Permit</u> | <u>To be Filed</u> |
| <hr/>                     |                        |                    |
12. Robert E. Mason Jr. AUDITOR 12/18/89  
Signature and Title of CE Preparer Date

CERTIFICATION OF CONSISTENCY

I hereby certify that the above application/project is consistent with the goals and policies of the

Maryland Coastal Zone Management Program  
as approved by the Office of Ocean and  
Coastal Resource Management

Michael A. Chigiarrelli, Jr. 4/19/90  
Elder A. Chigiarrelli, Jr., Chief  
Project Review

Power Plant and Environmental Review Division

I hereby acknowledge that documentation for this project which includes the State Historic Preservation Office Clearance letter, floodplain public notice, and copies of required permits have been submitted to the Department or will be maintained in the state's files. I also certify that construction or acquisition will not begin until this documentation has been obtained. Furthermore these files may be subject to review during section 312 evaluations. Failure to maintain these files may result in the deobligation of Federal funds and/or the requirement, by the Department, to return to submitting all documentation to prior to Federal funding of section 306A activities.

B. P. Holmgren 12/21/87  
Bruce P. Holmgren, 306A Program Manager, Program Open Space- Date

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**ATTACHMENT II**

**§306A BUDGET SHEETS**

*does not apply to  
subgrantees*

**ATTACHMENT III**

**PRELIMINARY ENGINEERING REPORT**

## Preliminary Engineering Report

OCRM reserves the option of requiring a PER for projects if the complexity of the project or the sensitivity of the proposed site indicates that the project be reviewed in more detail.

The PER must contain the information described below. Although the information need not be lengthy, it must be accurate and complete. Where the requested information has been provided elsewhere in the application to satisfy other requirements, such as in an Environmental Assessment or title opinion, a simple reference to that material is adequate.

### I. Project Description (narrative)

- Describe the essential elements of the project. If this is only a phase of a larger project, describe the relationship of this task to the larger project.
- Describe the need to be met or the purpose to be served by the project.
- Describe how the project is related to other facilities needed to fulfill the function of the project. For example, if the project is for a public access pier, is there sufficient parking or other transportation to serve the pier?
- Describe the method and status of any coordination efforts or approvals necessary for the project, e.g., all projects should be in conformance with the local Master Plan or other planning process.

### II. Project Description (graphic)

- Include sketches of the proposed construction. Although these need not have been completed by a professional engineer or architect, they should be sufficiently precise to clearly show the details of construction and the quality and characteristics of the materials to be used. A rationale for the method and quality of construction should also be included.
- Include a map of the construction areas.
- Include a site plan which shows the relationship of the project to other facilities and significant natural features (slope, access points, wetlands, dunes, etc.)

### III. Project Costs

Two types of budget information are required, specific information for each §306A project and summary information for the entire §306 and §306A application. Costs must be identified as Federal or non-Federal for each §306A project.

#### A. For Construction Projects

Include at least the following (as applicable):

	<u>Federal \$</u>	<u>Non-Federal</u>
1. Architectural and engineering fees (can include surveying costs)		Contractual Object Class in Budget Information
2. Legal fees (title opinion, etc.)		
3. Administrative expenses		
4. Environmental assessment		
5. Project inspection		
6. Demolition costs		Construction Object Class in Budget Information
7. Construction costs (may be broken down between labor and materials)		
8. Land purchase		
9. Land preparation/grading		
10. Materials (concrete, lumber for walkways, etc.)		
11. Specific equipment (benches, picnic tables billiards, etc.)		
12. Landscaping		

#### B. For Land Acquisition/Easement Projects

	<u>Federal \$</u>	<u>Non-Federal</u>
1. Administrative expense		Contractual Object Class in Budget Information
2. Legal fees		
3. Appraisal		
4. Land purchase/easement		Construction Object Class in Budget Information

#### C. Architectural/Engineering Final Plans and Specifications

	<u>Federal \$</u>	<u>Non-Federal</u>
1. Architectural and Engineering fees.		Contractual Object Class in Budget Information
2. Other costs, as appropriate		

If the cost of project is not completely covered by §306A funds, include a description of other funding sources and written assurances from funding sources on the availability of necessary monies.

An analysis of any operation or maintenance costs over the life of the project and description of sources of funds and responsibility to meet those needs should be included.

#### IV. Scheduling

- Submit a schedule for the completion of the project including appropriate benchmarks and responsible individuals.

#### V. Other Documentation

- Categorical Exclusion Checklist or Environmental Assessment



**ATTACHMENT IV**

**ENVIRONMENTAL ASSESSMENT**

GUIDANCE FOR MEETING ENVIRONMENTAL REQUIREMENTS FOR  
\$306A PROJECTS

In order to expedite OCRM approval of the \$306A grant applications, the following guidance on environmental assessment (EA) preparation and required information is provided for projects which do not qualify as Categorical Exclusions (CEs).

**ENVIRONMENTAL ASSESSMENT**

Project Name:

Project Location: City and/or County, State

Project Cost: \$ \_\_\_\_\_ \$306A Grant

PROJECT DESCRIPTION

This should be a one page or less description of the proposed action listing especially those aspects of the project which are likely to impact the environment (e.g., replace pilings, dredging, signs and infrastructure, etc.).

1. Identify the site.
2. Describe the type and size of facility or property to be purchased.
3. Describe what the project will entail; e.g., if the project is one phase of a multi-phase project, describe other elements of the total project. This can be same description as used in the Preliminary Engineering Report (PER) if one is required.

PROJECT PURPOSE

Describe in one or two paragraphs the purpose of the project. Again, this can be the same description as used in the PER.

DESCRIPTION OF THE ENVIRONMENT

Start with a general description of the surrounding environment such as the county or community in which the project will be located becoming progressively more specific as the actual project location is identified. Provide, when possible, copies of at least two xeroxed maps (one vicinity map and one that identifies the project area) and pictures of the site to be impacted. At a minimum, describe any significant resources which would be affected by the project such as wetlands, historic resources, wildlife and vegetation, and unique social conditions such as lack of access, etc., which would be of concern to other parties.

## PROBABLE ENVIRONMENTAL IMPACTS

Briefly describe the primary, secondary and cumulative impacts of the proposed action. Describe both the positive and negative impacts of the proposed action on the social aspects and natural resources. When applicable, describe the effect the project will have on:

1. Ambient noise related to construction;
2. Air and water quality;
3. Visual quality;
4. Wetlands, beaches, dunes, barrier islands, floodplains;
5. Transportation (including public access) and land use;
6. Prime/unique farmland;
7. Vegetation and wildlife (including endangered species);
8. Wild and scenic rivers;
9. Historic properties and/or archaeological artifacts;
10. Social quality and economic growth. For acquisition projects, include impacts on property owners.

## ALTERNATIVES

Briefly describe the following and their impacts:

1. No action (e.g., possible wetland destruction, waterfront degradation);
2. Possible larger or small projects (e.g., 50 vs. 100 acres acquired);
3. Other site locations if appropriate.

## WETLAND PROTECTION CONCERNS

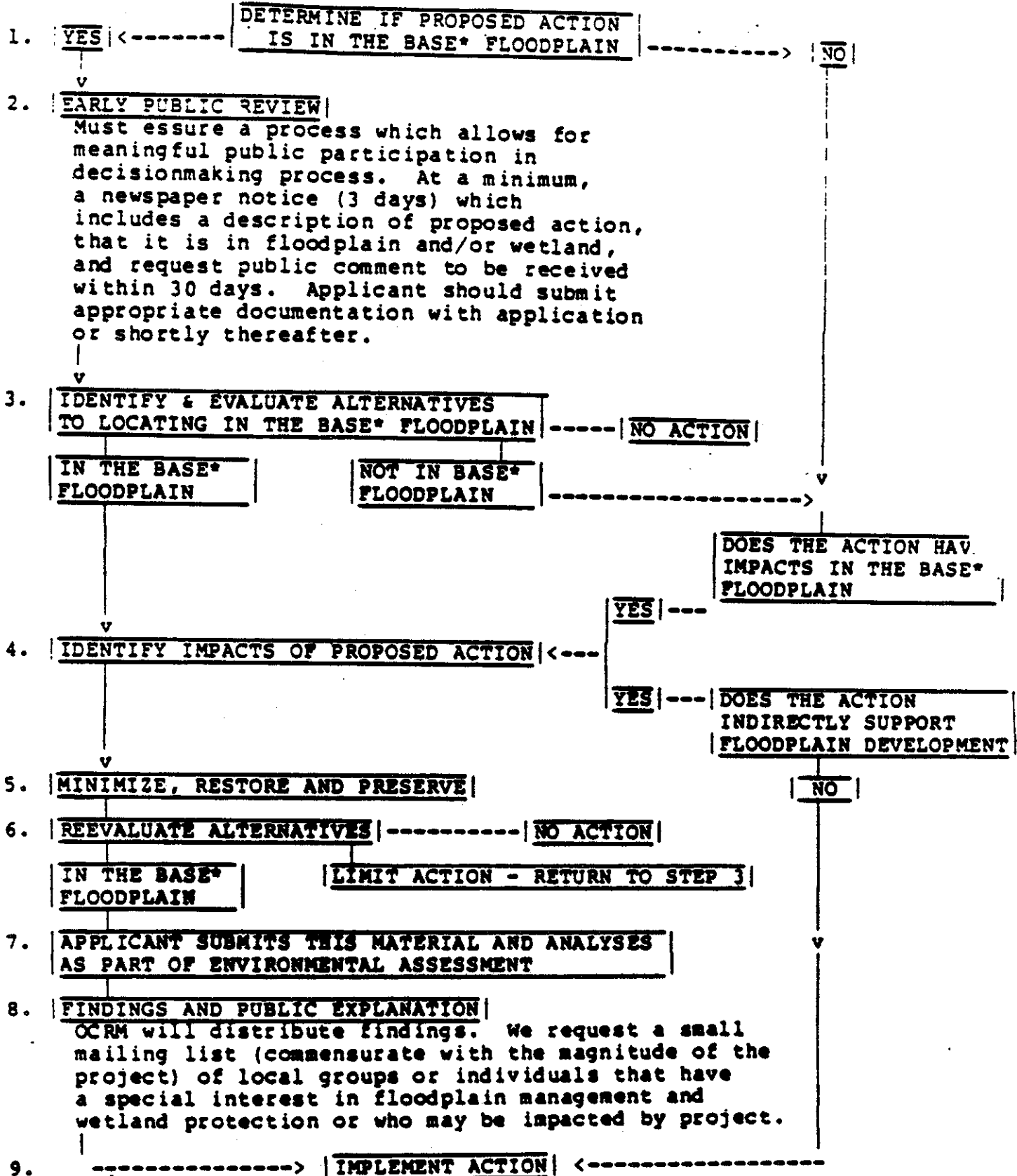
State whether or not the action is located in or will affect wetlands.\* Discuss alternative to locating in the wetlands if this was not already done in the previous section and show that (1) there is no practicable alternative after considering relevant, existing constraints (environmental, technological, legal, and financial factors) to locating in the wetlands and (2) that the proposed action includes all practicable measures to minimize harm to wetlands.

## FLOODPLAIN MANAGEMENT CONCERNS

State whether or not the action is located in or will affect floodplains and their values. If any project is located in the 100-year floodplain, then the appropriate steps should be taken as outlined in Figure 1. The Floodplain Executive Order 11988

\*If the action is located in a wetland, the applicant should submit a copy of the appropriate State and Federal permits and a copy of the Corps of Engineers EA or EIS. If this is being done concurrently with submittal of the grant application, then they should be sent as soon as possible thereafter.

Guidance for §306A Applicants  
for Meeting Requirements of E.O. 11988

STEPS

\*Base floodplain is the 100-year floodplain.

requires early public review of actions which are to take place in floodplains. Step 2 is significant because a great deal of time can be saved if the applicant provides this public review. There are numerous ways this can be met but a minimum standard would be to publish a notice in local newspapers for three days. The most important items which should be included are that the project is located in a floodplain and invite any comments from the public. In addition, you may have special interest groups which should be notified. Step 8 includes a final notification which OCRM does through distribution of the EA or a Notice if the project qualifies as a Categorical Exclusion in which no EA is made and distributed.

The important thing for applicants to do for any project which will be located in the floodplain is to determine if there are any practicable alternatives. Therefore, in addition to stating if the project is located in the 100-year floodplain, this section should explain why it is located there (i.e., no practicable alternative), whether or not the project will encourage growth or development in the floodplain, any impacts on floodplain values and functions, and if the project conforms to state and local floodplain management standards.

#### MITIGATION MEASURES

Describe the methods which will be utilized to minimize the impacts on floodplain and wetland natural values and functions and minimize the risk of loss of life and property due to flood and storm damage.

#### HISTORIC PRESERVATION

Describe whether or not the project impacts any historic, archaeological, or cultural resources including properties listed in or eligible for listing in the National Register of Historic Places and any State equivalent. Contact should be made with the State Historic Preservation Office and copies of this correspondence submitted as part of the package.

#### PUBLIC PARTICIPATION

Describe any public participation or notice which has taken place in conjunction with this project including hearings, townhall meetings, newspaper notices for wetlands/floodplains notification, etc. Delete if not applicable.

#### PERMIT REQUIREMENTS

List all permits which are required for the proposed project and attach a copy. Delete if not applicable.

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MAPS AND CHARTS

Attach appropriate copies of maps and charts to the EA (i.e., locations, floodplain maps, etc.).

CONSULTATION

List all agencies and persons consulted in the development of the project.

**ATTACHMENT V**

**UNIFORM FEDERAL ACCESSIBILITY STANDARDS**





**ATTACHMENT VI**

**DRAFT TECHNICAL PAPER:**

**ACCESS TO OUTDOOR RECREATION PLANNING AND DESIGN**

