ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name(s): National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

Funding Opportunity Title: Estuary Habitat Restoration Program Project Solicitation

Announcement Type: Initial

Funding Opportunity Number: NOAA-NMFS-HCPO-2011-2002885

Catalog of Federal Domestic Assistance (CFDA) Number: 11.463, Habitat Conservation

Dates: Applications must be postmarked, provided to a delivery service, or received by www.grants.gov by 11:59 PM EDT on March 10, 2011. Use of U.S. mail or another delivery service must be documented with a receipt. No facsimile or electronic mail applications will be accepted. Please Note: It may take Grants.gov up to two (2) business days to validate or reject the application. Please keep this in mind in developing your submission timeline.

Funding Opportunity Description: On behalf of the Estuary Habitat Restoration Council (Council), NOAA Fisheries Service is soliciting proposals for estuary habitat restoration projects. This year Congress is anticipated to appropriate limited funds to the National Oceanic and Atmospheric Administration (NOAA) and U.S. Army Corps of Engineers (Corps) for implementation of the Estuary Habitat Restoration Program as authorized in Section 104 of the Estuary Restoration Act of 2000, Title I of the Estuaries and Clean Waters Act of 2000 (Pub. L. 106-457) (accessible at http://www.usace.army.mil/CECW/ERA/Pages/home.aspx). The Council requests that all proposals address the potential effects of sea level change and other impacts related to climate change as they relate to the viability of the proposed restoration. Projects should demonstrate that climate change information has been or will be integrated into project design, and that the project overall is robust to climate change. Selected projects must provide ecosystem benefits, have scientific merit, be technically feasible, and be cost-effective. Proposals selected for Estuary Habitat Restoration Program funding may be implemented in accordance with a cost-share agreement with the Corps; or a cooperative agreement with the Corps or NOAA, subject to availability of funds. The Council anticipates up to $7 million may be available for estuarine habitat restoration; awards are expected to range between $100,000 and $1 million.

FULL ANNOUNCEMENT TEXT

# I. Funding Opportunity Description

## A. Program Objective

The principal objective of the Estuary Habitat Restoration Program Project Solicitation is to provide federal financial and technical assistance to estuarine habitat restoration projects that restore estuarine habitats in a manner to adapt to the stressors associated with climate change, and achieve cost-effective restoration of ecosystems while promoting increased partnerships among agencies and between public and private sectors. Projects funded under this program will contribute to the Estuary Habitat Restoration Strategy goal of restoring 1,000,000 acres of estuary habitat.

## B. Program Priorities

INTRODUCTION

Under the Estuary Habitat Restoration Program, the U.S. Army Corps of Engineers (Corps), Department of the Interior (acting through the U.S. Fish and Wildlife Service), National Oceanic and Atmospheric Administration, Environmental Protection Agency, and Department of Agriculture are authorized to carry out estuary habitat restoration projects. Although any of the five member agencies are authorized to implement estuary habitat restoration projects, Congress is anticipated to only appropriate funds this year to the Corps and NOAA. The Estuary Habitat Restoration Council (Council) is responsible for soliciting, reviewing, and evaluating project proposals. Under this solicitation, the agencies may only fund projects on the prioritized list provided by the Council and approved for funding by Army. Information about the Estuary Habitat Restoration Program may be found at http://www.usace.army.mil/CECW/ERA/Pages/home.aspx or http://www.era.noaa.gov. Projects must be consistent with the Estuary Habitat Restoration Strategy prepared by the Council. The original strategy was approved in 2002 and published in the Federal Register (67 FR 71942) on December 3, 2002. It is also accessible at either of the links above in PDF format. The Strategy is currently being revised. The draft Revised Strategy was published in the Federal Register on November 15, 2010 and is available on the NOAA and Corps websites. The Council will use climate adaptation as a priority-setting tool in this solicitation, while still addressing the objectives and principles of the Estuary Restoration Act.

Project proposals must:

- Originate from a non-federal sponsor;
- Address restoration needs identified in an estuary habitat restoration plan;
- Be consistent with the Estuary Habitat Restoration Strategy (see links above for document);

- Include a post-construction monitoring plan that is consistent with Monitoring Requirements under the Estuary Restoration Act (http://www.era.noaa.gov/information/monitor.html); and
- Include satisfactory assurances that the applicant has adequate authority and resources to carry out items of local cooperation and properly maintain the project.

Priority consideration will be provided to those project proposals that:

- Are designed to be robust to projected climatic change impacts, including reduction of potential climatic change effects, and other challenges that climate change may present;
- Occur within a watershed where there is a program being implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat; and
- Include pilot testing or demonstration of an innovative technology or approach having the potential to achieve better restoration results than conventional technologies, or comparable results at lower cost in terms of energy, economics, or environmental impacts.

For purposes of this program, estuary is defined as "a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water from land drainage." Estuary also includes the"...near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries." For this program, an estuary is considered to extend from the head of tide to the boundary with the open sea (to downstream terminus features or structures such as barrier islands, reefs, sand bars, mud flats, or headlands in close proximity to the connection with the open sea). In the Great Lakes, riparian and nearshore areas adjacent to the mouths of creek or rivers entering the Great Lakes will be considered to be estuaries. Estuary habitat includes the estuary and its associated ecosystems, such as: salt, brackish, and fresh water coastal marshes; coastal forested wetlands and other coastal wetlands; maritime forests; coastal grasslands; tidal flats; natural shoreline areas; shellfish beds; sea grass meadows; kelp beds; river deltas; and river and stream corridors under tidal influence.

ELIGIBLE RESTORATION ACTIVITIES

Section 103 of the Estuary Restoration Act of 2000 (the Act) defines the term estuary habitat restoration activity to mean "an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape." Projects funded under this program will be consistent with this definition and should include consideration of potential changes in future conditions due to climate change.

Eligible habitat restoration activities include re-establishment of chemical, physical,

hydrologic, and biological features and components associated with an estuary. Restoration may include, but is not limited to, improvement of estuarine wetland tidal exchange or reestablishment of historic hydrology; dam or berm removal; improvement or reestablishment of fish passage; appropriate reef/substrate/habitat creation; planting of native estuarine wetland and submerged aquatic vegetation; reintroduction of native species; control of invasive species by altering conditions so they are less conducive to the invasive species; and establishment of riparian buffer zones in the estuary. Cleanup of pollution for the benefit of estuary habitat may be considered, as long as it does not meet the definition of excluded activities under the Act (see EXCLUDED ACTIVITIES, below).

EXCLUDED ACTIVITIES

Estuary Habitat Restoration Program funds will not be used for any activity that constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law, or that constitutes restoration for natural resource damages required under any Federal or State law. Estuary Habitat Restoration Program funds will not be used for remediation of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675). Additionally, Estuary Habitat Restoration Program funds will not be used to carry out projects on Federal lands.

The Council recognizes that water quality issues can impact estuary habitat restoration efforts. However, this solicitation is intended to fund on-the-ground habitat restoration projects that will have significant and tangible ecological impacts. Projects dealing only with water quality improvement measures are not eligible. Ineligible projects include, but are not limited to, wastewater treatment plant upgrades, combined sewer outfalls, and non-point source pollution projects such as replacement of failing septic systems, implementation of farm waste management plans, and stormwater management projects. Other examples of activities that would not qualify would be restoration of an oyster bed with significant areas open to commercial harvest or a fish hatchery. Educational facilities such as classrooms, botanical gardens, or recreational facilities such as trails or boat ramps are not eligible to receive federal funds under this program, but may be included in the project if they do not conflict with the environmental benefits expected from project implementation.

C. Program Authority

The Secretary of Commerce is authorized under the following statutes to provide grants and cooperative agreements for habitat restoration:

- Estuary Restoration Act of 2000 (PL 106-457, Title I), as amended by the Water Resources Development Act of 2007;
- Fish and Wildlife Coordination Act 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970; and

- Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, 16 U.S.C. 1891a

The U.S. Army Corps of Engineers (Corps) is authorized to provide funds to Estuary Habitat Restoration Program projects using cost-share agreements and cooperative agreements by the:

- Estuary Restoration Act of 2000 (PL 106-457, Title I), as amended by the Water Resources Development Act of 2007.

## II. Award Information

### A. Funding Availability

This solicitation announces that funding of up to $7 million is anticipated to be available for Estuary Habitat Restoration Program projects in Fiscal Year 2011. Actual funding availability for this program is contingent upon Fiscal Year 2011 Congressional appropriations. The Council will only accept proposals that request at least $100,000 and no more than $1,000,000 from this program. The Council does not guarantee that sufficient funds will be available to make awards for all proposals. The number of proposals funded as a result of this notice will depend on the number of eligible proposals received, the estimated amount of funds required for each selected project, the merit and ranking of the proposals, and the amount of funds made available by Congress.

The exact amount of the Federal and non-Federal cost share (or matching amount) for each selected project will be determined in pre-award negotiations between the applicant and Council representative and specified in the agreement (See Section III. B. Cost Sharing and Matching Requirements below). Publication of this document does not obligate the Council to award any specific project or obligate all or any parts of any available funds.

### B. Project/Award Period

The earliest start date for project awards is anticipated to be August 1, 2011. The Council anticipates that projects should be able to be completed within 24 months, and anticipates that awards will have a longer performance period to meet the minimum monitoring requirements.

### C. Type of Funding Instrument

Proposals selected for Estuary Habitat Restoration Program funding may be implemented in accordance with a cost share agreement with the Corps; or a cooperative agreement with the Corps or NOAA, subject to availability of funds. If a Corps cost share agreement is required, funds will not be transferred to the applicant. Instead, the Corps will use the funds to implement (construct) some portion of the proposed project as well as cover its management responsibilities. If the project meets the Corps' conditions for

implementation under a cooperative agreement, or if NOAA funds a project, funds will be transferred to the applicant under a cooperative agreement. If the Corps funds the project using either a cost share agreement or a cooperative agreement it will retain a portion of the Federal funds necessary to cover its expenses. Applicants should discuss proposed projects with the appropriate Corps District to ensure that these costs are considered when preparing the project budget.

## III. Eligibility Information

### A. Eligible Applicants

Eligible applicants are institutes of higher education, U.S. Territories, state, local and Indian tribal governments, and non-governmental organizations. For purposes of this Act the term "non-governmental organization" does not include for profit enterprises. Applications from Federal agencies or employees of Federal agencies will not be considered. Federal agencies are strongly encouraged to work with states, non-governmental organizations, municipal and county governments, conservation corps organizations and others that are eligible to apply.

The participation of historically black colleges and universities, Hispanic-serving institutions, tribal colleges and universities, and institutions that work in under-served areas is strongly encouraged.

The applicant must provide the real estate interests necessary for implementation, operation, maintenance, repair, rehabilitation and replacement of the project. In most cases this means the applicant must have fee title to the lands necessary for the project although in some cases an easement may be sufficient.

### B. Cost Sharing or Matching Requirement

The Federal share of the cost of an estuary habitat restoration project may not exceed 65 percent in most cases. The exception to this is when the project deals with pilot testing or demonstration of an innovative technology or approach. In the latter case, the Federal share may be 85 percent of the incremental additional cost of pilot testing or demonstration of an innovative technology or approach having the potential for improved cost-effectiveness. Innovative technology or approach are defined as novel processes, techniques and/or materials to restore habitat, or the use of existing processes, techniques, and/or materials in a new restoration application. Applicants must justify in the proposal why a particular project is innovative. In addition, the Council has final say as to whether a proposed project is innovative. The difference in the cost of the project related to the use of the innovative technique or approach must be clearly described. Please refer to the Supplemental Guidance for Prospective Applicants (http://www.era.noaa.gov/information/funding.html) for an example of how to calculate the cost share for an innovative technology/approach

application.
Work accomplished prior to execution of the cooperative agreement or cost share agreement may not be considered as part of the non-Federal share of the project costs.

C. Other Criteria that Affect Eligibility

The following project proposals will not be considered eligible under this solicitation and will be disqualified:

- Project proposals requesting less than $100,000 or greater than $1,000,000
- Project proposals submitted by a for-profit enterprise or Federal agency
- Project proposals with restoration occurring on Federal land
- Project proposals focused solely on water quality issues and project type is: wastewater treatment plant upgrades, combined sewer outfalls, and non-point source pollution projects such as replacement of failing septic systems, implementation of farm waste management plans, and stormwater management projects
- Project proposals for fish hatcheries or restoration of areas with significant areas open to commercial harvest, such as an oyster bed
- Project proposals for educational or recreational facilities
- Project proposals that are largely research or monitoring focused
- Project proposals that include:
  1) activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by local, state or federal law;
  2) activities that constitute restoration for natural resource damages under federal, state or local law; and/or
  3) activities that are required by a separate consent decree, court order, statute or regulation.

IV. Application and Submission Information

A. Address to Request Application Package

Complete application packages, including required Federal forms and instructions, and Supplemental Guidance for Prospective Applicants can be found on www.grants.gov. If a prospective applicant is having difficulty downloading the application forms from Grants.gov, contact Grants.gov Customer Support at 1-800-518-4726 or support@grants.gov.

B. Content and Form of Application

Applicants should apply through the Grants.gov website (www.grants.gov), the clearinghouse for Federal financial assistance. A complete standard NOAA grant application package should be submitted in accordance with the guidelines in this document. Applicants should not assume prior knowledge on the part of the Council as to the relative merits of the project described in the application.

Each application should include:

- Required Federal application forms:
  - o Application for Federal Assistance: SF-424 (7/03 version or newer)
  - o Budget Information for Non-construction Programs: SF-424A
  - o Assurances for Non-construction Programs: SF-424B
  - o Certification Regarding Lobbying: CD-511
  - o Disclosure of Lobbying Activities: SF-LLL (if applicable)
- Project summary (described below, 2 pages);
- Project narrative (described below, 15 pages);
- Justification for consideration as an innovative project (described below, 2 pages);
- A detailed, narrative budget justification (described below, 4 pages);
- A second budget justification for consideration of the project being innovative. If an applicant feels their project could be considered innovative, they should develop two budgets: one considering it innovative and one considering it a standard project (see differences in Section III.B. Cost sharing and Matching Requirements);
- Monitoring plan specifying at least one structural and one functional parameter to be measured and articulating how monitoring will occur for five years post-construction;
- Project design plans, if available;
- A site location map such as a USGS topographic quadrangle map with site location(s) highlighted;
- Brief curriculum vitae or resume of primary project personnel (maximum of 1 page per person, no more than 5 individuals);
- Documentation of title, easement, or other written permission from the private landowner or public land manager for use, including long-term operation and maintenance of the land required for the project; and
- Any other relevant supporting documents, such as additional letters of financial or in-kind support and site photos.

Applications submitted through the Grants.gov website should include a maximum of six (6) files (PDF files only) in addition to the Federal application forms:

1) Project summary and narrative;
2) Budget justification;
3) Justification and associated budget if project is being considered innovative;
4) Monitoring plan;

5) Design plans, if available; and
6) Supplemental Information - all other attachments combined into one, indexed file, such as maps, resumes, and project support letters, including landowner or land manager documentation (see Section 6.Supplemental Information, below), not to exceed 20 pages.

Information about converting documents to PDF files is available on the grants.gov website under Download Software under Applicant Resources.

The following application content and form is recommended.

1. Project Summary (2 pages):
- Non-Federal Sponsor Organization
- Project Title
- Site Location - nearest town or watershed, and geographic coordinates if known
- Land Owner - name and address if privately owned, resource agency contact if public land
- On-the-Ground Implementation Start Date - proposed start dates should be reasonable and after August 1, 2011
- Estuarine habitats and species to benefit from the project - habitat(s), organism(s)(species) currently using the project area or expected to return, and any listed threatened or endangered species in the project area or in the vicinity
- Project Scope - Briefly list specific tasks to be accomplished with requested funds, and proposed techniques that will be used to implement and monitor the restoration
- Description of innovative technique - If applicable, briefly describe why the project
should be considered for the innovative cost share
- Project Outputs/Outcomes - Number of acres restored or stream miles to be made accessible to diadromous fish or other estuarine organisms, anticipated long-term ecological and socioeconomic outcomes.
- Project Time Line
- Permits and Approvals - identify permits or regulatory approvals necessary for this project and current status of permits secured, or applications and/or consultations pending
- Federal Funds Requested & Non-Federal Match Anticipated
- Overall Project Cost

2. Project Narrative (15 pages):

The project narrative should closely follow the organization of the evaluation criteria (see Section V. A. Evaluation Criteria) for the application to receive a consistent review against competing applications. The body of this narrative description should be no more than 15

pages long (in 12-point font with 1" margins), and should give a clear presentation of the proposed work. In general, applications should indicate how the proposed work will restore estuarine habitats in a manner to adapt to the stressors associated with climate change, and achieve cost-effective restoration of ecosystems while promoting increased partnerships among agencies and between public and private sectors.

Where applicable, the narrative should describe the historic condition of the restoration site and, if applicable, the processes which resulted in degradation of the area and how these processes have been abated to allow for successful restoration. It should list the key or target species currently found in the project site, identify the problems the project will address, describe short and long-term objectives and goals, detail the methods for carrying out and monitoring the project, and describe how the project will be managed and maintained in the long-term. Detailed information about the objectives, implementation plan, techniques, anticipated results, management and monitoring of the project, appropriate to the type of project, should be included.

Federal funding agencies must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicants that are seeking Federal funding. Applications should provide enough detail for the funding agency to make a NEPA determination (see NEPA details below, Section VI.B.2). For projects with NEPA documents completed or under development, please indicate the status and level of NEPA review (CE, EA, EIS), lead Federal agency, contact at the agency, and where public drafts of the document are available. This process may vary depending upon the funding agency.

3. Budget Justification (4 pages):

The narrative budget justification should include a detailed breakdown by category of cost (object class) separated into Federal and non-Federal shares as they relate to specific aspects of the project, with appropriate narrative justification for both the Federal and non-Federal (if applicable) shares. The object classes should match those found on the SF-424A. Applicants are encouraged to include a budget table to further clarify the cost breakdown. Applications will be evaluated for cost-effectiveness by examining the proportion of funds directed to on-the-ground restoration/monitoring activities compared with that to be used for general program support.

Requests for equipment (any single piece of equipment costing $5,000 or more) should be strongly tied to achieving on-the-ground habitat restoration and a comparison with rental costs should be included to justify the need to purchase.

If funding will be used to complete part of a larger project, a budget overview for the entire project should be provided to allow the Council to make an informed determination of a project's readiness. The narrative budget justification should indicate if the project has been submitted for funding consideration elsewhere, what amount has been requested or secured from other sources, and whether the funds requested/secured are Federal or non Federal.

The Council will review budget information for recommended applications to determine if

costs are allowable, allocable, reasonable, and realistic.

Prior to initiation of a project, the applicant must enter into an agreement with the funding agency in which the applicant agrees to provide its share of the project cost; including necessary lands, easements, rights-of-way, and relocations and long-term maintenance. The applicant may receive cost-share or matching funding credit for services and in-kind contributions toward its share of the project cost, including monitoring. Adaptive management is a non-Federal responsibility; it will not be cost shared. Credit for the value of in-kind contributions is subject to satisfactory compliance with applicable Federal labor laws covering non-Federal construction, including but not limited to the Davis-Bacon Act (40 U.S.C. 276a et. seq.), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et. seq.), and the Copeland Anti-Kickback Act (40 U.S.C. 276c). Credit may be afforded for the value of required work undertaken by volunteers, using the hourly value in common usage for grants programs but not to exceed the Federal estimate of the cost of activity. The applicant will also have a long-term responsibility for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating these projects. The cost of these activities may not be included in the total project cost and may not count toward the applicant's minimum 35 percent share of the project cost.

In most cases, Federal funds are not allowable as match. Other Federal funds will count as part of the allowable 65 percent Federal share of the project cost. Any non-Federal funds or contributions used as a match for those other Federal funds may be used toward the project but will not be considered in determining the non-Federal share in relation to any Federal Estuary Habitat Restoration Program funds.

Match may be provided only for work necessary for the specific project being funded with Estuary Habitat Restoration Program funds. For example, a non-Federal entity is engaged in the removal of ten dams, has removed six dams, and now seeks assistance for the removal of the remaining four dams as an Estuary Habitat Restoration Program project. None of the costs associated with the removal of the prior six dams is creditable as part of the non-Federal share of the project for removal of the remaining four dams. Furthermore, for applicants receiving NOAA or Corps funds, all in-kind work or expenditure of funds must occur during the award period in order to be credited towards the required non-Federal share of the project costs.

The Federal funding agency will be responsible for assuring compliance with Federal environmental statutes, assuring the project is designed to avoid adverse impacts on other properties and that the project can reasonably be expected to provide the desired benefits. Corps activities related to implementation of projects under this authority will be part of the Federal cost of the project, and the Non-Federal Sponsor should consider these costs in developing the project cost estimate. The Non-Federal Sponsor should coordinate with the appropriate Corps district office during preparation of the proposal to obtain an estimate of the funds required and other available information which may improve the proposal. Information on district locations and boundaries may be found at

http://www.usace.army.mil/about/Pages/Locations.aspx. If additional assistance regarding the Corps process or contacts is required please contact Ms. Ellen Cummings (see Section VII. Agency Contacts).

4. Justification for consideration as an innovative project (2 pages)
If an applicant feels their project could be considered innovative, they should develop two budgets - one considering it innovative and one considering it as a standard project (which may receive a 65% Federal match). Innovative projects may receive 85% Federal funding for the incremental cost of the use of innovative technology. This means that the estimated cost of achieving similar results not using the innovative approach or technology must be provided.
For example -Project A using innovative technology costs $110,000. To achieve the same or similar results not using the innovative technique or approach would cost $90,000. The incremental cost is $20,000. The maximum Federal share of the project cost using innovative technology would be -
Standard project cost Federal share: 90,000 x .65 = 58,500
Extra costs of innovation Federal share: 20,000 x .85 = 17,000
Total maximum federal share = 75,500
The narrative budget justification should include a detailed breakdown by category of cost (object class) separated into Federal and non-Federal shares as they relate to specific aspects of the project, with appropriate narrative justification for both the Federal and non-Federal (if applicable) shares. The object classes should match those found on the SF-424A. Applicants are encouraged to include a budget table to further clarify the cost breakdown. Applications will be evaluated for cost-effectiveness by examining the proportion of funds directed to on-the-ground restoration/monitoring activities compared with that to be used for general program support.

5. Monitoring Plan (4 pages)
A restoration monitoring plan must include information to allow for successful implementation and evaluation of the project over the long term. The Estuary Restoration Act requires that projects funded under this solicitation include a monitoring plan that is consistent with the standards for monitoring developed under the Act. Those standards can be found at: http://www.era.noaa.gov/pdfs/era_mon_req.pdf. The following five critical elements must be included in monitoring plans for projects supported by Estuary Restoration Act funds: monitoring parameters, including one structural and one functional; methods for evaluating results; baseline monitoring; reference site comparison; and appropriate frequency and length of time.

6. Supplemental Information (20 pages)
Inclusion of supplementary materials such as photographs, diagrams, copies of secured

permits, etc. are strongly encouraged, and should be submitted in the grants.gov application as a single PDF file not to exceed 20 pages.

Private Landowner or Public Land Manager Support:

To protect the Federal investment, a letter of commitment from the landowner should be provided for projects on private land, or from relevant resource agency personnel for projects on public, permanently protected land. This letter should provide assurance that the project will be maintained for its intended purpose. Documentation of plans for long-term project management should also be included. Easements or fee title may be required for some projects.

Public/Private/Governmental Agency Letters of Support:

All other letters of support should demonstrate the entity's specific and quantified commitments to the project.

C. Submission Dates and Times

Applications must be postmarked, provided to a delivery service, or received by www.grants.gov by 11:59 PM EDT on March 10, 2011. Use of U.S. mail or another delivery service must be documented with a receipt. No facsimile or electronic mail applications will be accepted. See Section IV. F Other Submission Requirements for complete mailing information.

D. Intergovernmental Review

Applications submitted by state and local governments are subject to the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs. Any applicant submitting an application for funding is required to complete item 16 on SF-424 regarding clearance by the State Single Point of Contact (SPOC) established as a result of EO 12372. To find out about and comply with a State's process under EO 12372, the names, addresses and phone numbers of participating SPOC's are listed in the Office of Management and Budget's home page at:
http://www.whitehouse.gov/omb/grants/spoc.html.

E. Funding Restrictions

Pre-award costs are generally unallowable. Incurring pre-award costs before the Council member agency sponsoring the project provides an award document is at the applicant's own risk.

The earliest date for receipt of awards is expected to be August 1, 2011.

The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. A copy of the current, approved negotiated indirect cost agreement with the Federal government should be included with the application. If the applicant does not have a negotiated indirect cost rate agreement with a

Federal agency, then all charges may be considered direct costs, or the applicant may submit a request to establish a rate. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

F. Other Submission Requirements

Applicants should submit applications electronically through www.grants.gov. Users of Grants.gov will be able to download a copy of the application package, complete it off line, and then upload and submit the application via the Grants.gov site. If an applicant has problems downloading the application forms from Grants.gov, contact Grants.gov Customer Support at 1- 800-518-4726 or support@grants.gov.

Do not wait until the application deadline to begin the application process through Grants.gov. To use Grants.gov, applicants must have a DUNS number and register in the Central Contractor Registry (CCR). Applicants should allow a minimum of 5 days to complete the CCR registration; registration is required only once. After electronic submission of the application, applicants will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. Applications submitted through Grants.gov will be accompanied by two automated receipts of the date and time of submission (the first confirms receipt; the second confirms that there are no errors with an application submission and that the application has been forwarded to NOAA for further processing). If both notifications are not received, an applicant needs to follow up with both the Grants.gov helpdesk and the NOAA Office of Habitat Conservation to confirm receipt of submission. PLEASE NOTE: It may take Grants.gov up to two (2) business days to validate or reject the application. Please keep this in mind in developing your submission timeline. Applicants should allow themselves sufficient time to submit their application to Grants.gov in advance of the deadline to ensure applications have been submitted successfully, as the deadline for submission cannot be extended. NOAA may request that you provide original signatures on forms at a later date.

If an applicant does not have internet access, a hard copy application with the SF-424 signed in ink (blue ink is preferred) must be postmarked, or provided to a delivery service and documented with a receipt, and sent to: NOAA Office of Habitat Conservation, NOAA Fisheries Service, 1315 East West Highway, Rm. 14730, Silver Spring, MD 20910 ATTN: Estuary Habitat Restoration Program Project Solicitation. Applications postmarked or provided to a delivery service after the deadline will not be considered for funding. Applications submitted via the U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. In any event, applications received later than 5 business days following the postmark closing date will not be accepted. No facsimile or electronic mail applications will be accepted. Paper applications should be printed on one side only, on 8.5" x 11" paper, and should not be bound in any manner. Applicants submitting paper applications must also include a full copy of the application on a compact

disc (CD).

## V. Application Review Information

### A. Evaluation Criteria

Reviewers will assign scores to applications ranging from 0 to 100 points based on the following evaluation criteria and respective weights specified below. Applications that best address these criteria will be most competitive. For the Estuary Habitat Restoration Program Project Solicitation, applications will be evaluated based on the following:

1. Importance and Applicability (35 points)

This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to Federal, regional, state or local activities.

Ecosystem Benefits (25 Points)

- The potential of the project to restore, protect, conserve or significantly enhance estuarine habitat and contribute to the long-term conservation of estuary habitat function in consistence with the Estuary Habitat Restoration Strategy. (5 points)
- The potential of the project to provide sustainable, long-lasting estuarine habitat benefits of regional significance including the ability to adapt to climate change. (5 points)
- In the context of the local environment, the significance of the project in the amount of habitat (e.g. number of stream miles opened or acres restored) that will receive long-term benefits. (3 points)
- The extent of the project to restore or enhance habitat/benefit estuarine species in special management areas such as private or state protected areas or contribute to the creation of wildlife/ecological corridors connecting existing habitat areas. (3 points)
- The extent that the project will restore habitat within priority areas (e.g. critical habitat, identified in a recovery plan, or vital to life stage) of a number of federal trust species, interjurisdictional fish species, migratory birds, and species with life cycles that benefit. Consideration will be given to the number of relevant species that are ESA-listed species, species proposed for listing, or recently delisted species. (3 points)
- The extent that the project complements activities within the watershed. Consideration will be given to the occurrence of a project within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat. (3 points)
- The extent that restoration activities are part of an approved federal/state/local or regional restoration plan, consistent with a regional/community/stakeholder planning process, or utilize some other planning framework to ensure prioritization

of project. (3 points )

Coordination and Partnership (10 Points)

- The extent of the applicant to demonstrate increased coordination and cooperation among Federal, state, and local government agencies (e.g. several agencies involved in project development and implementation, number of methods used to coordinate, formal agreement exists as part of project, etc.). (4 points)
- The extent of the project to promote collaboration or create partnerships among public and private entities, including potential for future new or expanded public/private partnerships (e.g. joint funding, periodic multi-agency review of the project, collaboration on adaptive management decisions, joint monitoring opportunities for future collaboration, etc.). (4 points)
- Extent that roles for agencies or public/private partnerships involved have been defined, such as project development or specific project implementation roles, including support letters that demonstrate specific and quantified commitments to the project or a formal agreement (e.g. Memorandum of Understanding or Memorandum of Agreement). (2 points)

2. Technical/Scientific Merit (40 points)

This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives.

Technical Feasibility and Scientific Merit (30 points)

- Extent of the proposal to clearly describe the project and its restoration objectives with adequate detail, feature a realistic scope of work/implementation plan achievable within 24 months, and include a project timeline. (5 points)
- Extent that the proposed approach is technically sound and likely to achieve project goals/objectives both from a biological and engineering perspective. (5 points)
- Extent to which project goals and strategies are designed to be viable in response to climate change and its impacts and there is specific information in the proposal to demonstrate that climate change has been or will be integrated into the project design and that the project is robust to climate change. (5 points)
- The extent the project will reduce the target species' or habitat's vulnerability to climate change. The extent that the proposal addresses any of the following vulnerabilities: the project area will remain suitable for the species/habitats of interest; if replanting is done, species/cultivars used will be appropriate for the future as well as current conditions; engineering designs account for plausible changes in temperature, precipitation (type, intensity, and timing), water level, flooding, ice cover, and sedimentation as a result of climate change; or will the proposed design maintain habitat connectivity in a changed climate. (4 points)
- Likelihood of long-term success, including self-sustaining restoration techniques

and long-term management (e.g. with minimum operations and maintenance plans). (4 points)

- Extent that the proposal demonstrates historical implementation success of the restoration techniques proposed. Or if the techniques are innovative, extent that the proposal includes implementation of pilot testing or demonstration of how the innovative technology or approach will be successful. (4 points)
- Extent the applicant provides assurance that the project will expeditiously meet environmental compliance and permitting requirements, so that on-the-ground activities will begin within the first 12 months after the project's start date. (3 points)

Monitoring (10 Points)

- Extent that the proposal describes a clear connection between the monitoring methods and the project goals, including success criteria, accomplishment targets and proposed corrective actions using monitoring information. (3 points)
- Whether the proposal contains details about the length of the monitoring period (5 year minimum monitoring period required), identification of one functional and one structural parameter, or other monitoring details, such as frequency and timing of the parameters or identified number or location of sampling locations. (3 points)
- Whether the proposal provides a clear definition of how monitoring results will be evaluated, reported, or incorporated into adaptive management. (2 points)
- Extent that the proposal includes how baseline conditions will be established for the parameters to be measured. If reference sites are to be used, do they represent target conditions for the habitat conditions at the site without restoration? Does the proposal contain information about how the sites were selected, if they have been identified, or where are they located? (2 points)

3. Overall Qualifications of Applicants (10 points)

This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the proposed work.

- The capacity of the applicant and associated project personnel to conduct the scope and scale of the proposed work or to access necessary technical expertise, as indicated by the qualifications and past experience of the project leaders and/or partners in designing, implementing and effectively managing and overseeing projects that benefit living marine or coastal resources. (5 points)
- The facilities and/or administrative resources and capabilities available to the applicant to support and successfully manage the project, guide the project to successful completion, and adequately report project results and outcomes.

(5 points)

4. Project Costs (15 points)
This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time-frame.

- Whether the proposed budget is sufficiently detailed, with appropriate budget breakdown and justification of both federal and non-federal shares by object class as listed on form SF-424A. (3 points)
- The ability of the applicant to demonstrate that a significant benefit will be generated for a reasonable and realistic cost, based on the applicant's state objectives and time frame. (3 points)
- The extent to which funds will be dedicated to project implementation, compared to the percentage for general program support such as research, administration, salaries, overhead, and travel. Proposals should contain a detailed breakdown of personnel hours/costs and contractual hours/costs by task so the extent to which costs are directly related to on-the-ground implementation can be assessed. If funding will be used to complete part of a larger project, a budget overview for the entire project should be included in the proposal to determine the project's cost effectiveness. (3 points)
- The overall leverage of funds anticipated, including any other federal funding anticipated or awarded and the amount and type (e.g. cash, in-kind) of the official non-federal match commitment to the requested funding. There is a required non-federal share of 35%. The extent to which applicants provide documentation that confirms acceptable secured non-federal match available within the proposed project period will be considered. (3 points)
- The extent the project includes pilot testing of or a demonstration of an innovative technology or approach having the potential for improved cost-effectiveness in estuary habitat restoration. Innovative projects may receive 85% Federal funding for the incremental cost of the use of innovative technology. (3 points)

5. Outreach and Education (0 points)
While the Council encourages applicants to conduct education and outreach activities, those elements are not funded through this solicitation and thus are not part of the selection criteria.

B. Review and Selection Process

Applications will undergo an initial administrative review to determine if they are eligible and complete (as stated in Section III). Eligible applications will then undergo a technical review, ranking and selection process to determine how well they meet the stated

goals of the Estuary Habitat Restoration Program.

Eligible applications for estuary habitat restoration projects will be evaluated by at least three individual technical reviewers according to the criteria and weights described in this solicitation. Technical reviewers will be Federal employees from each of the five Council member agencies, including the interagency Estuary Restoration Act Work Group (Work Group). Each reviewer will independently evaluate each project and provide an individual score.

The Work Group will convene and discuss applications and consider technical reviewer comments, with the goal of reaching consensus on the applications to be recommended for the Council to consider.

Using the selection factors below (Selection V. C. Selection Factors) the Council will consider the Work Group's recommendations, and using the same selection factors as the Work Group, will select and prioritize the proposals to be recommended to the Secretary of Army for consideration of funding, including the amount of funds to be made available for each recommended proposal.

The Assistant Secretary of Army (Civil Works) (Secretary) will approve projects for funding from the Council's prioritized list of recommended projects after considering the criteria contained in section 104 (c) of the Act, the Program Priorities (Section I. B.), and availability of funds. The Secretary will also recommend the lead Federal agency for each project to be funded.

Hence, awards may not necessarily be made to the highest scored applications.

Each applicant will be notified of their status at the conclusion of the award process. Staff from the appropriate Federal agency will work with the applicant of each project recommended for funding to develop the cost sharing or cooperative agreements and schedules for project implementation, including final award documentation (see VI. A. Award Notices, below).

Unsuccessful applications submitted in hard copy will be kept on file until the selection process has been validated and approved by the Department of Commerce Financial Assistance Law Division and then destroyed.

C. Selection Factors

In addition to the criteria in Section 104(c) of the Act, the Work Group will consider:

1) Availability of funding;
2) Readiness of the project for implementation: including status of permits and environmental compliance;
3) Balance/distribution of funds: a) geographically and b) between large and small projects;
4) Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies;
5) Program priorities and policy factors set out in Section I.A. and I.B.; and

6) An applicant's prior award performance.

D. Anticipated Announcement and Award Dates

Successful applicants generally will be identified approximately 90-120 days after the close of this solicitation. The earliest anticipated start date for projects will be August 1, 2011, dependent on the completion of all Federal/applicant negotiations, NEPA analysis as required, and documentation supporting cooperative agreement or cost-share activities. Applicants should consider this timeline in developing requested start dates for proposed projects.

## VI. Award Administration Information

A. Award Notices

Successful applicants may be asked to participate in a negotiation process to modify work plans or budgets, and provide supplemental information required by the funding agency prior to final approval of an award. The exact amount of funds to be awarded, the final scope of activities, the project duration, and specific agency cooperative involvement with the activities of each project will be determined in pre-award negotiations.

Projects should not be initiated in expectation of Federal funding until a notice of award document is received e from the appropriate Federal agency. For projects funded by NOAA this will be an electronic notice from the NOAA Grants Management Division in Grants Online, NOAA's online grants management system The Corps will discuss this process with prospective recipients as part of the negotiation process.

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration and Dun and Bradstreet Universal Numbering System and be subject to reporting requirements, as identified in OMB guidance published at 2 CFR Parts 25, 170 (2010), http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25_main_02.tpl, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl.

B. Administrative and National Policy Requirements

Successful applicants that accept an award under this solicitation will be bound by Department of Commerce or Corps of Engineers standard terms and conditions for a cooperative agreement. For applicant's receiving NOAA funds, this document will be

provided in the award package in Grants Online, NOAA's online grants management system.

In addition, award documents provided by the NOAA Grants Office in the Grants Online award package may contain special award conditions limiting the use of funds for activities that have outstanding environmental compliance requirements to fulfill, and/or stating other compliance requirements for the award as applicable.
For projects funded by the Corps, the appropriate Corps District will provide all of the required documents to the applicant. These documents include:

- o Budget information for Construction Programs: SF-424C
- o Assurance for Construction Programs: SF-424D
- o Corps approved certifications regarding lobbying, debarment, suspension and other responsibility matters and drug-free workplace requirements.

2. National Environmental Policy Act (NEPA) Requirements
NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applications that are seeking NOAA funding for projects.
Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: http://www.nepa.noaa.gov/, including NOAA Administrative Order 216-6 for NEPA, and the Council on Environmental Quality's (CEQ) implementation regulations.
Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, safety concerns, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, etc.).
In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for the denial of an application.
It is the applicant's responsibility to obtain all necessary federal, state and local government permits and approvals where necessary for the proposed work to be conducted. Applicants are expected to design their proposals so that they minimize the potential for adverse impacts to the environment. If applicable, documentation of requests or approvals of required environmental permits should be included in the application package. Applications will be reviewed to ensure that they contain sufficient information to allow NOAA staff to conduct a NEPA analysis so that appropriate NEPA documentation, required as part of the application

package, can be submitted.
The Corps will review the same information to determine what additional environmental compliance will be required prior to implementation of the project. This will be discussed with the applicant during the negotiation of the funding agreement.

C. Reporting

Projects selected and funded by NOAA will be subject to Performance progress reports. Performance progress reports are due semi-annually and cover 6-month periods. Progress reports may be required to be submitted using a specific format for narrative information. Progress reports are to be submitted via NOAA's Grants Online system and are due no later than 30 days after each 6-month project period. A final report is due no later than 90 days after the expiration date of an award. Progress reports may be required to be submitted using a specific format for narrative information. Currently, a format for project progress reports can be found on the NOAA Restoration Center website at:
http://www.habitat.noaa.gov/partners/granteeresources.html.
Financial reports cover the periods from October 1 - March 31 (due by April 30) and April 1 - September 30 (due by October 30) throughout the award period and are submitted to the NOAA Grants Management Division via NOAA Grants Online System.
Complete details on reporting requirements, including those that might be new to applicants under the Federal Financial Assistance Transparency Act, will be provided to successful applicants in the award documentation provided by NOAA in the award package.

For projects to be funded by the Corps similar requirements for reporting will be discussed during the negotiation of the funding agreement. The process will vary depending on whether a cooperative agreement or a cost share agreement is used.

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at www.FSRS.gov on all subawards over $25,000.

## VII. Agency Contacts

For further information regarding the NOAA application process contact Julia Royster or Jenni Wallace at (301)713-0174, or by e-mail at Julia.Royster@noaa.gov or Jenni.Wallace@noaa.gov. For further information regarding Corps cost sharing, contact Ms. Ellen Cummings at (202) 761-4750, email: Ellen.M.Cummings@usace.army.mil.
Prospective applicants are invited to contact any of the above NOAA or Corps staff before

submitting an application to discuss whether their project ideas are within the scope of the Estuary Restoration Habitat Program.

Additional information on the Estuary Restoration Habitat Program can be found on the World Wide Web at http://www.era.noaa.gov or http://www.usace.army.mil/CECW/ERA/Pages/pps.aspx.

## VIII. Other Information

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation.

In no event will NOAA or the Department of Commerce be responsible for preparation costs if programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act (5 U.S.C. 553 (a) (2)) or by any other law for this document concerning grants, benefits, and contracts. Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable. Therefore, a regulatory flexibility analysis has not been prepared.

This action has been determined to be not significant for purposes of Executive Order 12866 (Regulatory Impact Review).

The use of the standard NOAA grant application package referred to in this notice involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD-346 have been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.