Restoring Tribal Priority Fish Passage through Barrier Removal under the IIJA

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NOTICE OF 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: Restoring Tribal Priority Fish Passage through Barrier Removal under the IIJA

Announcement Type: Initial

Funding Opportunity Number: NOAA-NMFS-HCPO-2022-2007193

Federal Assistance Listings Number: 11.463, Habitat Conservation

Dates: Applications must be received at www.Grants.gov by 11:59 PM Eastern time on August 29, 2022. See Sections III.C. and IV.G. of this Announcement for further information.

Funding Opportunity Description: The principal objective of the Restoring Tribal Priority Fish Passage through Barrier Removal Funding Opportunity is to provide federal financial and technical assistance to Indian tribes and tribal commissions or consortia to remove barriers to fish passage for native migratory or sea-run fish. Funding will be used for fish passage that rebuilds productive and sustainable fisheries, contributes to the recovery and conservation of threatened and endangered species, enhances watershed health, promotes resilient ecosystems and communities, and increases tribal capacity to participate in fish passage barrier removal efforts while improving tribal commercial, recreational, subsistence and cultural practice opportunities. This funding opportunity announcement is authorized under the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), 135 STAT. 1356 (Nov. 15, 2021).

Applicants should address the following program priorities: (1) Achieving measurable and lasting benefits for migratory fish populations; (2) Fostering tribally important barrier removal efforts that benefit migratory fish; (3) Enhancing community resilience to climate hazards and providing other co-benefits; or (4) Increasing tribal organizational fish passage capacity to support tribes in their role as managers and stewards of tribal trust resources for cultural, spiritual, economic, subsistence, and recreational purposes.

Proposals submitted under this funding opportunity should describe how the proposed work will: 1. contribute to the recovery of threatened and endangered species listed under the Endangered Species Act; 2. sustain or help rebuild fish stocks managed under the Magnuson-Stevens Fishery Conservation and Management Act; 3. improve passage to support native fish species of the

Great Lakes; 4. enhance the sustainability of saltwater recreational fisheries; 5. enhance community resilience to climate hazards by removing or improving aging infrastructure and support other co-benefits; or 6. support hydroelectric license surrender to remove dams that are no longer economically viable or provide significant public benefits.

Proposed activities may include future project development and feasibility studies, engineering and design, permitting, on-the-ground fish passage restoration, pre- and post-removal implementation monitoring, stakeholder engagement, and outreach and education. This funding opportunity will also support building tribal organizational capacity to participate in developing current and future fish passage projects. Applicants may apply for funding to support one or more of these activities. Proposals may include multiple locations and should demonstrate how multiple locations collectively contribute to priorities within a watershed or geographic area.

Proposals selected for funding through this funding opportunity will be funded through cooperative agreements. NOAA anticipates that the period of performance for most awards will be for three years. Awards may be structured as multi-year awards where the funding for the second and/or third year should be estimated in the proposal, with final amounts determined in future years, pending future federal appropriations and progress towards project milestones. NOAA anticipates typical federal funding for awards will range from $500,000 to $2 million over three years. NOAA will not accept proposals with a federal funding request of less than $300,000 or more than $5 million total for the entire award. Funds will be administered by the Community-based Restoration Program within the NOAA Restoration Center, as directed in the Infrastructure Investment and Jobs Act.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

The principal objective of the NOAA's Restoring Tribal Priority Fish Passage through Barrier Removal Funding Opportunity is to provide federal financial and technical assistance to Indian tribes and tribal commissions or consortia (see section III.A for specific Eligibility requirements) to remove barriers to fish passage. NOAA recognizes that healthy fish populations are integral to the living culture of tribes. Funding will be used for fish passage that rebuilds productive and sustainable fisheries, contributes to the recovery and conservation of threatened and endangered species, enhances watershed health, promotes resilient ecosystems and communities, and increases tribal capacity to participate in fish passage barrier removal efforts while improving tribal commercial, recreational, subsistence and cultural practice opportunities. Proposed work may be located on tribal lands, throughout traditional use areas, or in coastal watersheds that support fish populations that are or have been integral to the living culture of tribes. This funding announcement is authorized under the Infrastructure Investment and Jobs Act (Public Law 117-58), 135 STAT. 1356 (Nov. 15, 2021).

Definitions for this funding opportunity:

Fish Passage: Fish passage is the ability of fish to move freely between habitats they rely on for food, growth, reproduction, and other needs. Fish passage projects improve the movement of fish within and between their spawning, rearing, and adult habitats by modifying or removing dams, culverts, and other barriers that restrict their migration. For this opportunity, fish passage means native migratory or sea-run fish can move through the barrier site under their own power, at multiple life stages, without delay (also known as "volitional passage"). Fish passage projects include dam removal and/or modification; culvert removal and/or replacement; nature-like fishways or bypass channels; and technical fish ladders.

Native Migratory or Sea-run Fish: Target fish species under this funding opportunity are those native species that spend a portion of their lives in rivers, floodplains and/or ponds and a portion in the ocean, estuaries or Great Lakes. Species of native migratory fish include salmon, steelhead trout, shad, river herring, American eel, and sturgeon, among others. These species migrate to their spawning and rearing habitats to reproduce and may be referred to as anadromous, sea-run, diadromous, catadromous, or potadromous, depending on where they begin and end their migration. Native migratory or sea-run fish will be

abbreviated as “migratory fish” in this document.

In-stream Barrier: An in-stream barrier is any blockage that prevents or reduces the ability of migratory fish to move where needed to survive and complete their life cycle. This funding opportunity focuses on physical barriers, such as dams and culverts. Environmental barriers, such as excess sediment, poor water quality, and temperature or flow variations may be addressed in concert with physical barriers. Barriers may be permanent or temporary, for one or more life stages of migratory fish.

Co-Benefits of Restoration: This term refers to the multiple benefits of restoration that extend beyond biologically-relevant benefits to target species. This includes contributions to ecosystem and community resilience, increased business opportunities, public community revitalization, recreational opportunities, support for cultural practices, reduced safety hazards, or reduced maintenance costs. Co-benefits are often measured through socioeconomic methods.

Community resilience: This term refers to the capacity of a human community to absorb, withstand, respond to, and/or recover rapidly from disturbances linked to extreme weather events and climate hazards. Community resilience can also include the ability to plan and prepare for adverse effects of extreme weather events or climate hazards, and the capacity to adapt to changing environmental conditions.

Ecosystem resilience. This term refers to the capacity of an ecosystem to absorb, withstand, respond to, and/or recover rapidly from disturbances linked to extreme weather events and climate hazards. Resilient ecosystems can resist damage from extreme weather events or climate hazards, while retaining or having the ability to recover their inherent structure and ecological function.

Traditional Ecological Knowledge. This term refers to the cumulative body of knowledge, practice, and belief evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment. NOAA recognizes the importance of indigenous peoples’ traditional knowledge for understanding the environment, adapting to environmental change, and mitigating negative environmental impacts.

Proposals submitted under this funding opportunity should describe how the proposed fish passage will:

1. Contribute to the recovery of threatened and endangered species listed under the

Endangered Species Act (ESA) including species identified by NMFS as “Species in the Spotlight” (https://www.fisheries.noaa.gov/topic/endangered-species-conservation#species-in-the-spotlight);
2. Sustain or help rebuild fish stocks managed under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. (hereafter, Managed Species), which includes benefits to Essential Fish Habitat (EFH) for recreationally and commercially important species and their prey;
3. Improve passage to support native fish species of the Great Lakes;
4. Enhance the sustainability of saltwater recreational fisheries by the restoration of habitat that supports the National Saltwater Recreational Fisheries Policy and Implementation Plans (https://www.fisheries.noaa.gov/national/recreational-fishing/saltwater-recreational-fisheries-engagement-plans);
5. Enhance community resilience, including to climate hazards, by removing or improving aging infrastructure, and provide benefits to tribal communities. Projects that use natural channel design and low impact development often result in co-benefits such as protection from flooding and extreme weather events, reduced erosion, and creation of public spaces; or
6. Support hydroelectric license surrender to remove dams that are no longer economically viable or provide significant public benefits, yet remain in service or are abandoned due to cost and uncertainties regarding their decommissioning and removal.

Proposed activities may include future project development and feasibility studies, engineering and design, permitting, on-the-ground fish passage restoration, pre- and post-removal implementation monitoring, stakeholder engagement, building the capacity of new and existing restoration partners to manage multi-faceted project design and construction, and education and outreach. This funding opportunity will also support building tribal organizational capacity to participate in developing current and future fish passage projects. Applicants may apply for funding to support one or more of these activities. Proposals may include multiple locations throughout a watershed or other geographic area, and should demonstrate how multiple locations collectively contribute to priorities within the watershed or geographic area.

B. Program Priorities

Successful proposals will be those that meet the evaluation criteria (Section V.A) most strongly, including those criteria related to the program priorities described here. Applicants should address at least one of the following program priorities:

1) Achieving measurable and lasting benefits for migratory fish populations. NOAA prioritizes proposed work that will achieve measurable, sustainable, and lasting benefits for migratory fish populations. Proposals that focus on removal of barriers will receive higher

priority (e.g. dam removals will receive higher priority than installation of structures that require operations and maintenance, such as fish ladders).

2) Fostering tribally important barrier removal efforts that benefit migratory fish. This solicitation will fund restoration of habitats that improve migratory fish populations important to tribes, including usual and accustomed areas, habitat important for enhancing tribal treaty reserved fishing rights or native subsistence fishing, and tribal trust fishing opportunities. Applicants should refer to traditional ecological knowledge (TEK), watershed plans, resiliency plans, or other fishery-related strategic planning, conservation, or management documents to show the tribal importance of the proposed work.

3) Enhancing community resilience to climate hazards and providing other co-benefits. Applicants should describe how the proposed fish passage will benefit human populations within or near the project site(s), and how these actions will reduce vulnerability to the climate hazards that are most threatening to the local communities. Applicants may also describe how the proposed work will enhance the ability to plan and prepare for adverse effects of extreme weather events or climate hazards or provide additional co-benefits to the community (e.g., economic vitality, increased access to natural resources).

4) Increasing tribal organization fish passage capacity to support tribes in their role as managers and stewards of tribal trust resources for cultural, spiritual, economic, subsistence, and recreational purposes. Proposals may include activities that build tribal capacity to participate in the fish passage project development process, including reviewing project locations, reviewing design plans, conducting field assessments, providing traditional ecological knowledge (TEK) for fish passage projects, and managing multi-faceted fish passage project design and construction.

C. Program Authority

The Secretary of Commerce is authorized under the following statutes to provide grants and cooperative agreements for habitat restoration and conservation: 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; and Endangered Species Act, 16 U.S.C. 1535. The NOAA Administrator is authorized under the following statute to support formal and informal educational activities at all levels: the America COMPETES Act, as amended, 33 U.S.C. 893a. This funding opportunity announcement is authorized under the Infrastructure Investment and Jobs Act (Public Law 117-58).

II. Award Information

A. Funding Availability

NOAA anticipates up to $12 million will be available under this opportunity in Fiscal Year (FY) 2022. NOAA anticipates typical federal funding awards will range from $500,000 to $2 million over three years. NOAA will not accept proposals with a federal funding request of less than $300,000 or more than $5 million for the entire award. NOAA may choose to combine funding available in FY22 and FY23 for this opportunity. If combined, the total amount available will be up to $24 million. This decision will be solely at NOAA's discretion, but will be based on the timing of the award process, and funding needs as expressed through the number of applications received and amount of funds requested.

Funds will be administered by the Community-based Restoration Program within the NOAA Office of Habitat Conservation. The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA. Any funds provided to successful applicants for subsequent-year funding requests will be determined by progress towards stated milestones and availability of funding at the discretion of the NOAA Office of Habitat Conservation and the NOAA Grants Management Division (GMD).

NOAA or the Department of Commerce are not responsible for direct costs of application preparation. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds. The number of awards to be made as a result of this funding opportunity announcement will depend on the number of eligible applications received, the amount of funds requested, and the merit and ranking of the applications.

B. Project/Award Period

NOAA encourages a period of performance of up to three years, with the potential for up to five years if necessary. NOAA anticipates that the period of performance for most awards will be three years. The earliest anticipated start date for awards will be December 1, 2022. Both federal and non-federal match pre-award costs will be considered during pre-award negotiations between the applicant and NOAA. Incurring pre-award costs before NOAA GMD offers a grant is at the applicant's own risk.

Once funds are awarded, recipients of multi-year awards will not need to compete for funding in subsequent years for the same award. NOAA expects, but is not obligated, to provide additional funding to multi-year awards in subsequent years. Adding funds to multi-year awards is contingent on the availability of funds and satisfactory performance, and is at the sole discretion of NOAA. Award periods may be extended, at the discretion of NOAA and based on project needs, up to the extent legally allowable. This is typically a maximum award length of five years.

C. Type of Funding Instrument

Selected applications will be funded through cooperative agreements, as described in 2 C.F.R. Sec. 200.1, meaning that NOAA expects to be substantially involved in many aspects of the awards. Substantial involvement may include, but is not limited to, collaboration on the scope of work, providing assistance with technical aspects of the habitat restoration project, review and comment on design plans, and review of procurement materials to the extent authorized by 2 C.F.R. Sec. 200.325.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are Indian tribes (as defined in 25 U.S.C. Section 5304 (e)) and tribal commissions or consortia.

Tribal commissions or consortia are required to provide supporting documentation in the application demonstrating support from the tribe(s) they represent for the specific work proposed. Supporting documentation should be from a senior tribal leader or their designee and must also include a description of how the tribe(s) will be involved in the proposed work. The documentation may be provided in the form of letters of support from one or more tribes for the specific work proposed, and is further described in this Announcement in Section IV.B., Content and Form of Application. Letters should be submitted as part of the grant application, but can also be submitted during award negotiations if a proposal is selected for funding.

An institution of higher education, non-profit organization, commercial (for profit) organization, U.S. territory, or state or local government, and organizations that identify as Indian tribes but do not meet the definition of “Indian tribe” above, which may include State recognized tribes, can partner with Indian tribes and tribal commissions or consortia on an application, but are not eligible to submit an application directly. A partnership may involve proposed subawards, contracts, informal collaboration, or other engagement. These partners may apply directly for separate NOAA Infrastructure Investment and Jobs Act funding opportunities for restoring fish passage published at www.grants.gov.

Applications from federal agencies or employees of federal agencies will not be considered. Federal agencies interested in this program are strongly encouraged to work with applicants who are eligible to apply.

Applicants must propose work in areas that benefit migratory fish as defined in the Program

Objective (Section I.A). Eligible applicants for Great Lakes projects must propose work within one of the eight U.S. Great Lakes states (New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota) within the Great Lakes watershed.

B. Cost Sharing or Matching Requirement

There is no non-federal matching requirement for this funding. NOAA desires cost sharing to encourage partnerships among government, community, industry, and academia. NOAA encourages applicants whose proposed initiatives exceed the budgetary limits for this competition to apply to this competition and also for other, complementary federal funding for separate components of their larger initiatives. In these situations, NOAA will coordinate as necessary with other agencies to assure that funding is not duplicated and that the complementary components will support completion of the larger initiative.

Non-federal match funds may be optionally included within the application to demonstrate stakeholder support for the proposed work. Applicants should refer to 2 C.F.R. 200.306 for cost sharing or matching policies.

Applicants whose proposals are selected for funding will be bound by the percentage of match reflected in the award document signed by NOAA's Grants Management Division, unless amended based on extenuating circumstances. NOAA is under no obligation to amend the matching contributions once the award document is signed by the recipient. Successful applicants should be prepared to carefully document matching contributions.

C. Other Criteria that Affect Eligibility

Applications submitted through Grants.gov must be submitted by the due date and time provided in Section IV.D. Late applications will not be considered for funding. Paper applications received later than seven business days following the post-mark due date and time will not be accepted. Submission time will be documented by electronic submission to Grants.gov, a U.S. Postal Service postmark, or a delivery service receipt. Applicants should consider the possibility of unforeseen impacts from natural hazards that could affect internet access and use of Grants.gov on or before application due dates. Applicants should be aware that localized hazardous weather, monthly scheduled Grants.gov weekend maintenance, or other situations that impact the ability to submit application packages may not result in changes to the application deadline. Information regarding electronic submission through Grants.gov and regarding submitting paper applications is contained in Section IV.G. All applications MUST contain ALL required forms. Failure to submit forms may result in disqualification from this competition. See Section IV.G for more details.

NOAA will not accept proposals with a federal funding request of less than $300,000 over

three years or more than $5 million over three years.

The following information describes ineligible project proposal types and activities:
1. Activities that are required by a separate local, state, or federal consent decree, court order, license condition, statute, or regulation are not eligible. Applicants planning to combine grant or matching funds with mitigation should review the Compensatory Mitigation for Losses of Aquatic Resources Final Rule at 73 Fed. Reg. 19594 (April 10, 2008). NOAA plans to follow the approach adopted by some other Federal agencies on Page 19636 that describes scenarios where mitigation credits may or may not be obtained in association with federal financial incentives.
2. Effectiveness monitoring and research are not eligible project types. The NOAA Office of Habitat Conservation values effectiveness monitoring and research, but funds are not included within this funding opportunity to support monitoring and research focused projects. Effectiveness monitoring is longer-term than implementation monitoring, and often requires detailed field investigations of multiple physical, biological, and geochemical processes. To find out more about effectiveness monitoring and regional contacts with which to discuss ideas, visit https://www.fisheries.noaa.gov/national/habitat-conservation/monitoring-and-evaluation-restoration-projects. Proposals for effectiveness monitoring that do not qualify for other NOAA competitive funding may be eligible for NOAA's Broad Agency Announcement, posted on Grants.gov.

IV. Application and Submission Information

A. Address to Request Application Package

Complete application packages, including required federal forms and instructions, can be found on www.Grants.gov. If a prospective applicant is having difficulty downloading the application forms from www.Grants.gov, contact www.Grants.gov Customer Support at 1-800-518-4726 or support@Grants.gov. Instructions for these forms are available at https://www.grants.gov/web/grants/forms/sf-424-family.html. If an applicant does not have internet access, application materials may be requested from Janine Harris, the competition manager, by phone at 301-427-8635 or email at infrastructure.tribal@noaa.gov. Information about the recommended format for applications is contained in Section IV.B.

B. Content and Form of Application

A complete, standard NOAA financial assistance application package should be submitted, as described below. Each proposal must include the following Federal application forms. The Standard Form (SF)-424 family may be downloaded from https://www.grants.gov/web/grants/forms.html.

1) SF-424: Application for Federal Assistance
2) SF-424A: Budget Information for Non-construction Programs
3) SF-424B: Assurances for Non-construction Programs
4) CD-511: Certification Regarding Lobbying
5) SF-LLL (if applicable): Disclosure of Lobbying Activities

In addition to the Federal application forms, NOAA recommends the following components as part of a complete application package. Page limits assume an 11- or 12-point font and 1-inch margins. Components should be organized into a maximum of four (4) PDF files outlined below:

PDF 1. Project Summary and Project Narrative, (18 page limit)
PDF 2. Budget Narrative (6 page limit)
PDF 3. Project Designs (no page limit)
PDF 4. Supplemental Materials (25 page limit recommendation)

The application should follow the organization of the evaluation criteria (see Section V.A) to receive a consistent review against competing applications. The information provided below may help you address the evaluation criteria.

PDF 1. PROJECT SUMMARY and PROJECT NARRATIVE (18 page limit)

PROJECT SUMMARY (2 page limit)
(1) Applicant Organization
(2) Project Title
(3) Site Location. Include the geographic coordinates and describe the tribal lands the project is on, and/or traditional use areas, or coastal water that support fish populations that are or have been integral to the living culture of tribes. If multiple sites are proposed, please include a map or description of all sites.
(4) Brief Project Description:
- Project Goals. Describe the expected measurable benefit to the project’s target species. Include stream miles to be made accessible to migratory fish, number of in-stream barriers removed, and any other anticipated long-term benefits, so that reviewers can understand the scale and meaning of your proposed project in the context of the watershed. Describe the target fish populations and life stages that will benefit from the proposed fish passage projects, and their relative abundance in the proposal’s area of benefit, including whether they are Listed or Managed species, or species native to the Great Lakes.
- Regional and Watershed Context. Describe the watershed where the in-stream barriers are

located. Describe how the proposed work is important to tribes, including if the work will improve habitat important for enhancing tribal treaty fishing rights or native subsistence fishing. Describe any actions that will build tribal capacity to participate in the fish passage project development process.
- Timeline. Provide a timeline of all project activities to be supported through this proposal, including an indication of when activities will begin and end.
(5) Funding Request. Include the total request for NOAA funds for each year of the project period.

PROJECT NARRATIVE (16 page limit)
Proposals are evaluated based on the criteria described in Section V.A, Evaluation Criteria. Please review that section for a full description of topics to include in your project narrative. The following information provides guidance for how to respond to the evaluation criteria. For more information on program priorities and other goals outlined below, applicants should visit: https://www.fisheries.noaa.gov/national/funding-and-financial-services/priorities-habitat-restoration-grants.

(1) Importance and Applicability. As you address the evaluation criteria in Section V.A., describe the project's importance and context within the natural and human environment.

(a) Applicants should describe how the proposed actions will benefit the target species. This may include the number of stream miles to be made accessible for migratory fish, the distance to the next upstream blockage, and any downstream blockages or seasonal impediments to fish passage. For projects including or solely focused on organizational capacity building, applicants should describe how the proposed work will support tribes in their roles as managers and stewards of tribal trust resources, including how the proposed work will increase organizational capacity to provide direct habitat benefits. For example, applications can propose funding for tribes for staff for fish passage capacity building or training for existing and new tribal staff.

Applicants should refer to watershed plans or other fishery-related strategic planning, conservation, or management documents, as appropriate to the proposed work. Applicants should describe how the proposed actions support the recovery or sustainability of Listed Species, Managed Species, saltwater recreational fisheries, and/or native fish species of the Great Lakes. For proposals addressing Listed Species, proposed actions should align with ESA Recovery Plans for target species. For proposals targeting Managed Species, proposed actions should be consistent with Fishery Management Plans and should address benefits to Essential Fish Habitat (EFH) for recreationally and commercially important species and their prey. For proposals addressing saltwater recreational fisheries, applicants should identify how proposed actions align with one of the six guiding principles of the National Saltwater Recreational Angler Policy. The policy's goal of supporting sustainable saltwater

recreational fisheries resources, including healthy marine and estuarine habitats, is guided by the principle of supporting ecosystem conservation and enhancement through restoration and science-based enhancements and conservation of forage fish. For proposals targeting the Great Lakes, applicants should describe how the habitat restoration actions will benefit native fish species.

(b) Applicants should refer to watershed plans or other fishery-related strategic planning, conservation, or management documents, as appropriate, to show the barrier removal work is a tribal priority, and should describe how they considered traditional ecological knowledge (TEK) in planning the proposed work. For the inclusion of TEK, the applicant should explain the general methods used (e.g. literature review, semi-structured interviews, oral history etc.). A brief description of potential methods can be found here: https://www.noaa.gov/sites/default/files/2021-11/19-065933-Traditional-Knowledge-in-Decision-Making-Document-Signed.pdf. Applications from tribal commissions or consortia should clearly show the prominent role of tribes in the proposed work.

(c) Applicants should describe how the proposed restoration will benefit human populations within or near the project site(s), and how these actions will promote resilience to the climate hazards that are most threatening to the local communities. Applicants may also describe how the proposed work will enhance the ability to plan and prepare for adverse effects of extreme weather events or climate hazards. Projects that use natural channel design and low impact development often result in co-benefits including, but not limited to, protection from flooding and extreme weather events, reduced erosion, and creation of public spaces. Proposals should include descriptions of anticipated benefits and co-benefits within the spatial and temporal context of the proposed restoration. Co-benefits are defined in Section. I.A.

(2) Technical/Scientific Merit. In order to address the evaluation criteria in Section V.A., proposals should describe in detail the actions to be undertaken to remove in-stream barriers. We anticipate some proposals may include multiple in-stream barriers to fish passage. If page limits are restrictive, focus the application on the technical aspects of those actions with highest priority funding needs.

(a) For each in-stream barrier, applicants should identify the project phase(s) proposed (e.g., feasibility study and stakeholder input, design, construction) and proposed fish passage techniques. For instance, if feasibility and design activities are proposed, the narrative should include the scope of services or tasks. If project implementation is proposed, the latest designs should be attached as described in PDF 3 Project Designs, below.

(b) The following are suggested technical details applicants can include about the proposed fish passage projects and their locations:

– The past and present conditions of the fish passage barrier, including information on the historic and anticipated fish passage at the site;

– If there are any other barriers in the watershed upstream and downstream of the project site and their passage status (total barrier, partial barrier, temporal barrier, etc);
– how the preferred alternative for barrier removal was determined by the stakeholders and a description of how the process included tribal considerations and TEK;
– the in-stream barrier owners, land managers, and stakeholders, including permitting agencies, that have been identified for the proposed work;
– potential changes to hydrology and flooding regimes as a result of the restoration activities, both upstream and downstream;
– the amount and characterization of sediments behind the barrier and potential sources of sediment contamination within the watershed;
– the likelihood of historic and cultural resources in the area;
– safety considerations (e.g., structural integrity of the barrier, likelihood of failure, attractive nuisance conditions); and/or
– issues and potential control strategies regarding aquatic invasive species (e.g., sea lamprey in the Great Lakes).

(c) The project narrative should include a timeline with key milestones, including interim milestones per funding year, identified and detailing how the project(s) will be completed within the specified time period. If tribal capacity is a component of the proposals, timelines and milestones should also show efforts to build tribal organizational capacity to participate in developing current and future fish passage projects. For projects with permits or NEPA documents completed or under development, please indicate the status and level of NEPA review (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement), lead Federal agency, and contact information for the lead agency person. See also Section VI.B.4 of this announcement.

(d) Fish Passage Implementation Monitoring and Evaluation. Proposals should include a discrete Implementation Monitoring Plan, or describe the process for developing and implementing a Monitoring Plan. This may be included either within the body of the narrative or as part of the Supplemental Materials. Monitoring plans should address all proposed fish passage barriers in a comprehensive and coordinated manner, focused on implementation monitoring. All projects, regardless of their place in the project development lifecycle should be included. Applicants should be willing to work with NOAA to adjust the plan, if necessary, to ensure that the proposed parameters are meaningful and meet the requirements below.

Implementation monitoring for fish passage projects is described in the NOAA Restoration Center Implementation Monitoring (Tier 1) Guidance available at https://www.fisheries.noaa.gov/national/habitat-conservation/monitoring-and-evaluation-restoration-projects#more-information. This document provides an overview of the Restoration Center's preferred monitoring plan structure, and describes fish passage implementation metrics for dam removals and culvert removal/replacement. For project

types not described, such as fish ladders, monitoring metrics should propose sufficient, cost-effective monitoring metrics that will assess whether the restoration actions were carried out as designed. Proposals should: 1) include parameters that evaluate short-term structural changes at the project site(s) (e.g., as-built surveys), and may also include a basic measure of success (e.g., presence/absence of target species); 2) propose pre-implementation data collection, when applicable; 3) include parameters with quantitative or clearly defined targets; and 4) include parameters with targets that can be evaluated within approximately one year after project implementation.

While the NOAA Office of Habitat Conservation values effectiveness monitoring and research, funds are not included within this solicitation to support these efforts. Effectiveness monitoring is longer-term than implementation monitoring, and often requires detailed field investigations of multiple physical, biological, and geochemical processes. Proposals for effectiveness monitoring that do not qualify for other NOAA competitive funding may be eligible for NOAA's Broad Agency Announcement, posted on Grants.gov.

(3) Overall Qualifications of Applicants. In order to address the evaluation criteria in Section V.A., proposals should fully describe the tribal applicant or tribal commission or consortia's experience and capacity to successfully complete the proposed work. Training and experience should be described in both fish passage qualifications and management capacity. Examples of prior efforts that demonstrate qualifications include: collaboration with tribes and incorporation of TEK on fish passage projects, design, construction, and monitoring; environmental compliance; and effective fiscal management of grant awards, especially those similar in size to the current request. Include brief resumes or curriculum vitae (CV) for up to five (5) key staff from the tribe or partner organization, and/or subrecipients and subcontractors, as described under the Supplemental Information section below.

(4) Project Costs. In order to address the evaluation criteria in Section V.A., proposals should follow the guidance under PDF 2. Budget Narrative, as fully described below.

(5) Outreach and Education. In order to address the evaluation criteria in Section V.A., proposals should describe how the proposed activities will include tribes and meet the holistic needs of the tribal community. Proposals should include an outreach and education strategy that describes how information about fish passage barrier removal goals and results will be shared with the local community, including tribal members. Proposals should describe any completed, in-progress, or planned outreach to in-stream barrier owners. Letters of support should be provided to show broad support for the project, including documentation of approval from fish passage barrier owners for implementation projects. Applicants may demonstrate stakeholder support through optional non-federal match or cost sharing, as described in support letters. Letters of support should be included in

Supplemental Materials (PDF 4) for evaluation under this criterion.

PDF 2. BUDGET NARRATIVE (6 pages)
Reviewers will evaluate project costs by reviewing your budget narrative. Your budget narrative should describe project costs in the following categories, also referred to as SF-424A Object Classes: Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual, and Other. The sum of funds requested under these Object Classes should be described as Total Direct Costs. The costs required for organizational operation that cannot be easily associated with an individual project or program should be described as Indirect Costs. Organizations with a federally Negotiated Indirect Cost Rate Agreement (NICRA) should include a copy of the approved NICRA in Supplemental Materials (PDF 4). Organizations without a NICRA may claim the 10% de minimis rate for calculating indirect charges on the Modified Total Direct Costs (see 2 C.F.R. 200.1 for definitions). These totals should also be recorded on the SF-424A. Award costs should be divided into annual funding requests for up to three years in duration. If NOAA funding will be used to complete part of a larger project, a budget overview for the entire project should be provided to demonstrate how the NOAA request relates to the overall project budget and is needed for successful project implementation. NOAA staff will review budget information in recommended applications to determine if costs are allowable, allocable, reasonable, necessary, and realistic.

If a project has been submitted for funding consideration elsewhere, the amount(s) requested or secured from other funding sources, and whether the funds requested/secured are federal or non-federal, should be included. Please indicate if you are using federal funds, non-federal funds or a combination of both as match or leverage.

The NOAA Restoration Center has provided guidance regarding the level of detail required to determine if costs are allowable, allocable, and reasonable in the “Supplemental Instructions” at: https://www.fisheries.noaa.gov/national/habitat-conservation/resources-noaa-restoration-center-applicants#restoration-budget-guidance.

PDF 3. PROJECT DESIGNS (no page limit)
If available, project designs and basis of design reports should be included in the application in order for reviewers to comprehensively assess the technical merit of the proposed fish passage action(s). Construction specifications, scopes of work for services, and cost estimates may also be provided. Please do not attach feasibility studies or watershed plans--the critical components of those documents should be summarized in the Project Narrative. Designs should be uploaded under the “Other Attachments Form” in Grants.gov.

PDF 4. SUPPLEMENTAL MATERIALS (25 page limit recommendation)

All supplemental attachments should be combined into one file which includes a cover page that lists the documents and associated page numbers. This should be uploaded under the "Other Attachments Form" in Grants.gov.
(1) Include a map or aerial photo with nearby towns and/or roads labeled and with the site location(s) highlighted.
(2) Include resumes or descriptions of past project management experience for up to five (5) key personnel (approximately 5 pages) including examples of similar scale projects as applicable.
(3) Include letters of support as described under Outreach and Education. For applications from tribal commissions or consortia, include letters to show supporting documentation from senior tribal leaders or their designees that describes how the tribe(s) will be involved in the proposed work. The page limit for PDF 4 can be expanded to ensure all tribal letters of support are included. If a tribal applicant proposes subrecipients, contractors, or collaborators known at the time of award, letters of support from these parties may be included. Letters of support should demonstrate consultation with invasive species management programs, as relevant to the project site. (For example, if a project is proposing fish passage in the Great Lakes, include appropriate documentation demonstrating consultation with and support from the U.S. Fish and Wildlife Service Sea Lamprey Control Program.)
(4) If applicable, and not included in the Project Narrative, include an Implementation Monitoring Plan (2 page limit), as described above in this section.
(5) Include any other relevant supporting materials.

C. Unique Entity Identifier and System for Award Management (SAM)

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, 31 U.S.C. 6101 note, to the extent applicable, any proposal awarded in response to this announcement will be required to use the System for Award Management (SAM), which may be accessed online at https://www.sam.gov/SAM/.

Applicants should: (1) Be registered in the federal System for Award Management (SAM.gov) before submitting an application; (2) provide a valid Unique Entity Identifier (UEI) on an application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. NOAA may not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time NOAA is ready to make a federal award, NOAA may determine that the applicant is not qualified to receive a federal award and use that determination as a

basis for making a federal award to another applicant.

Applicants should allow a minimum of two weeks to complete the SAM registration; registration is required only once but must be periodically renewed. On April 4, 2022, the federal government began using a new Unique Entity Identifier number provided by SAM. Your organization's Employer Identification Number (EIN) will be needed to receive a UEI, which is provided by SAM. If your entity is already registered in SAM.gov, your new UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

D. Submission Dates and Times

The application deadline is August 29, 2022 at 11:59 PM Eastern time. See Section III.C for more information.

E. Intergovernmental Review

Applications under this Program are not subject to Executive Order 12372.

F. Funding Restrictions

The budget may include indirect (facilities & administrative [F&A]) costs if the applicant has an established indirect cost rate with the federal government. As defined at 2 C.F.R. § 200.1, indirect (F&A) costs are incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved (e.g., lights, rent, water, and insurance). A copy of the current, approved negotiated indirect (F&A) cost agreement with the federal government should be included with the application. In accordance with 2 C.F.R. § 200.414(f), an applicant that does not have a current negotiated (including provisional) indirect cost rate, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC), describe all costs as direct costs in the budget narrative, or establish a new rate through their cognizant agency for indirect costs as defined under 2 C.F.R. § 200.1. Please also refer to Section VI.B. for additional information.

G. Other Submission Requirements

Applicants are encouraged to submit applications electronically through www.Grants.gov. Users of Grants.gov will be able to create an online application workspace to submit the application. If an applicant has problems accessing the online workspace at Grants.gov, contact Grants.gov Customer Support at 1-800-518-4726 or support@Grants.gov.

Applications must be submitted by the due date and time provided in Section IV.D. Late

applications will not be considered for funding. We highly recommend that applicants do not wait until the application deadline to begin the application process through Grants.gov, as registration with SAM is required, as described in Section IV.C.

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 THREE automated responses (the first confirms receipt; the second validates that the submission is acceptable and timely; and the third confirms that the application has been forwarded to NOAA for further processing). If all notifications are not received, applicants should log into Grants.gov to check application status. After submitting the application package, applicants should download a copy of the submitted application for offline record-keeping and to verify the contents of the submission zip file. Grants.gov recommends downloading the submitted application via the Details tab of the workspace and verifying the contents of each file in the zip.

Submission time will be documented by electronic submission to Grants.gov, a U.S. Postal Service postmark, or a delivery service receipt for paper applications. Applications submitted via the U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Applications received later than seven business days following the closing date will not be accepted.

Electronic applications are strongly encouraged; however paper applications will also be considered. Paper applications should be sent to: NOAA Restoration Center, NOAA Fisheries (F/HC3),1315 East West Highway, Rm. 14853, Silver Spring, MD 20910. ATTN: FY22 Restoring Tribal Priority Fish Passage through Barrier Removal. All applications MUST contain ALL required forms. Failure to submit forms may result in disqualification from this competition. Applicants are responsible for tracking their own applications. Please notify the contact official in Section VII of this announcement by email if you are experiencing difficulties with Grants.gov, your organization is not able to use this system, or if you are submitting by paper.

V. Application Review Information

A. Evaluation Criteria

Reviewers will assign scores to applications ranging from 0-100 points based on the following five evaluation criteria. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors the reviewers will consider to determine how well an application meets the criterion. We encourage applicants to make explicit

connections to the evaluation criteria in their applications. Applications that best address these criteria will be most competitive. Top range scores indicate the application fully addressed the criterion, a score of 0 indicates the criterion was not addressed at all.

1) Importance and Applicability (35 points): This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, tribal, federal, regional, state or local activities. For this competition, applications will be evaluated based on the following:

(a) Will the proposed actions achieve measurable and lasting benefits for migratory fish populations, for the benefit of target species described in the Program Priorities (Section I.B.1)? These are: 1) Listed Species, (e.g. through actions in ESA Recovery Plans); 2) Managed Species (e.g. as described in Fishery Management Plans); 3) native fish species in the Great Lakes and/or 4) saltwater recreational fisheries (e.g. as described in the National Saltwater Recreational Fisheries Policy and Implementation Plans). For proposals that solely focus on pre-implementation activities (such as future project development planning and feasibility studies, engineering and design, permitting, and stakeholder engagement) and/or organizational capacity building, what is the likelihood that the proposed work will provide direct habitat benefits for these target species once implemented? (15 points)

(b) Does the proposal foster tribally important fish passage efforts for migratory fish, considering TEK and the cultural importance of the work? (12 points)

(c) Does the proposal describe the co-benefits to the proposed fish passage actions or capacity building, specifically how the proposal will enhance ecosystem resilience, and reduce vulnerability from the climate hazards and extreme weather events that are most threatening to the local community? (8 points)

2) Technical/Scientific Merit (25 Points) This criterion assesses whether the restoration activity or approach is technically sound, if the methods are appropriate, and whether there are clear goals and objectives. For this competition, applications will be evaluated based on the extent to which the applicant has described a realistic and thorough implementation plan that includes:

(a) To what extent are the proposed actions feasible from a biological, engineering, and coordinating perspective, including whether the proposed approach is technically sound, safe for the public, and uses appropriate methods and personnel? Do the proposed actions consider the full watershed, specifically if there are any other barriers in the watershed upstream and downstream of the project site and their passage status (total barrier, partial barrier, temporal barrier, etc)? For projects including or solely focused on tribal organizational capacity building, does the proposal describe a measurable approach to increase tribal participation in design, permitting, and review of fish passage projects? (10 points)

(b) Does the proposal include a realistic timeline, key milestones to be achieved (including the status of permitting and environmental compliance for implementation projects), and completely describe the proposed fish passage effort(s) and/or capacity building? (8 points)

(c) Does the proposed work measure near-term implementation success following the restoration monitoring and assessment guidance (see Section IV.B: Implementation Monitoring and Evaluation)? For proposals that solely include pre-implementation activities and/or capacity building, is developing a monitoring plan for future implementation included in the proposal? See the NOAA Restoration Center Implementation Monitoring (Tier 1) Guidance for more information: https://www.fisheries.noaa.gov/national/habitat-conservation/resources-noaa-restoration-center-applicants#restoration-monitoring-and-data-management. If no pre- or post-restoration implementation monitoring will be developed or performed, the applicant should explain the rationale for the lack of monitoring. (7 points)

3) Overall Qualification of Applicant (10 points) This criterion ascertains whether the applicant and their project management team possess the necessary education, experience, training, facilities, and administrative resources to support the proposed work. For this competition, applications will be evaluated based on the following (as demonstrated by attached resumes, past project experience, and accomplishments of the key staff):

(a) Does the applicant/project team possess, or propose hiring, the necessary experience and training to successfully carry out the scale and scope of the work? Proposals will receive equal weight if resources are in place, or if the proposal provides adequate information to ensure the resources will be put in place at the start of the award period, for capacity building proposals or portions of proposals. (5 points)

(b) Does the applicant/project team possess, or propose hiring, the necessary administrative resources to successfully fulfill the responsibilities associated with managing a federal grant award, including managing the requested amount of funds and fulfilling reporting requirements? Proposals will receive equal weight if administrative resources are in place or if the proposal provides adequate information to ensure the resources will be put in place at the start of the award period. (5 points)

4) Project Costs (15 points) This criterion evaluates the budget to determine if it is realistic and commensurate with the project(s) needs and time-frame. For this competition, applications will be evaluated on the following:

(a) Has the applicant demonstrated a realistic understanding of costs by providing a budget (broken down by SF-424A object classes) that provides sufficient detail, corresponds to milestones, and clearly states the NOAA funding request per year requested? If funds are requested for a project with multiple sites or phases, the proposal should include a rough breakdown of estimated costs per task to justify the funding request. (8 points)

(b) Has the applicant demonstrated that a significant fish passage benefit will be generated

at a reasonable cost, based on the applicant's stated objectives and time frame? Does the budget allocate the majority of requested direct federal funds to support the proposed fish passage projects (e.g., stakeholder engagement, project planning, feasibility, engineering and design, implementation monitoring, capacity-building, and/or implementation), compared to the percentage used for activities that are not linked to the proposed projects? If funds are requested for organizational capacity-building, does the applicant demonstrate a direct link to fish passage activities? (7 points)

5) Outreach and Education (15 points) NOAA assesses whether the project is based on broad community support. For this competition, applications will be evaluated equally based on the following:

(a) Has the applicant provided support letters from actively contributing groups, such as funders, landowners, and specifically from tribal leaders for projects submitted by tribal commissions or consortia? (5 points)

(b) Does the proposal include opportunities for early and meaningful engagement of the local community, including tribal members, with opportunities to affect decision-making related to vision and execution of the project? (5 points)

(c) Does the proposal include an outreach and education strategy to share information about fish passage barrier removal goals and results to the local community, including tribal members? (5 points)

B. Review and Selection Process

Applications will undergo an initial administrative screening to determine if they are eligible and complete. NOAA, in its sole discretion, may continue the review process for applications with non-substantive issues that may be easily rectified or cured. Applications are screened to ensure that they were received by the deadline date (see Section IV.D); the applicant is eligible to apply; and includes a project summary, project description, budget, and supporting documentation as outlined in Section IV.B Content and Form of Application. NOAA does not have to screen applications before the submission deadline in order to identify deficiencies that would cause the application to be rejected or receive a poor evaluation. However, if deficiencies are identified by NOAA or the applicant, the applicant may correct any deficiencies in their application before the deadline. After the deadline, the application must remain as submitted; no changes can be made to it.

Eligible applications will undergo a technical review, ranking, and selection process to determine how well they meet the program priorities and evaluation criteria of this solicitation and the mission and goals of NOAA. Eligible applications will be evaluated by three or more merit reviewers as part of a technical review based on the Evaluation Criteria

listed in Section V.A. After the technical review, a panel may meet to make final recommendations to the Selecting Official regarding which proposals best meet the program objectives and priorities (Sections I.A and I.B). The panel will be composed of qualified persons with appropriate subject-matter expertise who may be from Federal, state, or tribal agencies, academic institutions, for profit or non-profit organizations. To the extent non-federal panelists are involved, the panel will not provide consensus advice. The panel may convene in person or by teleconference, video conference, or other electronic means to discuss applications.

If convened, the panel will be presented with the top-ranked applications, per the results of the technical review. Panelists will also receive the technical review scores and comments for each application. The panel, or the individual panelists, will rate all top-ranked proposals on the following scale:
1 – Fair: application marginally addresses program priorities outlined in Section I.A and I.B and was moderately responsive to Evaluation Criteria;
2 – Good: application adequately addresses program priorities outlined in Section I.A and I.B and was strongly responsive to Evaluation Criteria.
3 – Excellent: application exceptionally addresses program priorities outlined in Sections I.A and I.B, and was highly responsive to Evaluation Criteria;

If a panel is held, the panel’s ranked list will be the ranking considered by the Selecting Official for recommending applications for funding. If a panel is not held, the technical review ranking will be the ranking considered by the Selecting Official for recommending applications for funding.

C. Selection Factors

The Selecting Official will recommend 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) by geographic area, b) by type of institutions, c) by type of partners, d) by research areas; or 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 Sections I.A and I.B;
5. An applicant's prior award performance;
6. Partnerships with, participation of and/or benefits to targeted groups, including tribes and underserved communities; 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 GMD.

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 will be kept on file in accordance with NOAA records requirements and then destroyed.

NOAA may select all, some, or none of the applications, or part of any application, ask applicants to work together or combine projects, defer applications to the future, or reallocate funds to different funding categories, to the extent authorized. Applicants may be asked to modify objectives, work plans or budgets, and provide supplemental information required by the agency prior to the 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 program staff. The NOAA Grants Officer makes the final approval decision and issues an award, as described in Section VI.A. and B.

D. Anticipated Announcement and Award Dates

Applicants should anticipate the earliest start date for awards will be December 1, 2022.

VI. Award Administration Information

A. Award Notices

The exact amount of funds to be awarded, the final scope of activities including monitoring, the award duration, and specific NOAA cooperative involvement with the activities of each cooperative agreement award will be determined in pre-award negotiations among the applicant, the NOAA GMD, and NOAA staff that will administer these restoration awards.

The official notice of award is the Standard Form CD-450, Financial Assistance Award, issued by the NOAA Grants Officer electronically through NOAA’s Grants Online system. The authorizing document, the CD-450 award cover page, is provided to the appropriate business office of the recipient organization.

Pre-Award Costs. Per 2 CFR 200.458, NOAA authorizes award recipients to expend pre-award costs up to 90 days before the period of performance start date at the applicant’s own

risk without approval from NOAA and in accordance with the applicant's internal policies and procedures. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award. This does not include direct proposal costs (as defined at 2 CFR 200.460). In no event will NOAA or the Department of Commerce be responsible for direct proposal preparation costs. Pre-award costs will be a portion of, not in addition to, the approved total budget of the award. Pre-award costs expended more than 90 days prior to the period of performance start date require approval from the Grants Officer. This does not change the period of performance start date.

Grants Officer Signature. Proposals submitted in response to this solicitation are not considered awards until the Grants Officer has signed the grant or cooperative agreement. Only Grants Officers can bind the Government to the expenditure of funds. The Grants Officer's digital signature constitutes an obligation of funds by the federal government and formal approval of the award.

Limitation of Liability. Funding for programs listed in this notice is contingent upon the availability of funds. Applicants are hereby given notice that funds may not have been appropriated yet for the programs listed in this notice. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

B. Administrative and National Policy Requirements

1. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of December 30, 2014 (79 FR 78390) are applicable to this solicitation and may be accessed online at http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf.

2. Uniform Administrative Requirements, Cost Principles, and Audit Requirements: Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which applies to awards in this program. Refer to http://go.usa.gov/SBYh and http://go.usa.gov/SBg4.

3. Department of Commerce (DOC) Terms and Conditions: Successful applicants who accept a NOAA award under this solicitation will be bound by the DOC Financial Assistance Standard Terms and Conditions. This document will be provided in the award package in NOAA's Grants Online system at http://www.ago.noaa.gov and at https://www.commerce.gov/oam/policy/financial-assistance-policy.

4. Bureau Terms and Conditions: Successful applicants who accept an award under this solicitation will be bound by bureau-specific standard terms and conditions. These terms and conditions will be provided in the award package in NOAA's Grants Online system. For NOAA awards only, the Administrative Standard Award Conditions for National Oceanic and Atmospheric Administration (NOAA) Financial Assistance Awards U.S. Department of Commerce are applicable to this solicitation and may be accessed online at https://www.noaa.gov/organization/acquisition-grants/financial-assistance.

5. NEPA Requirements: NOAA must analyze the potential environmental impacts for individual projects as required by NEPA. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website, http://www.nepa.noaa.gov/, including our NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6.pdf, and the Council on Environmental Quality implementation regulations, http://energy.gov/sites/prod/files/NEPA-40CFR1500_1508.pdf.. 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, 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).

Applicants are encouraged to consult with NOAA as early as possible on proposed projects to discuss NEPA considerations, and should review the restoration-specific environmental compliance documents available at https://www.fisheries.noaa.gov/national/habitat-conservation/resources-noaa-restoration-center-applicants. Funds will not be released until NOAA completes the requisite NEPA analysis and documentation. Funds may be withheld by the GMD under a special award condition requiring the recipient to submit additional environmental law compliance information sufficient to enable NOAA to make an assessment of impacts that the award may have on the environment.

Applicants proposing activities that cannot be categorically excluded from further NEPA analysis, that are not covered by existing NOAA programmatic NEPA documents, or whose activities are not covered under another agency's NEPA compliance procedures, which can be analyzed and adopted by NOAA, will be informed after the technical review stage. Such applicants may be requested to complete the Environmental Compliance Questionnaire for NOAA Federal Financial Assistance Applicants (https://www.nepa.noaa.gov), assist in the preparation of an EA prior to an award being made, or provide for NOAA review a copy of an EA/EIS that covers proposed activities if one exists. Awardees will be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified

adverse environmental impacts of their proposed sub-award or sub-contract projects, especially for projects requiring NOAA to consult under the ESA. Failure to agree to do so shall be grounds for not awarding funds or for terminating an award.

6. NOAA's Data Sharing Policy: Environmental data and information collected and/or created under NOAA grants or cooperative agreements must be made discoverable by and accessible to the general public, in a timely fashion (typically within two years), free of charge or at no more than the cost of reproduction, unless an exemption is granted by the NOAA Program. Data should be available in at least one machine-readable format, preferably based on widely used or open-standard format, and should also be accompanied by machine-readable documentation (metadata), preferably based on widely-used or international standards.

Proposals recommended for funding may be asked to provide a Data Management Plan of up to two pages describing how these requirements will be satisfied. If applicable, NOAA will provide guidance to the applicant. A typical plan should include descriptions of the types of environmental data and information expected to be created during the course of the project; the tentative date by which data will be shared; the standards to be used for data/metadata format and content; methods for providing data access; approximate total volume of data to be collected; and prior experience in making such data accessible. The costs of data preparation, accessibility, or archiving may be included in the proposal budget unless otherwise stated in the Guidance. Accepted submission of data to the NOAA National Centers for Environmental Information (NCEI) is one way to satisfy data sharing requirements; however, NCEI is not obligated to accept all submissions and may charge a fee, particularly for large or unusual datasets.

NOAA may, at its own discretion, make publicly visible the Data Management Plan from funded proposals, or use information from the Data Management Plan to produce a formal metadata record and include that metadata in a Catalog to indicate the pending availability of new data.

Proposal submitters are hereby advised that the final pre-publication manuscripts of scholarly articles produced entirely or primarily with NOAA funding will be required to be submitted to NOAA Institutional Repository after acceptance, and no later than upon publication. Such manuscripts shall be made publicly available by NOAA one year after publication by the journal.
More information can be found on NOAA’s Data Management Procedures at: https://nosc.noaa.gov/EDMC/documents/Data_Sharing_Directive_v3.0_remediated.pdf and at NAO 212-15 Management of Environmental Data and Information:

https://www.noaa.gov/organization/administration/nao-212-15-management-of-environmental-data-and-information

7. Minority Serving Institutions: The Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to increasing the participation of Minority Serving Institutions (MSIs), i.e., Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal colleges and universities, Alaskan Native and Native Hawaiian institutions, and institutions that work in underserved communities.

8. NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy: NOAA requires organizations receiving federal assistance to report findings of sexual harassment, or any other kind of harassment, regarding a Principal Investigator (PI), co-PI, or any other key personnel in the award. NOAA expects all financial assistance recipients to establish and maintain clear and unambiguous standards of behavior to ensure harassment free workplaces wherever NOAA grant or cooperative agreement work is conducted, including notification pathways for all personnel, including students, on the awards. This expectation includes activities at all on- and offsite facilities and during conferences and workshops. All such settings should have accessible and evident means for reporting violations and recipients should exercise due diligence with timely investigations of allegations and corrective actions.

For more information, please visit: https://www.noaa.gov/organization/acquisition-grants/noaa-workplace-harassment-training-for-contractors-and-financial.

9. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials: If applicable, and pursuant to the Infrastructure Investment and Jobs Act (“IIJA”), Pub.L. No. 117-58, which includes the Build American, Buy American (BABA) Act, Pub. L. No. 117-58, §§ 70901-52 and OMB M-22-11, recipients of an award of Federal financial assistance from the Department of Commerce (DOC) are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: 1) all iron and steel used in the project are produced in the United States–this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; 2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and 3) all construction materials are manufactured in the

United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers: When necessary, recipients may apply for, and DOC may grant, a waiver from these requirements. DOC will notify the recipient for information on the process for requesting a waiver from these requirements. When DOC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which DOC determines that: a. applying the domestic content procurement preference would be inconsistent with the public interest; b. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or c. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. DOC will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at whitehouse.gov/omb/management/made-in-america.

Definitions - “Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives —that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall. “Domestic content procurement preference’’ means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States. “Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports;

water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy. ‘‘Project’’ means the construction, alteration, maintenance, or repair of infrastructure in the United States.

10. Review of Risk: After applications are proposed for funding by the Selecting Official, the Grants Office will perform administrative reviews, including an assessment of risk posed by the applicant under 2 C.F.R. 200.206. These may include assessments of the financial stability of an applicant and the quality of the applicant’s management systems, history of performance, and the applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities. Special conditions that address any risks determined to exist may be applied. Applicants may submit comments to the Federal Awardee Performance and Integrity Information System (FAPIIS) (see 41 U.S.C. 2313), accessible through the System for Award Management, about any information included in the system about their organization for consideration by the awarding agency. NOAA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in § 200.206.

11. Indirect Cost Rate: If an applicant has not previously established an indirect cost rate with a Federal agency they may choose to negotiate a rate with the Department of Commerce or use the de minimis indirect cost rate of 10% of MTDC (as allowable under 2 C.F.R. §200.414). The negotiation and approval of a rate is subject to the procedures required by NOAA and the Department of Commerce Standard Terms and Conditions. The NOAA contact for indirect or facilities and administrative costs is: Lamar Revis, Grants Officer, NOAA Grants Management Division, 1325 East West Highway, 9th Floor, Silver Spring, MD 20910, or lamar.revis@noaa.gov.

12. Reviews and Evaluations: The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the Department of Commerce in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed and evaluated by Department of Commerce employees, other Federal employees, and also by Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate conflict of interest and confidentiality agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial

assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with the Department of Commerce and external program evaluators. In accordance with §200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

13. Freedom of Information Act: Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, are found at 15 C.F.R. Part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information.

In accordance with 15 CFR § 4.9, the Department of Commerce will protect from disclosure confidential business information contained in financial assistance applications and other documentation provided by applicants to the extent permitted by law.

C. Reporting

Award recipients will be required to submit financial and performance (technical) reports in accordance with 2 C.F.R. 200.328-330 and the Department of Commerce Financial Assistance Standard Terms and Conditions. In accordance with 2 CFR 200.328-9 and the terms and conditions of the award, financial reports are to be submitted semiannually. Progress reports shall use the NOAA Restoration Center's progress report narrative format and form approved by OMB under control number 0648 0718, or a successor form. This form will be provided to awardees by the NOAA Federal Program Officer. In addition, award recipients proposing multiple site locations may be required to complete individual reports for each site, or provide a project/site list including status and expenditures.

Narrative progress reports shall be due on the same fiscal year schedule as financial reports (Oct. 30 and April 30) covering April 1 - September 30 and October 1 - March 31, respectively. A comprehensive final report covering all activities during the award period is required and must be received by NOAA within 120 days after the end date of this award.

If selected for funding, award recipients will be expected to use North American Industry Classification System (NAICS) codes to characterize project expenses. Applicants will also report the number of jobs created or retained, and for what duration, in labor hours. NOAA will use this information to analyze the effects of habitat restoration spending on employment and economic output. Applicants selected for funding will receive further guidance on using NAICS codes to record project expenses and labor hours.

The Federal Funding Accountability and Transparency Act, 31 U.S.C. 6101 Note, includes a requirement for awardees of applicable federal grants to report information about first-tier subawards and executive compensation under federal assistance awards. 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 of $30,000 and over.

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 any requirements related to the IIJA that may be determined at a later time. NOAA anticipates additional guidance may be forthcoming related to responsibilities of recipients of grants and cooperative agreements, including guidance on agency-wide or government-wide requirements.

VII. Agency Contacts

Supplemental Guidance regarding application writing, and FAQs about this Announcement can be found at https://www.fisheries.noaa.gov/grant/coastal-and-marine-habitat-restoration-grants. For further information contact Janine Harris at 301-427-8635, or by e-mail at infrastructure.tribal@noaa.gov. Prospective applicants are strongly encouraged to contact NOAA Restoration Center staff before submitting an application to discuss their NOAA project ideas with respect to technical merit and NOAA's objectives. NOAA will make every effort to respond to prospective applicants on a first come, first served basis. These discussions will not include review of draft proposals or site visits during the application period.

VIII. Other Information

Funds awarded cannot necessarily pay for all the costs that the recipient might incur in the course of carrying out an award. 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 Uniform Guidance at 2 C.F.R. Part 200, codified by the Department of Commerce at 1327.101. All cost reimbursement sub-awards (e.g. subgrants, subcontracts) are subject to those federal cost principles applicable to the particular type of organization concerned.

Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, are found at 15 C.F.R. Part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information.