ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

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

Funding Opportunity Title: Species Recovery Grants to States (Section 6 Program)

Announcement Type: Initial

Funding Opportunity Number: NOAA-NMFS-PRPO-2018-2005313

Catalog of Federal Domestic Assistance (CFDA) Number: 11.472, Unallied Science Program

Dates: Applications must be postmarked, provided to a delivery service, or received by www.grants.gov by **11:59 p.m. Eastern Daylight Time on November 1, 2017.** Use of a delivery service other than U.S. mail must be documented with a receipt. PLEASE NOTE: When developing your submission timeline, keep in mind that (1) a free annual registration process in the electronic System for Award Management (SAM) may take between three and five business days or as long as several weeks (see Section IV.C.), and (2) it may take Grants.gov up to two business days to validate or reject an application.

Funding Opportunity Description: States play an essential role in conserving and recovering species listed as endangered or threatened under the Endangered Species Act (ESA), 16 U.S.C. 1535. Listed species under NOAA's National Marine Fisheries Service's (NMFS) jurisdiction may spend all or part of their lifecycles in state waters, and success in conserving these species depends largely on working cooperatively with the States. NMFS is authorized to provide Federal assistance to eligible State agencies to support the development and implementation of conservation programs for listed marine and anadromous species that reside within that State. This assistance, provided in the form of grants through the Species Recovery Grants to States Program, can be used to support conservation activities for any endangered or threatened species, as well as monitoring of candidate species, recently delisted species, and species proposed for listing under the ESA. Proposals that address the recovery of one of the following critically endangered species are also encouraged as part of the agency's Species in the Spotlight initiative: Gulf of Maine Atlantic salmon, white abalone, Cook Inlet beluga whales, Hawaiian monk seals, Pacific leatherback sea turtles, and southern resident killer whales. Funded activities may include development and implementation of management efforts, scientific research, and public education and outreach. Any State agency that has entered into an agreement with NMFS pursuant to section 6(c) of the ESA or enters into such an agreement within 30 days of the application deadline is eligible to apply under this solicitation. Proposals focusing on Pacific salmonids will not be considered for funding under this grant program; such projects may be

considered through the NMFS Pacific Coastal Salmon Recovery Fund. This document describes how to submit proposals for funding in fiscal year (FY) 2018 and how NMFS will evaluate and select proposals for funding. This document should be read in its entirety; some information has changed from the previous year.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

The principal objective of the Species Recovery Grants to States Program is to support the development and implementation of States' programs to conserve and recover threatened and endangered species under NMFS' jurisdiction. Funding may also support monitoring of candidate species, species proposed for listing, and recently de-listed species (see definitions below). Proposed activities may involve management, research, monitoring, and outreach activities or any combination thereof. Proposals should include clear and specific information about how the work being proposed would contribute to species recovery. Successful applications will be those that demonstrate a direct conservation benefit to the species or its habitat.

Proposals may address new or ongoing work. If the proposal includes a continuation of previous or ongoing work, a very brief discussion of accomplishments to date and a justification for the continuation of the work must be included in the project description in order to receive full consideration.

Candidate species. A candidate species is one that is actively being considered for listing as either threatened or endangered under the ESA and is the subject of a positive 90-day finding but not yet the subject of a proposed rule, or a species for which NMFS has initiated an ESA status review and has announced the review in the Federal Register. Candidate species are listed at http://www.nmfs.noaa.gov/pr/species/esa/candidate.htm.

Proposed species. Proposed species are those that are currently the subject of a proposed rule to list as threatened or endangered under the ESA. A list of proposed species is available at http://www.nmfs.noaa.gov/pr/species/esa/candidate.htm#proposed.

Recently delisted species. Recently de-listed, for purposes of this solicitation, are those species de-listed within the past five years. A list of all de-listed species and the year de-listed are available at http://www.nmfs.noaa.gov/pr/species/esa/delisted.htm. Under this solicitation, only species delisted due to recovery may receive funding.

B. Program Priorities

General. Priority will be given to proposals addressing listed species over proposals that address proposed, candidate, or recently de-listed species. Among the species currently listed under the ESA, priority will also be given to proposals supporting the recovery of the following highly endangered species: Gulf of Maine Atlantic salmon (*Salmo salar*), Cook Inlet beluga whales (*Delphinapterus leucas*), Southern Resident killer whales (*Orcinus orca*), Hawaiian monk seals (*Neomonachus schauinslandi*), white abalone (*Haliotis sorenseni*), and Pacific leatherback sea turtles (*Dermochelys coriacea*). These species are part of NOAA's Species in the Spotlight initiative to prevent the extinction the most at-risk species. More information and action plans are available online at: www.nmfs.noaa.gov/stories/2015/05/05_14_15species_in_the_spotlight.html.

Proposals addressing listed species for which NMFS has released a draft or final Recovery Plan should indicate how the project would address one or more of the recovery objectives or actions identified in the relevant Plan and what priority level the actions are assigned by the Plan. Greater priority may be given to proposals addressing higher priority recovery actions or objectives as indicated by the particular plan. Recovery Plans are available at www.nmfs.noaa.gov/pr/recovery/plans.htm.

Proposals that present a series of unrelated or seemingly unrelated projects are unlikely to compete well. Applicants that propose multiple projects within a proposal must clearly articulate within their proposal how the distinct projects relate to one another and how the results will be synthesized. There is no limit on the number of proposals that can be submitted by an individual state.

Management. Highest priority will be given to those projects that are designed to have a direct impact on recovery of listed species through development and implementation of management actions that reduce or eliminate threats. Proposals involving management activities should demonstrate a high probability of contributing to the recovery of the species, especially through mitigation of existing threats or factors inhibiting recovery of the species. Management proposals may, for example, involve the development and implementation of fishery bycatch reduction measures, habitat restoration or habitat conservation, design and implementation of poaching-reduction campaigns, development of an ESA section 10 conservation plan, or development of a management plan pursuant to an ESA section 4(d) rule.

Aspects of developing an ESA section 10 conservation plan that can be supported through this program include collecting and analyzing bycatch data, designing measures to minimize and mitigate the incidental take of listed species, and drafting a conservation plan and/or the associated incidental take permit application. Species for which this is appropriate

include sea turtles, shortnose and Atlantic sturgeons, and other listed non-marine mammal species known to be taken as bycatch.

Proposals addressing habitat restoration can involve the engineering and design of a restoration project, actual implementation of a restoration activity, and/or science-based monitoring of a previously funded or simultaneously proposed NOAA habitat restoration project that will yield information on population benefits accruing to listed species resulting from the restoration action.

Habitat or land acquisition proposals must clearly identify the expected benefits for the target species or habitats on which they depend. Proposals should also discuss how the property is threatened by conversion from its natural, undeveloped, or recreational state to other uses; how existing and future uses will be managed consistently with long-term conservation of the target species; the likelihood that the project will be completed in a timely manner; and, if applicable, whether the project addresses an action identified in an ESA Recovery Plan. Other funding sources for a given acquisition should also be identified in the proposal.

Proposals including enforcement-related activities must be coordinated with a Joint Enforcement Agreement (JEA), where applicable. Enforcement activities for listed species that are specifically identified in a State's JEA and are being funded through that JEA should not be included in a proposal to this program.

Research and Monitoring. Proposals that involve research only will be considered a lower priority for funding relative to "management proposals" described above. However, research proposals that are designed to fill critical data gaps and directly contribute to the management and recovery of eligible species may still be competitive under this solicitation.

Proposals involving scientific research must articulate how the research will provide information that can be directly used to recover, manage, or improve current management strategies for a given species. Important research topics include, for example, defining and characterizing threats to the species, evaluating methods to reduce or mitigate threats to the species, improving bycatch estimates (e.g., through observer programs), estimating effective population sizes, synthesizing or analyzing stranding or observer data, evaluating the effects of water quality degradation, evaluating the effects of dredging on listed animals and their habitat, or evaluating the effectiveness of a habitat restoration project.

Research proposals must include a clear question or set of questions to be answered, methods by which experiments or work will be conducted, methods by which data will be analyzed, and Data Management Plans for storing and sharing or disseminating the results. Generalized statements about research objectives and expected results are insufficient.

Proposals involving scientific research on a listed distinct population segment (DPS) or a specific, recognized management unit of a taxonomic species or subspecies should demonstrate a

high probability of providing information specific to the recovery and/or management of the particular DPS or management unit. To do so, such proposals may be required to include genetic analyses or other acceptable techniques to properly identify specimens to their DPS or management unit, when appropriate. Proposed budgets must reflect costs associated with any such analyses.

Outreach. Proposals involving public education and outreach should demonstrate a high probability of improving or increasing public understanding of and participation in conservation activities. In order to be considered a priority for funding, proposals that exclusively address outreach activities should demonstrate how the proposed work will directly mitigate or reduce a significant threat(s) to the target species.

Outreach projects could, for example, involve developing outreach tools (e.g. websites, brochures), convening regional coordination workshops or meetings, or working with local fishermen or boaters to address a particular issue (e.g. hook and line entanglement, boat strikes). Note that all proposals should address the dissemination of results and/or information resulting from completion of the proposed activities (including peer-reviewed publications) as explained in detail under the evaluation criteria listed in Section V. (Application Review Information) of this document.

Applicants interested in further discussion of funding priorities should contact the Section 6 Program Coordinator listed in Section VII., Agency Contacts.

C. Program Authority

16 U.S.C. 1535

II. Award Information

A. Funding Availability

Approximately $600,000 to $800,000 may be available under the FY 2018 Species Recovery Grants to States Program to support new awards. New awards may range up to about $250,000 in federal funding per year; however, there is no required minimum or maximum. The exact amount of funds that may be awarded will be determined during pre-award negotiations between the applicant and NOAA representatives.

Note that funds have not yet been appropriated for this program, and there is considerable uncertainty regarding the level of available funding for FY 2018. Thus, there is no guarantee that sufficient funds will be available to make any new awards or that awards will be made for all qualified projects. Publication of this notice does not oblige NOAA to award any specific grant proposal or to obligate any available funds.

If an application for a financial assistance award is selected for funding, NOAA has no obligation to provide any additional funding in connection with that award in subsequent years. Notwithstanding verbal or written assurance that may have been received, pre-award costs in this program are not allowed under the award unless approved by the Grants Officer in accordance with 2 CFR §200.458.

B. Project/Award Period

In general, a project period will extend up to a maximum of three years. For multi-year proposals, applicants must include project plans and separate budgets for each year of the project. Multi-year projects may be funded in one-year or greater increments depending on available funds and terms of the award. In either case, multi-year awards do not compete for funding in subsequent budget periods within the approved award period. Rather, any funding required for subsequent years is added to the multi-year award incrementally, provided demonstration of satisfactory performance by the recipient and provided funds to support the continuation of the project are available. If a grant recipient wishes to continue work on a funded project beyond the project period and obligated award funds have not been expended by the end of this period, the recipient can notify the assigned Federal Program Officer no later than 30 days prior to the end of the award period to determine eligibility for a no-cost extension. If, however, the money is expended and funds are needed to continue the project, the applicant should submit another proposal during the next competitive award cycle (e.g. FY 2019) or seek an alternate source of funding.

C. Type of Funding Instrument

Under this solicitation, NOAA will fund grants with an expected maximum project period of 3 years.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are state agencies that have entered into an agreement with NMFS pursuant to section 6(c) of the ESA. The terms "state" and "state agency" are used as defined in section 3 of the ESA (16 U.S.C. 1532).

Currently eligible state agencies are listed here: http://www.nmfs.noaa.gov/pr/conservation/states/. Any state agency that enters into a section 6(c) agreement with NMFS within 30 days of the grant application deadline is also eligible to apply.

Federal agencies or institutions are not eligible to receive Federal assistance under this notice. In addition, NOAA and NMFS employees shall not provide assistance in writing applications, write letters of support advocating for any application, or otherwise confer any

unfair advantage on a particular application. However, proposed activities can involve collaboration with current NMFS programs and NMFS employees, and NMFS employees can submit letters verifying that they would collaborate on a particular project if funded.

B. Cost Sharing or Matching Requirement

In accordance with section 6(d) of the ESA, proposals must include a minimum non-Federal cost share of 25 percent of the total project budget if the proposal involves a single state. If a proposal involves collaboration of two or more states, the minimum non-Federal cost share decreases to 10 percent of the total project budget. The project proposal and budget must reflect the work and responsibilities to be carried out by each of the cooperating states. The non-Federal cost share must be identified in the project budget and on the Standard Form (SF)-424A and may include in-kind contributions according to the regulations at 2 C.F.R. § 200.306. The source or sources of the non-Federal cost share is up to the particular applicants involved and may come from more than one entity.

The non-federal cost-share requirements of section 6(d) of the ESA do not apply to insular areas covered by the Omnibus Insular Areas Act of 1977 (48 U.S.C. 1469a), including Guam, American Samoa, Northern Mariana Islands, and the U.S. Virgin Islands.

C. Other Criteria that Affect Eligibility

State agencies may apply for funding to conduct work on federally listed species that are already included in their ESA section 6 agreement or added to their agreement within 60 days following the grant application deadline. State agencies may also apply for funding to conduct work on any species that has become a candidate or a proposed species by the grant application deadline. State agencies may also apply to conduct post-delisting monitoring only for recovered species that have been de-listed within the past 5 years.

Projects focusing on Pacific salmonids will not be considered under this grant program. State conservation efforts for these species may be supported through the Pacific Coastal Salmon Recovery Fund. Species under the sole jurisdiction of the U.S. Fish and Wildlife Service will also not be considered.

Proposals cannot seek funding for projects that serve to satisfy regulatory requirements of the ESA, including complying with a biological opinion under section 7 of the ESA or fulfilling Federal mitigation requirements of an incidental take permit issued under section 10 of the ESA, or that serve to satisfy other Federal regulatory requirements (e.g., mitigation for Clean Water Act permits). An exception is granted for section 10 conservation plans that include conservation obligations pursuant to State law or local ordinances that are above and beyond the Federal mitigation requirements for that conservation plan and associated permit.

IV. Application and Submission Information

A. Address to Request Application Package

The federal funding announcement and application instructions for this grant program are available via the Grants.gov website at http://www.grants.gov. Applicants without effective internet access can obtain application instructions from Lisa Manning, NOAA/NMFS/Office of Protected Resources, 1315 East-West Highway, Silver Spring MD 20910, (phone) 301-427-8466, (email) Lisa.Manning@noaa.gov.

B. Content and Form of Application

All prospective applicants should read this section in its entirety. All instructions regarding formatting and preparation of proposals must be followed. A formatted (and easier to read) version of this Federal Funding Opportunity will be posted to http://www.nmfs.noaa.gov/pr/conservation/states/grant.htm.

There is no limit on the number of applications that can be submitted by the same Principal Investigator, agency, or State. Multiple applications submitted by the same applicant must, however, be clearly distinct projects.

State agencies that are interested in partnering on a particular proposal may submit a single application through a lead state agency. Alternatively, partnering states may instead elect to submit separate applications that include identical proposal components (i.e., title page, summaries, project descriptions, budget justification, budget tables) and federal forms specific to the particular state agency submitting the application. Joint proposals structured in this manner must indicate they are a multi-state proposal and must list the other applicant state agencies on the title page. If states elect to submit separate applications for a multi-state proposal, each state would receive a separate award should the proposal be selected. Regardless of format (i.e., a single, joint application; or separate, linked applications), multi-state proposals must clearly explain the nature of the collaboration within the body of the project description.

Proposals must adhere to the following provisions and requirements by the proposal submission deadline. Failure to follow these instructions will be reflected in lower scoring by reviewers (see Section V., Application Review Information).

The following forms are required as part of each application: Application for Federal Assistance (SF-424); Budget Information, Non-Construction Programs (SF-424A); Assurances, Non-Construction Programs (SF-424B); and Certifications Regarding Lobbying (CD-511). These forms are available on Grants.gov with the application package. For applicants submitting proposals by mail, all forms requiring signatures must be signed in ink (preferably blue ink) or with a signature meeting the requirements in 'Use of Electronic Signatures in Federal Organization Transactions' (2013), page 14, at http://go.usa.gov/xcHkm.

Proposals and all attachments must be formatted to fit on letter-sized paper (8.5″ x 11″). Text must be no smaller than 10-point font, and all pages must be numbered. If possible, please submit proposal documents as pdf files to ensure conversion errors do not occur when proposals documents are later accessed in Grants Online system.

The Project Description is limited to 15 pages. Appended material must not exceed a total of 10-pages, as described further below in Section IV.B.6. Pages exceeding these limits will not be reviewed. The list of references cited, budget table, budget narrative, and Data Management Plan will not be counted against page limits.

Letters of support or endorsement from any NMFS, NOAA, or Department of Commerce personnel or office will NOT be accepted.

Proposals must include the following elements:

1.Title Page (does not count toward any page limits)

Provide the project title, project period (dates), applicant name(s), name(s) of the Principal Investigator (or Project Manager) and any Co-Investigators (or Co-Managers), complete contact information (mailing address, email address, and phone number) for the applicant(s) and all Co-investigators (or Co-Managers), and a statement regarding the Federal, non-Federal, and total costs of the project. If the proposal is a multi-state proposal being submitted through multiple agencies, include a list of the other applicant state agencies. Start dates must be no earlier than July 1, 2018, unless applicants request and get approval for an earlier start date from the Program Officer (Lisa Manning; See Section VII, Agency Contacts).

2.Project Summary (**300 word limit,** does not count toward any page limits)

Provide a brief summary discussing the proposal's purpose; the proposed activities; the general geographic area where the activities would occur; the recovery objectives or actions as specified in an ESA Recovery Plan, State Section 6 management plan, or State Wildlife Action Plan (as applicable), or as identified by NMFS as a regional priority; and the expected outcomes and benefits of the proposed activities. If the proposal focuses on implementing recovery actions identified in a NMFS Recovery Plan, indicate the priority number or level assigned to the particular actions. Please make this summary as succinct and cogent as possible; it will be made publicly available if the project is funded.

3.Project Description **(15-page limit)**

The Project Description should be a clear statement of all work to be undertaken and must include the information listed below in (a)-(g). Multi-year proposals must include a project description that covers each year of the proposed award period. If multiple projects are included

in the proposal, the information listed below must be included for each project. The 15-page limit does not change if a proposal includes multiple projects.

(a) Goals/objectives: Identify the specific problem(s) or opportunities the project intends to address and describe its significance to the conservation of the species. Identify the project objectives, which should be simple and understandable, as specific and quantitative as possible and attainable with the time, money, and human resources available. Scientific research proposals must state the question or questions to be answered.

(b) Methods: Describe the methodologies or technical plan for activities that are to be conducted during each budget period of the project. Include detailed descriptions of the specific plan and/or methods that will be employed. Project milestones and the timelines (e.g. the number of months) necessary to meet them should also be discussed. Information about relevant permits necessary to conduct the work must be included. See Section IV.G. (Other Submission Requirements (Permits and Approvals)) below for further information about permits and approvals.

(c) Benefits or results expected **(300 word limit)**: Identify the outcomes or results and the benefits to the species that should result from the successfully completed project. Discuss how the project's success in meeting the stated goals and objectives will be measured or assessed. Describe how these expected outcomes, results, or products will be applied and/or shared with appropriate user groups.

(d) Need for government financial assistance: Demonstrate the need for government financial assistance. List all other sources of funding that are or have been sought for the project.

(e) Federal, State and local government activities: List any plans or activities (Federal, State or local) this project would affect and, if applicable, identify the relationship between the proposed work and other ongoing work, or work planned, anticipated, or underway through Federal Assistance or other means. If the proposal is a continuation of previous or ongoing work, a brief discussion of results or accomplishments to date should be included; progress or final reports for previous awards may be included in the appendix.

(f) Environmental impacts: Discuss whether any negative environmental, biological, social, political, or economic impacts are expected as a result of the proposed activities. Also discuss any potential negative impacts on listed species or their critical habitat as a result of the proposed activities. If any negative impacts are anticipated, describe what steps will be taken to minimize or mitigate these impacts. Incidental take of protected species and impacts to Essential Fish Habitat should be noted. This information is the basis for a determination of the level of analysis required under the National Environmental Policy Act (NEPA), so please be thorough. See Section VI.B. (Administrative and National Policy Requirements) below for further information about NEPA requirements.

(g) Project management: Describe how the project will be organized and managed and who will be responsible for carrying out project activities. The lead organization/individual and person listed as the technical contact should be identified as the Project Manager (PM) or Principal Investigator (PI). Use of sub-contractors or volunteer staff time to complete project activities and oversight of those individuals should be discussed. The PM/PI is responsible for all technical oversight and implementation of the approved work plan as delineated in the proposal. One PM or PI must be designated on each project, but the PM/PI may or may not be the applicant. However, if the applicant is not the PM/PI, there must be an explanation of the relationship between the applicant and PM/PI (e.g., applicant will be responsible for managing the grant funds and the PM will be responsible for completing the project milestones on time and within budget, etc.). Project participants or organizations that will have a significant role in conducting the project should be listed as Co-investigators or Co-Managers. Organizations or individuals that support the project, for example, researchers contributing data or materials, should be referred to as Cooperators. Copies of the PM's or PI's and all Co-investigator's/Co-Manager's abbreviated resumes or curricula vitae must be appended.

(h) Data Management Plan (**2-page limit,** not counted toward page limits): Environmental data and information collected or created under NOAA grants or cooperative agreements must be made discoverable by and accessible to the general public, in a timely fashion (typically no later than 90 days after the award expires) 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 a 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 submitted in response to this Announcement must include a Data Management Plan of up to two pages describing how these requirements will be satisfied. The Data Management Plan should be aligned with the Data Management Guidance for this program, which is available at http://www.nmfs.noaa.gov/pr/conservation/states/faq.htm. The contents of the Data Management Plan (or absence thereof), and past performance regarding such plans, will be considered as part of proposal review. 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 storing and 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 at http://library.noaa.gov/repository after acceptance, and no later than upon publication. After an embargo period of one year after publication, NOAA shall make the manuscript itself publicly visible, free of charge, while directing users to the published version of record.

For further information on NOAA's Data Sharing Policy and samples of Data Management Plans, please refer to information posted here: http://www.nmfs.noaa.gov/pr/conservation/states/faq.htm.

(i)Total project costs and budget justification (not counted towards page limits): Each application must include clear and concise budget information, both on the required Federal forms and as described here.

Applications must include OMB standard form (SF) 424A, "Budget Information – Non-construction Programs." All instructions should be read before completing the form, and the amounts per category and total amounts indicated on the form must correspond with amounts indicated on other proposal documents.

Provide a budget spreadsheet or table showing costs by category (e.g., salary, benefits, supplies, equipment, travel, contractual, indirect) and by Federal and non-Federal share. For multi-year applications, costs must also be shown by year for each year of the proposal. Costs should be itemized to the maximum extent possible. In order to display correctly, budget tables need to be formatted to fit letter-sized paper (8.5″ x 11″). Do not format tables as multiple sheets or tabs within an Excel spreadsheet as sheets can be lost when applications are prepared for review in NOAA's electronic grants management system, Grants Online. For an example of how to display costs and format budget tables, please refer to the sample table posted here: http://www.nmfs.noaa.gov/pr/conservation/docs/budget_table.pdf.

All funds MUST be estimated to the nearest dollar; any budgets containing cents will be returned for revision.

A budget justification for each year of the requested budget must also be provided to explain and justify all project costs, including contractual costs. This narrative must be organized to clearly correspond to the information provided in the budget table. For an example of how to prepare a budget justification, please refer to the sample posted here: http://www.nmfs.noaa.gov/pr/conservation/docs/budget_narrative.pdf.

Detail provided in the budget table and the budget justification must be sufficient so that reviewers can interpret how costs were estimated or calculated, especially for expenses over $5,000 (including any contractual costs). For the non-Federal share, applicants should identify

the itemized costs and describe valuations consistent with 2 C.F.R. 200.306(d)-(k). If third-party in-kind contributions are included as part of the non-federal cost share, the basis for estimating the value of these contributions must also be provided.

(j) Appendices (**10-page limit**)

Abbreviated curricula vitae or resumes of the PM/PI, any Co-Managers/ Co-Investigators, and other individuals named in the proposal must be included with the application. Applicants requiring ESA scientific research permits must also include evidence of such a permit (e.g. by providing the permit number) or evidence that they have submitted an ESA permit application. If indirect costs are being requested as part of the proposed budget, documentation of the applicant's indirect cost rate agreement must be provided (see Section IV.F.1. below). Indirect cost rate agreements do not count against any page limits. Additional appended materials that are necessary or useful may also be provided, including letters of endorsement; letters of cooperation; related grant progress reports; and maps, photos, tables or other visual materials. Applicants are highly encouraged to submit a map or maps of the geographic location of the proposed work (as applicable); such visual information helps inform reviewers. Do not submit any letters of support or endorsement from any NMFS, NOAA, or Department of Commerce personnel.

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

Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR §25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR §25.110(d)) is required to: (i) be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application (i.e. Data Universal Numbering System (DUNS) number); and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award, 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.

D. Submission Dates and Times

Applications must be postmarked, provided to a delivery service and time-stamped, or received and validated by www.grants.gov (Grants.gov) **by 11:59 p.m. Eastern Time on November 1, 2017.** Applications submitted by U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Use of a delivery service other than the U.S. Postal Service must be documented with a receipt. Proposals submitted after the

deadline cannot be considered for funding. Applicants must track their own applications to ensure receipt by NOAA.

PLEASE NOTE: It may take Grants.gov up to two business days to validate or reject an application, and an advance registration process described in Sections IV.C. (above) may take up to three weeks or more in some cases. Please keep this in mind when developing your submission timeline.

E. Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

F. Funding Restrictions

1.Indirect Cost Rates

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., utilities, rent, insurance) that are incurred for common or joint objectives and, therefore, cannot be identified specifically within a particular project. Applicants may use indirect costs or a portion of these costs as part of the non-federal cost share. Documentation of the most recent, approved negotiated indirect cost agreement with the federal government must be included in the application. Applicants that do not have a current negotiated rate but plan to seek reimbursement for indirect costs, must submit documentation necessary to establish a rate within 90 days of receiving an award.

Applicants that have not previously established an indirect cost rate with a Federal agency may choose to negotiate a rate with the Department of Commerce or use the *de minimis* indirect cost rate of 10% of modified total direct costs, which may be used indefinitely (as allowable under 2 C.F.R. §200.414). If the 10% *de minimis* rate is chosen, this methodology once elected must be used consistently for all Federal awards until such time as a recipient non-Federal entity chooses to negotiate for a rate, which the recipient may apply to do at any time. If an applicant chooses to establish an indirect cost rate, the negotiation and approval of a rate is subject to the procedures required by NOAA and the Department of Commerce Standard Terms and Conditions Section B.06. 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, Maryland 20910
lamar.revis@noaa.gov

2.Allowable Costs

Funds awarded cannot necessarily pay for all the costs that the recipient might incur in the course of carrying out the project. Allowable costs are determined by reference to the Office of Management and Budget's "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" regulations published in 2 C.F.R. part 200, Subpart E. A project begins on the effective date of an award agreement between the recipient and the Grants Officer and ends on the date specified in the award. Accordingly, applicants cannot be reimbursed for time expended or costs incurred in developing a project or preparing the application; such expenditures also cannot be accepted as part of the cost share.

G. Other Submission Requirements

1.Permits and Approvals

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. If applicable, documentation of requests or approvals of permits must be included in the proposal package.

Most projects involving directed or incidental take of threatened or endangered species require permits under section 10 of the ESA (as implemented at 50 CFR § 222.307 and 222.308). If an ESA permit covering the proposed activities has already been issued, the permit number must be provided in the application. Issuance of the necessary ESA permit(s) or evidence that the applicant has submitted a permit application is required in order for a proposal to be considered for funding. If the grant applicant is not the Principal Investigator (PI) or the permit holder, a copy of the authorization to work under the permit (e.g., designation as a Co-Investigator under the permit) or a letter of support from the permit holder is required.

Projects involving rescue of non-listed marine mammals in accordance with the regulations at 50 CFR § 216.22, rescue or salvage of stranded or dead endangered sea turtles in accordance with 50 CFR§ 222.310, or take of threatened sea turtles in accordance with 50 CFR § 223.206 do not require an independent ESA section 10 permit.

For further information on permit requirements and application procedures for federal natural resource permits, contact the NMFS Office of Protected Resources Permits, Conservation and Education Division (301-427-8401) or see http://www.nmfs.noaa.gov/pr/permits/. If proposed activities will take place within National Marine Sanctuaries, National Parks, National

Seashores, and other federally designated protected areas, the applicant is responsible for requesting and obtaining any necessary permits or letters of agreement from the appropriate government agencies.

Failure to obtain other Federal, State, and local permits, approvals, or letters of agreement where necessary may delay or prevent the award of funds if a project is selected for funding.

2.Address for Submitting Proposals

Applications should be submitted electronically through the Grants.gov website at http://www.grants.gov. NOAA strongly recommends that applicants do not wait until the application deadline to begin the application process through Grants.gov. To use Grants.gov, applicants must have a unique entity identifier (i.e., Dun and Bradstreet Data Universal Numbering System (DUNS) number) and register in the System for Award Management (SAM) before submitting its application; the Central Contractor Registration (CCR) is now a part of SAM and is located at www.sam.gov. Applicants should allow at least 5 business days to complete the SAM registration; registration is only required once, but must be updated annually. If issues arise, the process may take three weeks or more. Note that organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or via the internet (http://www.dunandbradstreet.com).

For applications submitted through Grants.gov, there will be several automated email receipts sent to the application submitter with the date and time of submission. The final email confirms the application has been forwarded to NOAA for further processing. If email confirmation receipts are not provided within two business days of application submission, contact the Grants.gov Help Desk (800-518-4726) and contact the NMFS Office of Protected Resources to confirm the application has been received by NOAA.

If you experience a Grants.gov "systems issue" (technical problems or glitches with the Grants.gov website) that you believe threatens your ability to complete a submission before the application deadline, please (i) print any error message received; and (ii) call the Grants.gov Contact Center at 1-800-518-4726 for immediate assistance. Applicants need to obtain a case number regarding communications with Grants.gov. Please note: problems with an applicant organization's computer system or equipment or failure to comply with the Grants.gov system requirements are not considered "systems issues." Similarly, an applicant's failure to: (i) complete the required registration, (ii) ensure that a registered Authorized Representative (AOR) submits the application, or (iii) notice receipt of an email message from Grants.gov are not considered systems issues. A Grants.gov "systems issue" is an issue occurring in connection with the operations of Grants.gov itself, such as the temporary loss of service by Grants.gov due to unexpected volume of traffic or failure of information technology systems, both of which are

highly unlikely. It is the applicant's responsibility to take necessary steps to document a "systems issue" and contact NOAA. In the event of a confirmed "systems issue," NOAA reserves the right to accept an application in an alternate format (i.e. hard copy submission), however all applications must be received by the deadline. Late applications will not be accepted.

For applicants with internet access issues, hard copies may be submitted (by postal mail or commercial delivery) by the deadline to the NMFS Office of Protected Resources, Attn: Lisa Manning, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910. Applications submitted by U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Use of a delivery service other than the U.S. Postal Service must be documented with a receipt. Paper applications should be printed on one side only, on 8.5″ x 11″ paper, and not be bound in any manner. A SF-424 form must be included, signed in ink or with a signature meeting the requirements in 'Use of Electronic Signatures in Federal Organization Transactions' (2013), page 14, at http://go.usa.gov/xcHkm. No facsimile or electronic mail applications will be accepted.

V.Application Review Information

A. Evaluation Criteria

Proposals will be evaluated by reviewers based on the criteria described here (with their relative weights):

1.Importance/Relevance and Applicability of the Proposal to the Program Goals (35 Points)

This criterion addresses whether there is intrinsic value in the proposed work and/or relevance to the program goals as stated in section I.A. and I.B of this document. Reviewers will consider whether proposals clearly identify project goals and objectives and whether those goals and objectives are applicable to conservation and recovery of threatened or endangered species, de-listed species, or candidate species as specified in sections I.A. and I.B. of this document.

Reviewers will also score the proposal based on their consideration of the contribution of potential outcomes, results, or products to species conservation and management goals; and whether milestones and products are clearly identified. Reviewers will consider whether the proposal is designed to have a direct impact on species recovery as a result of implementation of management actions. If the proposal addresses the continuation of previously funded or ongoing work, reviewers should consider whether the applicant provides an adequate justification for the continuation of the same work (e.g., what benefit would additional results have?).

Scoring: 1-35 points; where, for example, 1= no importance/relevance to the program

goals or objectives, very limited potential to contribute to species recovery, no implementation of management actions; 18= moderately important/ relevant, reasonably likely to make some meaningful contribution to species recovery; 35= extremely important/relevant, extremely likely to make a significant contribution to recovery of a threatened or endangered species, involves implementation of significant management actions, addresses a priority species.)

2.Technical/ Scientific Merit (30 Points)

For proposals including management and outreach, this criterion addresses whether the approach is appropriate for achieving the stated goals and objectives, whether the approach will result in successful execution of the project, and if the anticipated results can be achieved in the time line specified. Reviewers will consider whether sufficient information is provided to evaluate the design of the project relative to the stated goals/objectives.

For proposals including research and monitoring, this criterion addresses whether the approach is technically sound, if the methods are appropriate for achieving the stated goals/objectives, and if the anticipated results can be achieved in the time line specified. Reviewers will consider the sufficiency of information to evaluate the project technically, the strengths and/or weaknesses of the technical design relative to securing productive results, and the inclusion of quality assurance considerations for data collected.

Scoring: 1-30 points; where, for example, 1= completely unsound and/ or unlikely to meet the stated objectives, and information insufficient to evaluate project design; 15= intermediately sound, and/ or reasonably likely to meet the stated objectives; 30 = extremely sound and highly likely to meet the stated objectives.

3.Overall Qualification of Applicants (10 Points)

This criterion addresses whether the applicant possesses the necessary expertise, experience, facilities, and administrative resources to accomplish the project. Reviewers will consider previous related experience and qualifications of the project's PM or PI, Co-Manager(s) or Co-Investigator(s) and other personnel, including designated contractors, consultants, and cooperators. Reviewers will also consider the extent to which the applicant complied effectively with the application instructions in this Announcement.

Scoring: 1-10 points; where, for example, 1= completely unqualified and/or lacking the resources or capacity to accomplish the project, application instructions were not followed; 5= intermediate level of relevant expertise and experience and adequate resources and capacity to accomplish the project, application instructions were generally followed; 10= extremely qualified and experienced, has all necessary resources and demonstrated capacity to accomplish the project, application instructions followed thoroughly.

4.Project Costs (15 Points)

Reviewers will evaluate the budget to determine if it is sufficiently detailed, realistic and commensurate with the project needs and time-frame. The itemized costs and the overall budget must be adequately justified and appropriately allocated. Reviewers will consider whether sufficient detail was provided to evaluate how costs were estimated.

Scoring: 1-15 points; where, for example, 1= unrealistic and lacking sufficient detail; 8= adequately detailed and realistic; 15= extremely detailed and realistic.

5.Outreach and Education (10 Points)

This criterion addresses whether the project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. Reviewers will consider whether project results or products will be shared appropriately given the nature of the proposed work and whether sufficient detail is provided to make this determination. Depending on the nature of the project, 'outreach and education' may include, for example, peer reviewed publications, presentations at professional meetings, development of brochures, internal agency meetings, public meetings, or distribution of project results to appropriate managers or management agencies. Proposals will be rated on whether the outreach/ education component is appropriate for the type and nature of the proposal and whether the outreach/education is expected to be effective.

The Data Management Plan will also be considered as part of this criterion. Proposals should be rated on the extent to which the plan includes 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.

Scoring: 1-10 points, where 1= insufficient/ineffective outreach, no data management plan; 5= adequate outreach, adequate data management plan, 10= extremely effective outreach, excellent data management plan.

B. Review and Selection Process

Evaluation of proposals will take place in three steps: initial screening, merit review, and selection by the Selecting Official (i.e., the Assistant Administrator for NMFS). Initial screening of applications will be conducted to ensure that application packages have all required forms and application elements, clearly relate to the Species Recovery Grants solicitation, and meet all of the eligibility criteria. NOAA, in its sole discretion, may continue the review process for applications with non-substantive issues that may be easily rectified or cured.

Applications meeting the requirements of this solicitation will then undergo merit review. Each application will be reviewed by a minimum of four reviewers, who will independently evaluate and score proposals using the evaluation criteria provided in section V.A. (Evaluation Criteria) above. Reviewers will be individuals with appropriate subject-matter expertise and

may be from Federal or state agencies, academic institutions, or non-profit organizations. Reviewers may discuss applications, but all scoring will be non-consensus. The reviewers' scores will be averaged and used to produce a rank order of the proposals.

After applications have undergone merit review, the Selecting Official will decide which applications will be forwarded to the NOAA Grants Officer based upon the numerical ranking of the applications as well as the selection factors set forth in Section V.C. (Selection Factors) below.

C. Selection Factors

The merit review ratings provide a rank order of proposals to the Selecting Official for final recommendation to the NOAA Grants Officer. The Selecting Official shall award in the rank order of the review ratings unless a proposal is justified to be selected out of rank order based upon the following factors, where applicable:

a. Availability of funding

b. Balance/distribution of funds

i. Geographically

ii. By type of institutions

iii. By type of partners

iv. By research areas

v. By project types

vi. By species or species groups

c. Whether this project duplicates other projects funded or considered for funding by NOAA or other federal agencies

d. Program priorities and policy factors as set out in Sections I.A. (Program Objectives) and B (Program Priorities) and Section II. A. (Funding Availability) of this announcement

e. The applicant's prior award performance

f. Partnerships with and/or participation of targeted groups

g. Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

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 will review financial and grants administration aspects of a proposed award, including conducting an assessment of the risk posed by the applicant in accordance with 2 C.F.R. 200.205. In addition to reviewing repositories of government-wide eligibility, qualifications or financial integrity information, the risk assessment conducted by NOAA may consider items such as the financial stability of an applicant, quality of the applicant's management systems, an applicant's history of performance, previous audit reports and audit findings concerning the applicant and the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. Upon review of these factors, if appropriate, specific award conditions that respond to the degree of risk may be applied by the NOAA Grants Officer pursuant to 2 C.F.R. 200.207. In addition, NOAA reserves the right to reject an application in its entirety where information is uncovered that raises a significant risk with respect to the responsibility or suitability of an applicant. The final approval of selected applications and issuance of awards will be by the NOAA Grants Officer. The award decision of the Grants Officer is final.

D. Anticipated Announcement and Award Dates

Subject to the availability of funds, review of proposals will occur during winter 2017, and funding is expected to begin during summer 2018 for most approved projects. Project start dates should be no earlier than July 1, 2018, unless an earlier start date request is approved by the Program Office.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive notification that the application has been recommended for funding to the NOAA Grants Management Division. This notification is not an authorization to begin performance of the project. Official notification of funding, signed by a NOAA Grants Officer, is the authorizing document that allows the project to begin. The official notice of award is the Standard Form CD-450, Financial Assistance Award, which the NOAA Grants Officer will issue electronically through NOAA's Grants Online system. The authorizing document, the CD-450 award cover page, is provided to the Authorized Representative identified by the applicant on the SF-424. It is also available at http://go.usa.gov/SNMR. The Internet Explorer browser should be used with Grants Online.

Unsuccessful applicants will be notified that their proposal was not recommended for funding. Unsuccessful applications will be kept on file in the Program Office for a period of at least 12 months, and then destroyed.

NOAA is not responsible for delays in processing new awards that are not accompanied by adequate and accurate budget justifications and forms. For guidance on preparing budget justifications, please refer to tips and examples posted on our website at http://www.nmfs.noaa.gov/pr/conservation/states/faq.htm.

B. Administrative and National Policy Requirements

1.Department of Commerce Pre-Award Notification Requirements

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. Refer to http://go.usa.gov/cXC7A.

2.Uniform Administrative Requirements, Cost Principles and Audit Requirements

The Uniform Guidance as codified at 2 C.F.R. Part 200 and implemented by the Department of Commerce at 2 C.F.R. 1327.101, apply to awards in this program. Refer to http://go.usa.gov/cXCJQ.

3.Department of Commerce Financial Assistance Standard Terms and Conditions

The Department of Commerce Financial Assistance Standard Terms and Conditions will apply to awards in this program. A current version of this document is available at https://go.usa.gov/xRW4R. In addition, award documents provided by NOAA may contain special award conditions, including those limiting the use of funds for compliance activities such as outstanding environmental compliance requirements, which will be applied on a case-by-case basis, and requirements for submitting progress reports.

4.Certifications Regarding Tax Liability and Felony Criminal Convictions

When applicable under appropriations law, NOAA will provide certain applicants a form to be completed by the applicant's Authorized Representative making a certification regarding Federally-assessed unpaid or delinquent tax liability or recent felony criminal convictions under any Federal law. An award may not be issued until the form is returned and accepted by NOAA.

5.Limitation of Liability

Funding for programs listed in this notice is contingent upon the availability of Fiscal Year 2018 appropriations. Applicants are hereby given notice that funds have not yet been appropriated for the program listed in this notice. In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

6.National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals that are seeking NOAA federal funding opportunities. 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, http://www.nepa.noaa.gov/NAO216_6.pdf, and the Council on Environmental Quality implementation regulations, http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm.

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, impacts to non-listed marine mammals, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, 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 selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment of any impacts that a project may have on the environment.

Applicants are expected to design their proposals so that they minimize potential adverse impacts on the environment. Applications will be reviewed to ensure that they have sufficient environmental documentation to allow program staff to determine whether the proposal is categorically excluded from further analysis, covered under an existing programmatic analysis, or whether additional analysis is necessary in conformance with requirements of the National Environmental Policy Act (NEPA). For those applications needing further analysis, affected applicants will be informed after the merit review stage and asked to assist by providing any information necessary to complete a draft Environmental Assessment or Environmental Impact Statement. Failure to provide information necessary to complete environmental analyses may delay or prevent the award of funds if a project is selected for funding.

C. Reporting

Grant recipients will be required to submit financial and performance (technical) reports through the Grants Online system (https://grantsonline.rdc.noaa.gov/flows/home/Login/LoginController.jpf). All financial and performance (technical) reports shall be submitted through Grants Online in accordance with 2 C.F.R. 200.327-.329 and the Department of Commerce Financial Assistance Standard Terms and

Conditions. All performance reports will be submitted on a semi-annual schedule and must be submitted no later than 30 days following the end of each 6-month period from the start date of the award. The last semi-annual performance report may not be required depending on award conditions. Additional reporting on project outputs and outcomes may be required at the request of the Office of Protected Resources to facilitate program performance evaluation. A comprehensive final report is due 90 days after award expiration. Data collected by recipients under a Species Recovery Grant must be made publicly available in accordance with the approved Data Management Plan. Any reports or publication resulting from funded work should acknowledge funding received through the "NOAA Fisheries' Species Recovery Grant Program."

The Federal Funding Accountability and Transparency Act, 31 U.S.C. 6106 Note, includes a requirement for awardees of applicable Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards. All awardees of applicable grants and cooperative agreements are required to report to the Federal Sub-award Reporting System (FSRS) available at www.FSRS.gov on all sub-awards of $25,000 and over.

VII. Agency Contacts

If you have any questions regarding this proposal solicitation, please contact the National Section 6 Program Coordinator, Lisa Manning (301-427-8466, Lisa.Manning@noaa.gov).

VIII. Other Information

Freedom of Information Act (FOIA), 5 U.S.C. 552. Department of Commerce regulations implementing FOIA 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 FFO may be subject to requests for release under FOIA. In the event that an application contains information or data that the applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.