

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

- **Federal Agency Name:** National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration, Department of Commerce
- **Funding Opportunity Title:** NOAA Coastal and Marine Habitat Restoration Project Grants under the American Recovery and Reinvestment Act
- **Announcement Type:** Initial Announcement
- **FFO Number:** NOAA-NMFS-HCPO-2009-2001709
- **Catalogue 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 April 6, 2009. 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: NOAA delivers funding and technical expertise to restore coastal and marine habitats. These habitats support valuable fisheries and protected resources, improve the quality of our water, provide recreational opportunities for the public's use and enjoyment and buffer our coastal communities from the impacts of storms and sea level rise. Projects funded through NOAA have strong on-the-ground habitat restoration components that provide social and economic benefits for people and their communities in addition to long-term ecological habitat improvements. Through this solicitation, NOAA seeks to openly compete funding available for habitat restoration under the American Recovery and Reinvestment Act of 2009. Applications should be submitted for any project that is to be considered for this funding, even for those projects put forth to the Federal government as examples by internal and external restoration partners or submitted as applications to other NOAA competitions. Competition will ensure that the most beneficial restoration projects are selected to fuel America's near-term economy, realize significant ecological gains, and ensure that projects are truly "shovel-ready." Applications selected for funding through this solicitation will be implemented through a grant or cooperative agreement, with awards dependent upon the amount of funds made available to NOAA for this purpose by Congress. NOAA anticipates up to \$170 million may be available for coastal and marine habitat restoration; typical awards are expected to range between \$1.5 million to \$10 million. Funds will be administered by NOAA's Office of Habitat Conservation.

I. Funding Opportunity Description

A. Program Objectives

The principal objective of these NOAA Coastal and Marine Habitat Restoration Project Grants is to provide Federal financial and technical assistance to “ready-to-go” (shovel-ready) projects that meet NOAA’s mission to restore marine and coastal habitats and that will result in near-immediate stimulation of local United States (U.S.) economies through the creation or retention of restoration-related jobs for work in U.S. jurisdictions.

B. Program Priorities

NOAA seeks to support projects that will result in on-the-ground restoration of marine and coastal habitat (including Great Lakes habitat) that are aligned with the objectives of the American Recovery and Reinvestment Act (ARRA). Restoration for the purposes of this solicitation will be broadly inclusive. Restoration includes, but is not limited to, activities that contribute to the return of degraded or altered marine, estuarine, coastal, and freshwater (diadromous fish) habitats to a close approximation of their function prior to disturbance. Habitat restoration activities that produce significant ecological habitat features to create buffers or “green infrastructure” that serve to protect coastal communities from sea level rise, coastal storms and flooding, or that provide adaptation to climate change will also be considered. The program priorities for this opportunity primarily support NOAA’s “Ecosystems” mission support goal of “Protect, Restore, and Manage Use of Coastal and Ocean Resources through Ecosystem-Based Management.”

NOAA will emphasize the selection of mid-scale, shovel-ready restoration projects that will 1) yield significant ecological benefits (with emphasis on regionally or nationally significant species or ecosystems), and 2) stimulate local economies through the creation or retention of restoration-related jobs for work in U.S. jurisdictions. Mid-scale projects are anticipated to be those with a total project cost (NOAA award plus any match or leverage) over \$1.5 million. Shovel-ready projects are expected to be those where feasibility studies and/or other baseline information required for a design are available, where required consultations and permits, if not in-hand, are either in progress or there is reasonable assurance provided that they can be attained quickly, and where NEPA analysis and other environmental permits and authorizations are finished or can be expeditiously completed, so that a project can be implemented shortly after funding is made available (see NEPA details below, Section VI. B. 2).

High priority will be given to applications for projects that:

- Have the greatest potential to achieve ecological benefits and maximize jobs creation/preservation;
- Can begin within the first 90 days of the award start date;
- Can be completed within 12-18 months;

- Have the greatest potential to be sustainable and provide lasting benefits of regional or national significance;
- Identify specific goals and outcomes, with appropriate ecological and economic performance metrics;
- Propose sufficient, cost-effective monitoring appropriate to the scope and scale of the project to evaluate a project's benefits;
- Are consistent with NOAA species recovery planning efforts if located in areas where recovery planning efforts for Endangered Species Act listed species are underway;
- Request funds primarily to implement physical, on-the-ground coastal habitat restoration (as opposed to funds for general program support, overhead and travel).

Because the purpose of these funds is to quickly stimulate local U.S. economies through habitat restoration, applications for projects lacking opportunity to generate employment through restoration implementation or provide long-term economic benefits will not compete well and are discouraged.

The following are exemplary of the types of coastal and marine habitats and projects that will receive priority for restoration funding consideration:

- Projects that seek to restore coastal and marine habitat to recover threatened or endangered species or benefit species of concern;
- Diadromous fish habitat, particularly projects that remove in-stream migration barriers or create/restore habitats limiting productivity;
- Shellfish habitat restoration/creation, for the broad ecological benefits and ecosystem services it provides;
- Coral reefs, through projects that address land-based sources of pollution, recovery from disturbance or disease, or that promote coral recruitment and/or recovery;
- Coastal wetlands, through shoreline restoration or hydrological reconnection;
- Projects that provide protection for communities and infrastructure through habitat restoration to improve coastal resiliency to storms and flooding;
- Projects that improve the potential for coastal habitat to respond to climate change through restoration or protection of transition zones that provide room for habitat migration with sea level rise;
- Projects that seek to address the problem of marine debris accumulation in coastal and marine habitats;
- Projects that support conservation corps type activities to provide employment, education and training through restoration of coastal and marine habitat; and
- Restoration of Great Lakes habitats within Areas of Concern (AOC) addressing beneficial use impairments to loss of fish and wildlife habitat and/or degradation of benthos.

Safety is a critical consideration for restoration project implementation. If an application is selected, the grantee must have a written safety plan for all project related activities, including management of volunteers (if applicable). The safety plan should consider safety at the site

during and after project construction, and take into account potential safety concerns with regard to the current and future use of the site.

C. Program Authority

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

- Fish and Wildlife Coordination Act 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970;
- Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, 16 U.S.C. 1891a;
- Marine Debris Research, Prevention, and Reduction Act, 33 U.S.C. 1951 *et seq.*;
- Coral Reef Conservation Act of 2000, 16 U.S.C. 6403;
- Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 *et seq.*;
- National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*;
- Marine Mammal Protection Act, 16 U.S.C. 1382; and
- Endangered Species Act, 16 U.S.C. 1535.

II. Award Information

A. Funding Availability

NOAA anticipates that up to \$170 million may be available for coastal and marine habitat restoration; typical awards are expected to range between \$1.5 million and \$10 million. NOAA will not accept applications requesting more than \$20 million or less than \$500,000 under this solicitation. There is no guarantee that sufficient funds will be available to make awards for all applications. The number of awards to be made as a result of this solicitation will depend on the number of eligible applications received, the amount of funds requested for habitat restoration projects by the applicants, the merit and ranking of the applications, the amount of funds made available by Congress, and the amount of funding, if any, put toward American Reinvestment and Recovery Act projects outside this solicitation.

NOAA will consider funding more than one project under a single application and/or award. Applicants that bundle projects in a single application should ensure that there is sufficient detail for each project as per the guidelines and information requirements listed in this document if an application is to be competitive; all projects in the bundle should be able to be initiated quickly as well as completed within the award period specified below. Projects that are sufficiently different in nature so that they cannot be succinctly described within the narrative page limit requirements may be most competitive as individual applications and should be submitted as such.

The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA representatives. Publication of this document

does not obligate NOAA 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 May 1, 2009. Applicants should plan their projects so that the restoration activities proposed for this funding can meet the intent of the Act and begin within the first 90 days of the award start date. NOAA anticipates that shovel ready projects should be able to be completed within 12-18 months, and anticipates that most awards will have a maximum period of performance of 24 months. This may be lengthened during pre-award negotiations with successful applicants based on an applicant's proposed activities, particularly for monitoring. Permission to extend the period of performance beyond that stated in award documentation is at the total discretion of NOAA and should be requested in writing at least 60 days in advance of an award's expiration date.

C. Type of Funding Instrument

Selected applications will primarily be funded through a cooperative agreement since NOAA staff will be substantially involved in aspects of the project. Substantial involvement may include, but is not limited to: activities such as hands-on technical assistance; support in development of appropriate monitoring protocols to ensure project performance can be evaluated; tracking the progression of the restoration through site visits and progress report evaluation; and involvement in public meetings and events to highlight restoration activities.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are institutions of higher education, non-profits, commercial (for profit) organizations, U.S. Territories, and state, local and Indian tribal governments. 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 Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of historically black colleges and universities, Hispanic-serving institutions, tribal colleges and universities, and institutions that work in under-served areas. NOAA encourages applications involving any of the above institutions.

B. Cost Sharing or Matching Requirements

There is no statutory matching requirement for this funding. NOAA typically leverages

its Federal funding with matching contributions and/or partnerships from a broad range of sources in the public and private sector to implement locally important coastal and marine habitat restoration. To this end, applicants are encouraged to demonstrate partnerships and/or some portion of non-Federal match for NOAA funds requested to conduct the proposed project. Applicants should note that cost sharing is an element considered in Evaluation Criterion #4 "Project Costs" (Section V.A.4.); however matters related to the importance and scientific merit of the proposed project comprise the majority of the evaluation criteria. Federal sources cannot be considered for matching funds, but can be described in the budget narrative to demonstrate additional leverage. Applicants are also permitted to apply federally negotiated indirect costs in excess of Federal share limits as described in Section IV. E. "Funding Restrictions." Applications selected for funding will be bound by the percentage of cost sharing (if applicable) reflected in the award document signed by the NOAA Grants Officer.

C. Other Eligibility Requirements

NOAA recognizes that water quality issues can impact habitat restoration efforts. However, this initiative 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. Applicants should also note that the following activities will not be considered: (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 (3) activities that are required by a separate consent decree, court order, statute or regulation.

IV. Application and Submission Information

A. Application Packages

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 Submission

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. Each application should include:

- Required Federal application forms:
 - Application for Federal Assistance: SF-424 (7/03 version or newer)
 - Budget Information for Non-construction Programs: SF-424A
 - Assurances for Non-construction Programs: SF-424B
 - Certification Regarding Lobbying: CD-511
 - Disclosure of Lobbying Activities: SF-LLL (if applicable)
- Project summary (described below, 2 pages);
- Project narrative (described below, 15 pages);
- A detailed, narrative budget justification (described below, 4 pages);
- Project design plans;
- 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);
- A letter documenting private landowner or public land manager support; and
- Any other relevant supporting documents, such as letters of support and site photos.

Applications submitted through the Grants.gov website should include a maximum of four (4) files (PDF files only) in addition to the Federal application forms:

- 1) Project summary and narrative;
- 2) Budget justification;
- 3) Design plans; and
- 4) Supplemental Information - all other attachments combined into one, indexed file, such as maps, resumes, and support letters, 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.”

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 mailed to NOAA (see Section IV. F. Other Submission Requirements for complete information). 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).

1. Project Summary (2 pages):

- **Applicant 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** (not proposed award start date)

- **Number and types of jobs created or maintained, labor hours and anticipated duration for each**
- **Coastal and marine habitats 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
- **Project Outputs/Outcomes** - Number of acres restored or stream miles to be made accessible to diadromous fish, 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 generates employment and how the proposed habitat restoration activities will yield ecological, social and economic benefits.

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 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, describe how the project will be managed and maintained in the long-term, and clearly explain the project’s relevance and significance to creating and maintaining jobs through the habitat restoration activities. 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. For example:

- **Fish passage:** Fish passage projects include, but are not limited to, fish ladders, by-pass channels, nature-like fishways, dam removals, and culvert removal and replacement with bottomless arch culverts or bridges. Fish passage project applications should describe the significance of the project to migratory fish populations and historical fish runs in the river, identify the river length that will be restored, the distance to the next upstream blockage, any downstream blockages or seasonal impediments to fish passage, state how the project will

meet fish passage guidelines established for the area, and identify and provide documentation of support for the project from the landowner/dam owner. Applications should highlight any synergies with other fish passage efforts in the watershed, including fish passage improvements at hydropower dams. Fish passage projects proposing to install fish passage devices or moveable control structures like self-regulating tide gates should submit a management plan that details who will be in charge of the operation and maintenance of such structures, how they will be operated, and similar details (plan should be included in the “Supplemental Information” attachment).

- Hydrologic/Tidal reconnection: Projects may include berm breaching, culvert removal/replacement to allow tidal or natural flooding of wetlands, complete removal of levees and dikes or other impediments to historic/natural tidal flow or hydrology, floodplain reconnection, or creation/restoration of off-channel habitats. Projects proposing to change tidal flushing characteristics should be accompanied by a hydrograph showing any tidal restriction(s).
- Shellfish restoration: Projects proposing to create, restore, or rehabilitate shellfish habitat should identify whether the site historically functioned as shellfish habitat, the current and historic bottom type at the project location, the type and source of substrate base to be added (if any) and whether the material is permitted for open water placement. Information should also include the origin and strains of any shellfish seed to be placed on the site and the proximity to any existing or remnant sources of similar type in the area, and details on future management, including mechanisms to protect the restoration site so its effects can contribute to enhanced shellfish populations in adjacent, unprotected sites for potential future harvest.
- Coral recovery: Projects proposing to support coral recovery may address land-based sources of pollution (however, see limitations in Section III. C. Other Eligibility Requirements, above), recovery from disturbance, promote recruitment and recovery through enhancement and protection of existing populations and natural systems, or seek to control overgrowth of invasive species or otherwise prevent loss of recruitment habitat. Projects proposing to reduce sediment or nutrient input to coral reef environments should discuss how impacts to the reef environment will be quantified and attributed to restoration through reduction of land-based sources of pollution.
- Coastal resiliency: Projects will be considered that support salt marsh and barrier island restoration, and erosion prevention through living shorelines, or that otherwise lead to increased resiliency and protection of coastal communities while supporting ecological goals. Applications should include a site design and explain why the chosen method is appropriate, considering the site’s energy and use. Projects that will create buffers or ‘green infrastructure’ to protect coastal communities from storms and coastal inundation should include information on the frequency of storms or flood events, the project area’s susceptibility to hazards, and the infrastructure and communities that will be protected by the project, and the anticipated long-term economic significance of the project.

- Habitat adaptation: Projects that propose to protect or restore habitat in transition zones to provide room for habitat migration with sea level rise should describe current and predicted rates of sea level rise in the area, expectations for the ability of habitat to migrate inland, and how the area will be maintained in the long-term.
- Diadromous fish habitat: Projects proposing to support diadromous fish recovery may address land-based sources of pollution (however, see limitations in Section III. C. Other Eligibility Requirements, above), recovery from disturbance, the restoration of natural systems, or seek to control invasive species or otherwise prevent loss of habitat. Projects proposing point source pollution abatement to reduce sediment or nutrient input should have an obvious and direct resource connection, and discuss how impacts to diadromous fish habitat will be quantified and improved and attributed to restoration through reduction of land-based sources of pollution.
- Marine debris removal: Projects proposing to remove debris (solid, man-made items) from the marine environment may include removal of derelict fishing gear, and other persistent mid- or large- size debris from coastal habitats. Proposals should describe the source of the debris and the likelihood of re-accumulation. Applications should also include expected weight of debris removed, in metric tons; and should include the expected footprint of the debris proposed to be removed, in acres or square-feet.
- Great Lakes: Projects in the Great Lakes should propose habitat restoration in Areas of Concern that address beneficial use impairment to either loss of fish and wildlife habitat or degradation of benthos. Beneficial use impairment projects should include information describing how the project will advance the delisting of the AOC or lead to removing the beneficial use impairment.
- Projects that propose to restore beaches used by endangered/threatened species and marine mammals should include details on future management, including mechanisms to protect the restoration site so its effects can contribute to enhanced populations of affected species, and the anticipated long-term economic significance of the project.
- Projects proposing planting and/or invasive species removal should include information on site preparation and invasive eradication or control methods, the basis for determining species and planting density, a brief discussion about genetic integrity and how that will be addressed, and detail planned maintenance activities including duration of maintenance.

Other marine and coastal restoration project types will also be considered, particularly those that most strongly support NOAA's mission and goals. If known, the applicant should state the level of NOAA involvement in, and/or support for the project and include contact information of relevant NOAA staff.

To ensure a basic level of success, all projects must propose evaluation parameters for both the socioeconomic and ecological aspects of the project, and work with NOAA during project negotiation to ensure that the proposed parameters are adequate and meaningful. Evaluation parameters should include targets for those parameters within the award period, and a plan to measure the parameters after project implementation.

To evaluate a basic level of socioeconomic success, NOAA expects the minimum level of short term evaluation parameters to include information on jobs (created or retained, and for what duration, in labor hours). Applicants should characterize their organizations and any project partners according to North American Industry Classification System (NAICS) codes. A subset of NAICS codes commonly used for habitat restoration activities will be provided for reference in the *Supplemental Guidelines for Prospective Applicants* posted with this announcement on Grants.gov. NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the US business economy. Codes are assigned to businesses, not individual job titles, based on their primary activity.

To evaluate a basic level of ecological success, NOAA expects the minimum level of short term evaluation parameters to include one or more of the following: acres restored; stream miles opened for fish passage; tonnage of marine debris removed; or another, similar measure that describes the significance of the proposed actions. NOAA welcomes outcome-based performance measures that focus on numerical increases in target species.

Priority will be given to projects that can measure their impact on the environment and the local economy in both the short and long-term. Examples of long-term performance evaluation include, but are not limited to: improved fish habitat quality; increased abundance of target species; impact on status of listed species and species of concern; changes in recreational angling and/or property value. Those projects that identify specific quantifiable targets, achievable during the award period, are likely to score higher. Applicants who propose sufficient, cost-effective monitoring appropriate to the scope and scale of the project to evaluate a project's benefits are also likely to score higher, as will those that have funding in place to support long-term monitoring beyond the award period. NOAA may choose to add additional funds to an award, or increase the period of performance for successful applicants whose projects are identified as suitable for conducting more in-depth, long-term monitoring.

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.

To demonstrate a project's potential to realize habitat benefits and indicate project readiness, applicants are expected to provide sufficient explanation as to how they will ensure that the project will be completed within the specified time period. This includes any required

consultation and permitting requirements, so that work can begin within the first 90 days of the award, and the project can be completed within 12-18 months.

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicants that are seeking NOAA Federal funding. Applications should provide enough detail for NOAA 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.

Successful applicants that accept ARRA funding will be expected to comply with Section 1606 of the ARRA regarding wage rate requirements, and Section 1605 regarding the use of American iron, steel, and manufactured goods for applicable project types. Applicants should consider these factors and structure their applications to incorporate details on how they will meet these requirements (as applicable) and provide assurance that projects will be conducted in a manner that will facilitate the primary recipient's compliance with required reporting (see Section VI. C Reporting Requirements).

3. Budget Justification (4 pages):

The narrative budget justification must 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.

To facilitate creation and/or retention of jobs, funding for salaries must also be used to support staff directly involved in accomplishing the restoration work and should contain a detailed breakdown of personnel hours and costs by task. Applicants will be expected to report on the job and economic information resulting from habitat restoration as proposed in their application, and should be prepared to carefully document and verify the validity of the economic aspects of a particular project.

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 Selecting Official (SO) to make an informed determination of a project's readiness. A 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 NOAA Grants Management Division will review budget information for recommended applications to determine if costs are allowable, allocable, reasonable, and realistic.

4. Other Application Submission Information

Applicants should not assume prior knowledge on the part of NOAA as to the relative merits of the project described in the application. 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. For general questions about this competition, please email Craig Woolcott (Craig.Woolcott@noaa.gov) or Melanie Gange (Melanie.Gange@noaa.gov), or call 301-713-0174 for assistance.

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 April 6, 2009. 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. If an applicant does not have internet access, a hard copy application with the SF-424 form bearing an original, ink signature must be postmarked, or provided to a delivery service and documented with a receipt, by April 6, 2009. Applications postmarked or provided to a delivery service after that time 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. 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 NOAA Grants Management Division provides an award document is at the applicant's own risk. Typically, the earliest date for receipt of awards is expected to be May 1, 2009.

The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. Indirect costs are essentially overhead costs for basic operational functions (e.g., lights, rent, water, and insurance) that are incurred for common or joint objectives and therefore cannot be identified specifically within a particular project. For this solicitation, the Federal share of the indirect costs must not exceed the lesser of either the indirect costs the applicant would be entitled to if the negotiated Federal indirect cost rate were used or 20 percent of the Federal direct costs proposed. For those situations in which the use of the applicant's indirect cost rate would result in indirect costs greater than 20 percent of the Federal direct costs, the difference may be counted as the non-Federal share.

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 they may direct cost all charges, or 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, by April 6, 2009 and sent to: NOAA Office of Habitat Conservation, NOAA Fisheries, 1315 East West Highway, Rm. 14853, Silver Spring, MD 20910. **ATTN: Restoration Project Applications.** Applications postmarked or provided to a delivery service after that time 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 50 points based on the following five standard NOAA evaluation criteria and respective weights specified below. Applications that best address these criteria will be most competitive.

1. Importance and Applicability (20 points)

This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, state or local activities. For the NOAA Coastal and Marine Habitat Restoration Project Grants competition, applications will be evaluated based on the following:

- The potential of an application to meet the intent of the ARRA to readily maximize jobs created or maintained through implementation of shovel-ready coastal and marine habitat restoration projects, and improve the short- and long-term economic condition of an area (e.g., increased fisheries benefits, increased tourism and recreation, etc.) based on the significance of the anticipated outcomes of the project. This includes the extent to which the project(s) will deliver tangible, specific results that are measurable with respect to the number, type and duration (in labor hours) of jobs created or maintained directly resulting from the project. (8 points)
- The potential of an application to meet NOAA's mission to protect and restore marine and coastal habitats based on the significance of the anticipated ecological benefits. This includes the extent to which the project(s) will deliver tangible, specific results that are measurable and relevant to NOAA performance measures such as acres restored, stream miles opened for fish passage, tonnage of marine debris removed, and similar outputs that directly result from the project. (8 points)
- The potential of the project to be sustainable and provide lasting benefits of regional or national significance for coastal and marine habitats. Reviewers will be looking for evidence

that 1) there is demonstrated support for the project in the form of a letter from partners, local entities, and/or state and local governments, and a letter of commitment from the appropriate resource agency personnel for a project in permanently protected areas, or from the affected landowner for a project on private property that provides assurance of support and dedication to protecting the project for its useful life (letter of support, conservation easement, or significant financial or other in-kind investment); 2) the applicant has chosen the most self-sustaining restoration technique that accomplishes the project's goals; and/or 3) the project will remove a species or habitat impact that will not re-occur. (4 points)

2. Technical/Scientific Merit (12 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. For the NOAA Coastal and Marine Habitat Restoration Project Grants competition, applications will be evaluated based on the following:

- The extent to which the applicant has described a realistic implementation plan, beginning within the first 90 days of the award start date and that is likely to be fully achievable within 12-18 months. Applications that provide assurance that implementation of the project will meet all Federal, state and local environmental laws, and that applicable permits and/or approvals are in hand or will be obtained expeditiously, so that on-the-ground activities will begin soon after the project's proposed start date are likely to score higher (see NEPA details, VI. B. 2). Applications submitted with evidence of completed environmental assessments, completed consultations and/or secured permits, if applicable, will score higher. (5 points)
- The overall feasibility of the project from a **socioeconomic** perspective. This includes the likelihood that a project is able to meet stated employment targets and whether there is an effective mechanism to evaluate project success, including adequate and meaningful performance measures for economic benefits, for which results will be available within and following the award period. Those projects that identify specific quantifiable targets, achievable during the award period, are likely to score higher. (3 points)
- The overall technical feasibility of the project from a **biological and engineering** perspective, including whether the proposed approach is technically sound, safe, and uses appropriate methods and personnel. This includes the likelihood that a project is able to achieve stated project goals and objectives on an ecological basis, and whether there is an effective mechanism to evaluate project performance (e.g., sufficient, cost-effective monitoring appropriate to the scope and scale of the project), for which results will be available within and following the award period. Those projects that identify specific quantifiable targets, achievable during the award period, are likely to score higher. (4 points)

3. Overall Qualifications of Applicants (6 points)

This criterion ascertains whether the applicant possesses the necessary education,

experience, training, facilities, and administrative resources to accomplish the proposed work. For the NOAA Coastal and Marine Habitat Restoration Project Grants competition, applications will be evaluated based on the following:

- The capacity/knowledge of the applicant and associated project personnel to conduct the scope and scale of the proposed work, 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 restore marine and coastal habitats. Projects that require engineering decision making should highlight the qualifications and experience of the designer/engineer. Examples of projects similar in scope and nature that have been successfully completed by the implementation team are encouraged. (4 points)
- The facilities/equipment and/or administrative resources and capabilities available to the applicant, or that will be secured to support and successfully manage the restoration work and grant responsibilities. (2 points)

4. Project Costs (10 points)

This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time-frame. For the NOAA Coastal and Marine Habitat Restoration Project Grants competition, applications will be evaluated on the following:

- Whether the proposed budget is cost-effective and realistic, based on the applicant's stated objectives, time frame, and amount of overall project budget already secured from other sources. Applications will be evaluated based on the percentage of funds requested that will be dedicated to all phases of project implementation including physical, on-the-ground coastal habitat restoration, compared to the percentage for general program support, overhead and travel, and the degree to which funding for salaries will support staff directly involved in accomplishing the restoration work, as evidenced by a detailed breakdown of personnel hours and costs by task, with appropriate NAICS code data that indicates the primary activity of businesses/partners involved in the restoration work. Requests for equipment (any single piece of equipment costing \$5,000 or more) will be evaluated on how strongly tied the equipment is to achieving on-the-ground habitat restoration and on the adequacy of lease versus buy comparisons in justifying the need for purchase. (5 points)
- Whether the proposed budget is sufficiently detailed, with appropriate budget breakdown and justification of Federal and any non-Federal shares by object class as listed on form SF-424A. 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 Selecting Official to make an informed determination of a project's readiness. (3 points)
- Whether an applicant can leverage the Federal investment through matching contributions and/or partnerships. Applicants that propose to use independent sources of funds for in-

depth evaluation and monitoring of long-term ecological and/or socioeconomic impacts of a project outside the award period will receive full points for this sub-criterion. NOAA encourages applicants to provide matching contributions and work with partners to improve cost-effectiveness; however, match is not required. (2 points)

5. Outreach and Education (2 points)

NOAA assesses whether the project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. For the NOAA Coastal and Marine Habitat Restoration Project Grants competition, applications will be evaluated on the following:

- Public outreach as it relates to the proposed project, including plans to disseminate information on project goals, results, project partners, jobs created or maintained; sources of funding and other support provided, such as the involvement of project partners; and the potential for the proposed project to encourage future restoration and protection of marine and coastal habitats or complement other local restoration or conservation activities. (2 points)

B. Review and Selection Process

Applications will undergo an initial administrative review to determine if they are eligible and complete. Eligible applications will then undergo a technical review, ranking, and selection process to determine how well they meet the stated aims of the ARRA and the mission and goals of NOAA.

Eligible applications for habitat restoration projects will be evaluated by at least three individual technical reviewers according to the criteria and weights described in this solicitation. Each reviewer will independently evaluate each project and provide an individual score. No consensus advice will be provided by these reviewers. Applications will likely be subject to a subsequent panel review. A panel review is dependent on the constraints surrounding the Act and may be forgone. If a panel review is not convened, the application ranking, technical review comments and scores will be provided to the Selecting Official (SO). If a panel is convened, the FFO, application ranking, top ranked applications, and technical review comments and scores will be provided to a panel whose members will not have participated as technical reviewers. The panel will be comprised of Federal employees, and may convene in person or by teleconference, video conference or other electronic means to discuss applications and consider technical reviewer comments. Prior to the panel discussion, each member of the panel will independently assign a numerical rating between 1 and 4 for each application according to the following scale:

- 1 – Marginal; application partially meets some of the evaluation criteria (Section V.A) but does not address program priorities outlined in the FFO.
- 2 – Fair; application adequately meets some of the evaluation criteria (Section V.A) and

sufficiently addresses a program priority outlined in the FFO.

3 – Good; application thoroughly meets much of the evaluation criteria (Section V.A) and addresses program priorities outlined in the FFO.

4 – Excellent; application fully meets most of the evaluation criteria (Section V.A) and exceptionally addresses program priorities outlined in the FFO.

Panel member scores will be averaged and an interim ranking will result which will be presented to the panel for discussion, with the goal of reaching consensus on the applications to be recommended for funding. After discussing the applications, panelists will again assign a numerical rating between 1 and 4 (as described above) for each application, scores will be averaged, and a final project ranking developed. The final ranking from the panel will be presented to the SO and should be the primary consideration by the SO in deciding which applications will be recommended to the NOAA Grants Officer.

The SO anticipates recommending applications for funding in rank order unless an application is justified to be selected out of rank order based upon one or more of the following selection factors:

- (1) Availability of funding;
- (2) Balance/distribution of funds: a) geographically, b) by type of institutions, c) by type of partners, d) by research areas; e) by project types;
- (3) Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies;
- (4) Program priorities and policy factors set out in section I.A. and I.B.;
- (5) An applicant's prior award performance;
- (6) Partnerships and/or participation of targeted groups; and
- (7) Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the NOAA Grants Officer.

Hence, awards may not necessarily be made to the highest scored applications. Unsuccessful applicants will be notified that their application was not among those recommended for funding. 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. Anticipated Announcement and Award Dates

Successful applicants generally will be identified by May 1, 2009. The earliest anticipated start date for projects will be May 1, 2009, dependent on the completion of all NOAA/applicant negotiations, NEPA analysis, and documentation supporting cooperative agreement activities.

VI. Award Administration Information

A. Award Notices

Successful applicants may be asked to modify work plans or budgets, and provide supplemental information required by the 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 NOAA cooperative involvement with the activities of each project will be determined in pre-award negotiations among the applicant, the NOAA Grants Office, and NOAA staff that will administer these restoration grants. Projects should not be initiated in expectation of Federal funding until a notice of award document is received electronically from the NOAA Grants Management Division in Grants Online, NOAA's online grants management system.

Successful applicants should expect that information about their projects and anticipated and realized economic impacts will be posted on Recovery.gov, a White House-managed website established for the purpose of transparency and oversight. Federal agencies expect to be obligated to publish their plans for expenditure of ARRA funds on this website, including announcements for grant competitions, details on awards made with these funds, and information on performance and accountability of funded projects. Successful applicants will be required to assist NOAA in meeting mandatory reporting requirements under Title XV, Section 1512 (Reports on Use of Funds) of the ARRA (see VI. C. Reporting Requirements).

B. Administrative and National Policy Requirements

1. Administrative Requirements.

Successful applicants that accept a NOAA award under this solicitation will be bound by Department of Commerce standard terms and conditions. This document will be provided in the award package in Grants Online, NOAA's online grants management system, and can be found at: http://oamweb.osec.doc.gov/gmd_updated-doc.html.

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, such as requirements for submitting progress reports.

Unless waived by DOC, none of the funds appropriated or otherwise made available by the ARRA may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. This provision shall be applied in a manner consistent with United States obligations under international agreements.

Under Section 1606 of the ARRA, any project using ARRA funds requires the payment of not less than the prevailing wages for "all laborers and mechanics employed by contractors

and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government."

Each recipient or sub-recipient awarded funds under the ARRA shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

2. 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, aquaculture projects, and impacts to coral reef systems).

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 projects so that they minimize the potential for adverse impacts to the environment. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed project. The failure to do so shall be grounds for not awarding a grant. Documentation of requests/completion of required environmental authorizations and permits, including Endangered Species Act or Marine Mammal Protection Act authorizations, if applicable, 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 to the NOAA GMD along with the recommendation for funding for selected applications.

Applicants proposing restoration activities that cannot be categorically excluded from further NEPA analysis, or that are not covered by the NOAA Fisheries Community-based Restoration Program Environmental Assessment (PEA) and Finding of No Significant Impact (FONSI) or Supplemental PEA and FONSI, or whose activities are not covered under another agency's NEPA compliance procedures that can be analyzed and adopted by NOAA, will be informed after the technical review stage to determine if NEPA compliance and other requirements can otherwise be expeditiously met so that a project can proceed within the

timeframes anticipated under ARRA. The CRP PEA and FONSI can be found at: <http://www.habitat.noaa.gov/recovery>.

If additional information is required after an application is accepted, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental law compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

C. Reporting Requirements

Successful applicants should expect that information about their projects and anticipated and realized economic impacts will be posted on Recovery.gov, a White House-managed website established for the purpose of transparency and oversight. Federal agencies expect to be obligated to publish their plans for expenditure of ARRA funds on this website, including announcements for grant competitions, details on awards made with these funds, and performance and accountability information on funded projects.

Recipients of ARRA funds will be required to assist NOAA in meeting mandatory reporting requirements under Title XV., Section 1512 (Reports on Use of Funds), of the ARRA. Recipient report requirements apply only to non-Federal recipients of Federal funding and the subawards or contracts made by these recipients. Contractors under grants or subrecipients do not have to report. Data to be reported to NOAA, not later than 10 days after the end of each calendar quarter, includes:

- (1) the total amount of recovery funds received from NOAA;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities;
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including (a) the name of the project or activity; (b) a description of the project or activity; (c) an evaluation of the completion status of the project or activity; (d) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and (e) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under the ARRA, and name of the person to contact at the agency if there are concerns with the infrastructure investment; and
- (4) detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 102-282), allowing aggregate reporting on awards below \$25,000 or to individuals (further information is available at <http://www.usaspending.gov/index.php>, under "About the Data").

Recipients will be obligated to assist NOAA in complying with all relevant requirements and implementing guidance issued to Federal agencies by the Office of Management and Budget (OMB), particularly with respect to uniform reporting requirements for estimates of job creation that will be specified at a later time. Initial guidance to Federal agencies for implementing

ARRA programs, including the reporting requirements for agencies, is provided in OMB Memorandum M-09-10 (February 18, 2009). NOAA anticipates additional OMB guidance may be forthcoming related to responsibilities of recipients of grants and cooperative agreements, including guidance on how the data collection for this reporting will work government-wide.

Progress reports may be required using a specific format for narrative information and a fill-form for project specific details that can be found at: <http://www.habitat.noaa.gov/recovery>. Use of this progress report form and format involves collection-of-information requirements subject to the Paperwork Reduction Act, and has been approved by OMB under control number 0648-0472 and expires on May 31, 2009. A request to renew and update this information collection to extend it another 3 years beyond its current expiration date is in progress; additional data elements required by the ARRA may also be incorporated depending on future guidance provided by OMB. Complete details on reporting requirements will be provided to successful applicants in the award documentation provided by the NOAA Grants Management Division in the Grants Online award package.

Financial reports cover the periods from October 1 - March 31 (due by April 30) and April 1 - September 30 (due by October 30), and should be submitted directly to the NOAA Grants Management Division as per instructions contained in official NOAA award documentation.

D. Cost Principles

Funds awarded cannot necessarily pay for all the costs that the recipient might incur in the course of carrying out a project. Generally, costs that are allowable include salaries, equipment and supplies, as long as these are “necessary and reasonable” specifically for the purpose of the award. Allowable costs are determined by reference to the OMB Circulars A-122, “Cost Principles for Non-profit Organizations”; A-21, “Cost Principles for Education Institutions”; A-87, “Cost Principles for State, Local and Indian Tribal Governments”; and Federal Acquisition Regulation, codified at 48 Code of Federal Regulations, subpart 31.2 “Contracts with Commercial Organizations.” All cost reimbursement sub-awards (subgrants, subcontracts, etc.) are subject to those Federal cost principles applicable to the particular type of organization concerned.

VII. Agency Contacts

For further information contact Craig Woolcott or Melanie Gange at (301)713-0174, or by e-mail at Craig.Woolcott@noaa.gov or Melanie.Gange@noaa.gov. Prospective applicants are invited to contact NOAA staff before submitting an application to discuss whether their project ideas are within the scope of the ARRA’s objectives and NOAA’s mission and goals. Additional information on habitat restoration can be found on the World Wide Web at <http://www.habitat.noaa.gov/recovery>.

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.

END