

Attachment 3 - Special Award Conditions

Special Award Conditions: Any or all of the following special award conditions could be placed on the award. These are typical for NOAA-funded land acquisition projects; they may be modified slightly or left out in your award as appropriate for the circumstances of your project.

1. Federal funds are not permitted to be expended on this award until NOAA reviews and approves the project(s). Specifically, no Federal funds may be expended on the project until the Recipient has submitted to NOAA site maps, a complete and signed Project Checklist, evidence of agreement with a willing seller, evidence of title, and appraisal for each site, and NOAA has approved them.
2. If required by the applicable state, the Recipient will need to prepare a consistency certification when the complete and signed Project Checklist (and any another other required information) for each project is submitted to NOAA. If the state agency responsible for Federal consistency reviews intends to review the activity, it is obligated to notify the Recipient and NOAA. The Recipient shall provide this information to the state agency responsible for Federal consistency reviews at the same time it is submitted to NOAA. NOAA will not approve the release of Federal funds until the state agency reviews the project and concurs that it is consistent with the enforceable policies of the state's Coastal Management Program.
3. Pursuant to 15 CFR 24.31(b)(1), the deed(s) for the real property acquired with funds from this award shall contain substantially the following provision:

“This property has been acquired in part with funds from a federal financial assistance award through NOAA's Coastal and Estuarine Land Conservation Program. Title to the property conveyed by this deed shall vest upon acquisition in the [recipient of the award or other appropriate public agency] subject to the conditions that the property shall be managed for conservation purposes and consistent with the purposes for which it was entered into the CELCP, and shall not convert to other uses. The [Recipient/public entity] shall not dispose of, exchange, encumber its title in, or convert the use of this property without approval from NOAA or its successor agencies.”
4. The Recipient shall cause to be erected at the project site a permanent plaque or sign satisfactory to NOAA that identifies the project and credits the “National Oceanic and Atmospheric Administration through the Coastal and Estuarine Land Conservation Program” as a funding source.
5. The Recipient's final report to NOAA/OCRM should include evidence of ownership of the property acquired by a public entity and (if not used to document ownership) a copy of the deed showing language pursuant to special award condition #4.
6. Pursuant to 15 CFR 24.31(c), in the event NOAA becomes aware that: the property has been sold or exchanged; there are title discrepancies or encumbrances that NOAA deems interferes with the purpose for which these funds were granted; or the property has ceased to be used for the original purposes as approved by NOAA, NOAA shall be reimbursed for the share of the Federal funds received for the project based on the fair market value of the interest in the land at the time of disposal. NOAA shall consult with the Recipient before deciding to exercise this right regarding disposition of the property and may in its discretion to consent to other alternatives provided for under 15 CFR 24.31(c).