

# Oregon 306A Grant Application Handbook 2005

Oregon Ocean-Coastal Resources Management Program  
Oregon Department of Land Conservation and Development



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# 1. Introduction

## The 306A Program

The Oregon Department of Land Conservation and Development (the department) administers a funding program for certain small-scale construction and land acquisition projects on the coast. The program is called the Section 306A Program.

“Section 306A” refers to the section of the federal law which provides the funding to the state of Oregon, the Coastal Zone Management Act of 1972 as amended. Oregon receives 306A funding because the state has a federally approved program for managing coastal resources. The 306A funding supports projects that carry out certain objectives of the Oregon Coastal Management Program.

Section 306A grants of up to \$50,000 are available to eligible sponsors. The types of projects and eligible organizations are described below.

The purpose of this Handbook is to describe the procedures for applying to the department for a 306A grant. (Since several terms are used which have specific meanings, a glossary is provided in Section 6.)

This Handbook is designed to assist the Oregon Coastal Management Program in implementing a 306A Program consistent with federal law and 306A program guidance published by the Office of Coastal Resource Management in the National Oceanic and Atmospheric Administration. All 306A grant awards made by the Oregon Coastal Management Program will be consistent with Section 306A of the Coastal Zone Management Act and with Section 306A Guidance published by the Office of Coastal Resource Management.

## Projects Eligible for a 306A Grant

Section 306A funding may be used for two general kinds of activities: land acquisition and small scale construction projects. Projects eligible for 306A funding must do all of the following:

- ☞ Further one or more of the following Section 306A objectives:
  - ✓ Provide public access to the ocean shore, estuarine shores, coastal lakes, and coastal rivers for recreational purposes.
  - ✓ Redevelop deteriorating urban waterfronts and ports.
  - ✓ Preserve or restore significant conservation, recreational, ecological, or aesthetic coastal features, or coastal resources of national significance.
- ☞ Be located in one of the following areas, designated as such in a local comprehensive plan or state agency program that itself is an element of the Oregon Ocean-Coastal Management Program:
  - ✓ Areas for preservation or restoration.
  - ✓ Ports or urban waterfronts within shorelands boundaries established under Statewide Planning Goal 17.

- ✓ Current or proposed public access areas.
- ☞ Be located in an the Oregon Coastal Zone, which includes all lands west of the crest of the Coast Range mountains except in the Rogue, Umpqua, and Columbia River drainages. In the Rogue, the coastal zone extends to Agness; In the Umpqua, to Scottsburg; and in the Columbia, to the Clatsop County line.
- ☞ Be completed within the 306A grant period beginning July 1, 2005, and ending on June 30, 2006. Extensions of the grant period may be made, but 306A funds cannot be used to reimburse projects costs that occur before or after the specified grant period.

## “Small-Scale” Construction Projects

It is important to understand the “**small scale**” nature of construction projects that are eligible for 306A grant awards. “Small scale” means two things:

- ☞ The project is of a scale that does not require the preparation of an environmental impact statement pursuant to the National Environmental Policy Act. Generally, a project with a total cost of under \$100,000 that has no significant environment impacts will likely qualify as a “categorical exclusion” under NEPA.
- ☞ The project can be completed within twelve months after receiving the award. Time extensions are possible, but discouraged. Examples of such projects include the building of paths, walkways, fences, and parks; the rehabilitation of historic buildings and structures; the acquisition and rehabilitation of piers; or the removal of pilings where such removal will provide increased recreational use of urban waterfront areas.

## Eligible 306A Project Sponsors

The Oregon Coastal Management Program may make Section 306A grant awards to local governments, area-wide agencies, regional agencies, and interstate agencies, so long as such awards further the Oregon Coastal Management Program. The department maintains a list of eligible local sponsors. Local sponsors are limited to the following:

### Coastal counties and cities

Oregon’s seven coastal counties and cities within those counties that are also located in the Oregon Coastal Zone. Cities and counties must have comprehensive plans and land use regulations which have been both:

- ☞ Acknowledged by the commission as compliant with the Statewide Planning Goals; and
- ☞ Incorporated in the Oregon Coastal Management Program pursuant to Title 15, Code of Federal Regulations, 923.84

### State agencies

Agencies authorized by statute to own land and exercise land resource management or water resource management authorities within Oregon’s coastal zone, provided that these statutory authorities are a part of the Oregon Ocean-Coastal Management program.

### Ports

Ports organized under Oregon Revised Statutes Chapter 777. A port's proposed project must be located within the coastal zone.

### Public school districts

A school district's project must be located within the Oregon Coastal Zone.

## 2. Procedures For Filing Applications

Each eligible project sponsor may make application for only one project per annual award cycle. The total grant requested may not exceed \$50,000.

An application package may be obtained by contacting the department's 306A Coordinator (see Section 6 below). The application package contains instructions and all the necessary forms for preparing a complete application. You may request a paper copy of the application package, or we can e-mail you an electronic version (MS Word for Windows) that you can edit directly. Application materials are also available at [http://www.oregon.gov/LCD/grants.shtml#Ocean\\_Coastal](http://www.oregon.gov/LCD/grants.shtml#Ocean_Coastal).

The deadline for submitting an application package is February 18, 2005. Application packages must be complete, and must be received in the Salem office of the Department of Land Conservation and Development by 5:00 PM on February 18, 2005. Faxed applications will not be accepted.

Twelve complete copies of an application are required. All twelve copies must be received by the department by the deadline stated above. The department will not process any application received after the deadline. The Salem address of the department is stated in the Application Package.

## 3. Selection of Projects For Funding

### Review For Completeness

The 306A Coordinator will review all complete and timely applications to ensure that each application is for an eligible activity, is from an eligible applicant, and that the application is complete. Incomplete applications will not be reviewed for funding.

**Please Note:** *Compliance with reporting and closeout requirements of all previous department grants is necessary in order for the department to process a 306A application. Applications from project sponsors that have not complied with all reporting and closeout requirements of current and previous grants from the department or, if applicable, have not submitted a codified comprehensive plan following "periodic review" within the required period, will not be processed.*

### Scoring of Applications

All complete applications from eligible sponsors will be reviewed and scored by the department's 306A Coordinator and the two coastal field representatives, and approved by the program manager. The department staff may not modify the project description or budget of any proposal.

Applications will be scored according to the following criteria:

**Kind of Access:** From one to thirty (1-30) points will be given according to the kind of access. Scoring will be relative to other applications. The number of points will be based on the amount and kind of access as measured by such things as acreage, lineal shoreline, proximity to similar access, degree of improvement, visual versus physical access, and the likelihood of visitor use. Access projects may not destroy protected coastal resources.

- ☞ A. 1. One to ten (1-10) points will be given for providing access to an estuary or coastal river; or
- ☞ 2. One to five (1-5) points will be given for providing access to the ocean or a coastal lake; or
- ☞ 3. One to five (1-5) points will be given for providing access to a coastal resource of national significance or to a historic or cultural coastal feature.
- ☞ B. 1 One to ten (1-10) points will be given for acquiring land for public access that is not already in public ownership.
- ☞ C. 1 One to ten (1-10) points will be given for constructing new access; or
- ☞ 2. One to five (1-5) points will be given for improving existing physical access, to include improving safety.

**Project Quality:** From one to fifteen (1-15) points will be given to an application according to the quality of the project:

- ☞ One to ten (1-10) points will be given if an acknowledged land use plan identifies the *specific* project as being needed or if the project is part of a “public access program” acknowledged to comply with Goal 17 Implementation Requirement 6. The project must be other than waterfront redevelopment pursuant to Goal 17 Coastal Shorelands Requirement 3. A copy of the appropriate section or page from the local plan must be contained in the application.
- ☞ One to five (1-5) additional points will be given if the project will provide new or improved permanent sanitary facilities.

**Waterfront Revitalization:** From one to fifteen (1-15) points will be given for waterfront revitalization projects:

- ☞ One to fifteen (1-15) points will be given if the project will redevelop a deteriorated urbanized waterfront that has been designated in a local comprehensive plan pursuant to Goal 17 Coastal Shorelands Requirement 3 as a shoreland area suitable for redevelopment. A copy of the appropriate section or page from the local plan must be contained in the application.
- ☞ Otherwise, one to ten (1-10) points will be given if the project will redevelop any deteriorated urbanized waterfront.

**Restoration or Preservation:**

- ☞ Either one to fifteen (1-15) points will be given to a project which will preserve or restore a coastal resource of national significance *or*

- ☞ One to ten (1-10) points will be given to a project which will preserve or restore a historical, cultural, or aesthetic feature. The plan section or page number where the resource or feature is designated must be cited.

***Interpretive Displays:*** One to ten (1-10) points will be given for projects which provide interpretive signs and displays. The number of points will be based on the amount and quality of the interpretive information to be displayed relative to the other applications, and the degree to which the negative effects of too much access, if relevant, is also addressed.

***Regional Economic Development:*** One to ten (1-10) points will be given if the project will directly implement a regional economic development strategy approved by the Governor's Office. Appropriate documentation regarding the approved economic development strategy must be provided.

***Non-applicant Matching Funds:*** One to five (1-5) points will be given to projects with committed matching contributions from any source other than the applicant. Other sources include local governments, port authorities, the State of Oregon (other than the department or the regional economic development strategies program) and other federal programs. The number of points awarded will be based on the percentage of the total committed matching contribution being provided.

***Local, State, & Federal Approvals:*** One to five (1-5) points will be given to, or from one to ten (1-10) points will be *deducted* from an application according to the status of needed governmental land use approvals (such as conditional use approval; permits; or leases):

- ☞ Five points (5) if no approvals are needed, or if all needed approvals have been obtained (include a copy of all approvals); or
- ☞ Three (3) points if some needed approvals have been obtained (include a copy of all approvals), and if application has been made for all remaining approvals (include a copy of all applications); or
- ☞ One (1) point if application has been made for all needed approvals (include a copy of all applications), but none has yet been obtained; or
- ☞ One to ten (1-10) points will be *deducted* for a project with a total cost over \$100,000 which may subject it to the preparation of environmental assessments or impact statements under the National Environmental Policy Act.

## Ranking Scored Applications

The 306A Coordinator will place each scored application in one of two ranks based on the application's score:

- ☞ First rank applications will be those which score in the upper half of all applications scored.
- ☞ Second rank applications will be those which score in the lower half of all applications scored.
- ☞ Notwithstanding the distinction between first and second rank applications, should less than five applications be received by the department, or if the total of

the 306A funds requested by all applications is less than the funds available, all applications will be first rank applications.

## Selection of Applications For Funding

The program manager will select at least one application to be funded, unless the program manager finds that none of the applications meets the objectives of the Oregon Coastal Management Program. The program manager's selection must satisfy the following criteria:

- ☞ Selections must be from:
    - ✓ The first rank of applications submitted; or
    - ✓ The second rank only if all first rank applications are selected and sufficient 306A funds remain.
  - ☞ If there are insufficient funds to fully fund each first rank application, the program manager may offer less 306A funding to a first rank applicant if the applicant can:
    - ✓ Make up the funding difference as increased applicant contribution; or
    - ✓ Identify a phase of the project which is appropriate to the reduced funding and which is an eligible activity for 306A funds.
- Otherwise, the program manager may elect to allocate available 306A funds among all selected projects in proportion to the amount requested for each one.
- ☞ In selecting projects, the program manager may also consider the following factors:
    - ✓ Alternating selections between regions recognized by the Governor's economic development strategy; and
    - ✓ Obtaining uniform geographic distribution of existing and selected 306A projects.
  - ☞ The program manager may not modify the program description, budget, score, or value of any application.

## Notice and Appeal of Application Selections

Within 30 days of the application deadline, the department will forward a notice of final selection to all eligible local sponsors that have submitted a timely and complete final application.

Local sponsors will have 15 days from the date of the notice to petition the department to reconsider the selection of applications. The petition must be in writing, and must specify the action to be taken by the department and the reason why the department should so act. Within 15 days of the receipt of the petition, the department will respond in writing to the petitioner. If the department changes the selection of applications after reconsideration, a new notice will be forwarded to all eligible local sponsors as described above. The new notice will explain the reason for the new se-

lection. Local sponsors receiving the new notice may petition the department for reconsideration as described above.

If no petitions are filed, the department will forward notice of these selections to the federal Office of Ocean and Coastal Resource Management (OCRM) and request federal concurrence. If a petition for reconsideration has been filed, the department will withhold the submission of notice of selections pending the program manager's reconsideration.

Selections of applications will be considered final when the federal OCRM notifies the department in writing of federal concurrence with the selected applications.

## 4. Grant Administration

### Award

Following approval of the proposal, a 306A grant will be awarded by means of an intergovernmental grant agreement between the department and the applicant. The agreement will describe the payment schedule, project tasks, standard conditions and termination provisions.

### Payment Terms

Actual payment terms will be designed for each project. In addition, payments to certain grantees may be temporarily withheld under the following circumstances:

- ☞ Payment of approved land acquisition costs will be withheld by the department pending the federal OCRM's approval of a land appraisal and a certified legal opinion that the seller has legal and valid fee simple title to the property to be acquired.
- ☞ Payments of approved construction costs will be withheld pending the department's approval of final architectural or engineering drawings, review of a certified legal opinion of legal and valid interest in the construction site, and the issuance of any needed local, state, and federal permits. The following considerations will guide the approval of final architectural or engineering drawings:
  - ✓ Siting considerations regarding weather, access and site preparation and finishing;
  - ✓ Structural considerations regarding form, materials and color, handicap accessibility; and
  - ✓ Completeness of final architectural and engineering drawings. Although not appropriate for all selected applications, the general considerations for determining completeness will include a site plan, a floor plan, architectural elevations, a landscape plan, and a list of material and colors which is keyed to the drawing.

## Financial Reporting

306A funds may only be used to reimburse costs which are incurred during the specified grant period, which usually is from 1 July to 30 June of the following year. A cost is “incurred” when a service is performed or a product is delivered.

## Termination

Termination may be initiated upon a mutual agreement by the grantee and the department, or by the department alone for good cause.

Grantees will complete land appraisals, title opinions, land acquisition, architectural or engineering drawings, permitting requirements, and construction with due diligence. The department will withdraw awards if work is not permissible under state, federal or local law, if title to affected land is not legal and valid, or if work is not being completed as described in the application or within a reasonable time.

After projects have been approved by the federal OCRM, any project change proposed by the applicant which affects an application scoring criterion in Section 4 above may result in the project being re-scored in view of the proposed change. If this re-scoring results in a change in the relative ranking of the project, the department will have cause to and may terminate the 306A award to the applicant and select another application.

## 5. Glossary

For purposes of this handbook, the following definitions shall apply:

**306A Coordinator** means the department staff member designated by the program manager to review and score final applications.

**Coastal Resources of National Significance** means any wetland, beach, dune, estuary, fish or wildlife habitat, or ecologically significant natural area in Oregon’s coastal zone which is designated and protected as a public recreation area, scenic waterway, or estuarine reserve by state or federal law or is designated for protection or restoration by the acknowledged comprehensive plans and land use regulations of local governments.

**Commission** means the Land Conservation and Development Commission.

**Department** means the Department of Land Conservation and Development.

**Preservation** means the transfer by gift or negotiated purchase to public ownership of fee simple title to lands and other real property which contain historic, cultural, or aesthetic features, or coastal resources of national significance. To be considered preservation under these guidelines, any transfer to public ownership must be accompanied with legally binding assurances that the public body receiving fee simple title will not allow any uses of, or activities on, the acquired lands or property which will cause a change to or loss of the feature or resource which constitutes the reason for transfer to public ownership and the object of the preservation action.

**Program Manager** means the manager of the department's Ocean-Coastal Resources Management Program.

**Public Access** means access which is free and unencumbered to all people without regard to race, creed, color, national origin, physical or mental handicap, or place of primary residence; which is not destructive of protected coastal resources; and which involves only the following:

- ❑ Physical access to a coastal resource of national significance, a historic feature, or a cultural feature through a publicly-owned corridor;
- ❑ Visual access to coastal resources of national significance; or visual access to protected historic or cultural features, provided that this access includes interpretative signing explaining the importance of the protected resource or feature and the reasons for the protection;
- ❑ Acquisition or construction of a publicly-owned and handicap accessible observation point for visual access to a designated outstanding scenic site or a designated exceptional aesthetic resource; or
- ❑ Physical access to estuaries, coastal rivers, coastal lakes or the ocean shore through a publicly-owned corridor.

**Redevelopment** means the alteration or replacement of an existing structure and may also include physical changes to the use and appearance of the land associated with the altered or replaced structure.

**Restoration** means the revitalization, return, or replacement of the original attributes and amenities of coastal resources of national significance, or of historic, cultural, or aesthetic resources which have been lost by past alterations, activities, or catastrophic events. Restoration, for the purposes of these guidelines, does not mean an activity required as a condition of a land or waterway development approval by a governmental body. Examples of these approvals include permits issued under Sections 9 and 10 of the federal Rivers and Harbors Act, Section 404 of the federal Clean Water Act, the State Fill and Removal Laws, or under the comprehensive plans and land use regulations of local governments. Notwithstanding the general prohibition, and for the purpose of these guidelines only, restoration may include the revitalization, return or replacement of attributes and amenities which have been diminished or lost in violation of Sections 9 and 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, the State Fill and Removal Laws, or local comprehensive plans and land use regulations if a thorough investigation has failed to identify the violator and the statute of limitation for civil and criminal penalties has expired.

**Small Scale** means:

- ❑ A level of construction activity not requiring the preparation of an environmental impact statement pursuant to the National Environmental Policy Act; and
- ❑ A project which normally can be completed within twelve months after receiving the award. Examples of such projects include the building of

paths, walkways, fences, and parks; the rehabilitation of small historic buildings and structures; the acquisition and rehabilitation of piers; or the removal of pilings where such removal will provide increased recreational use of urban waterfront areas.

**Significant Conservation, Recreational, Ecological, or Aesthetic Features** means areas, sites, structures, and objects within Oregon's coastal zone which are designated as significant conservation, recreational, ecological, or aesthetic resources by state or federal law or by the acknowledged comprehensive plans and land use regulations of local governments in accordance with Oregon's land use planning laws.

**Urban** means urban or urbanizable lands within:

- ❑ An urban growth boundary designated in comprehensive plans and land use regulations acknowledged by the commission as compliant with Statewide Planning Goal 14; or
- ❑ Coastal shorelands especially suitable for water dependent development designated in comprehensive plans and land use regulations acknowledged by the commission as compliant with Statewide Planning Goal 17.

However, these urban lands must be developed, must have concentrations of persons who generally reside and work in the area, must have supporting public facilities and services, and must be or have been used for residential, commercial, industrial, or shipping purposes.

## 6. Contacts

Prospective applicants are strongly encouraged to contact the 306A Coordinator or their respective Field Representative (North Coast, Laren Woolley, [laren.woolley@state.or.us](mailto:laren.woolley@state.or.us) or 541-563-3745; South Coast, Dave Perry, [dave.perry@state.or.us](mailto:dave.perry@state.or.us) or 541-563-2056) *before* commencing an application. This will allow the department to help the applicant identify any possible problems with elements like eligibility, needed permits, or project budget.

For additional information, or an electronic copy of the application material, contact the 306A Coordinator, Jeffrey Weber, at 503-731-4065 x26 or [jeff.weber@state.or.us](mailto:jeff.weber@state.or.us).

Application materials are available at [http://www.oregon.gov/LCD/grants.shtml#Ocean\\_Coastal](http://www.oregon.gov/LCD/grants.shtml#Ocean_Coastal).

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