ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name(s): United States Army Corps of Engineers

Funding Opportunity Title: Estuary Habitat Restoration Program Project Solicitation

Announcement Type: Initial

Funding Opportunity Number: USACE-EHR-001

Catalog of Federal Domestic Assistance (CFDA) Number: 12.130

Dates: Applications must be postmarked, provided to a delivery service, or received by www.grants.gov by 11:59 PM EDT on February 8, 2013. If you are submitting via www.grants.gov, we recommend that you allow up to two (2) business days for the system to validate or reject the application. Use of U.S. mail or another delivery service must be documented with a receipt. No facsimile or electronic mail applications will be accepted.

Funding Opportunity Description: On behalf of the Estuary Habitat Restoration Council (Council), the U.S. Army Corps of Engineers (USACE) is soliciting proposals for estuary habitat restoration projects. Congress has appropriated limited funds to USACE for implementation of the Estuary Habitat Restoration Program (EHRP) as authorized in Section 104 of the Estuary Restoration Act of 2000 (ERA), Title I of the Estuaries and Clean Waters Act of 2000 (Pub. L. 106-457, as amended) (accessible at http://www.usace.army.mil/Missions/Environmental/EstuaryRestoration.aspx). Eligible projects must provide ecosystem benefits, have scientific merit, be technically feasible, be able to adapt to the impacts associated with climate change, and be cost-effective. Projects selected for EHRP funding will be implemented through either a cost-share agreement with USACE or a cooperative agreement with USACE. All grant awards are subject to availability of funds. The Council anticipates up to $3.5 million may be available for estuarine habitat restoration; awards are limited to a range between $200,000 and $1 million.

FULL ANNOUNCEMENT

I. Funding Opportunity Description

A. Program Objective

The objective of the Estuary Habitat Restoration Program (ERHP) project solicitation is to provide Federal financial and technical assistance to estuarine habitat restoration projects that promote adaptation to climate change impacts, achieve cost-effective restoration of ecosystems, and promote increased partnerships among Federal and state agencies and between public and private sectors. Projects funded under this program will contribute to the Estuary Restoration Act of 2000 (PL 106-457, Title I), as amended (ERA) goal of restoring 1,000,000 acres of estuary habitat.

B. Program Introduction

Under the EHRP, the Assistant Secretary of the Army(Civil Works) (The Secretary), Secretary of the Interior (acting through the U.S. Fish and Wildlife Service (USFWS)), Secretary of Commerce (acting through the National Oceanic and Atmospheric Administration (NOAA)), Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are authorized to carry out estuary habitat restoration projects. Although any of the five member agencies are authorized to implement estuary habitat restoration projects, only the U.S. Army Corps of Engineers (USACE) has funds available for new projects in FY 2013. The Estuary Habitat Restoration Council (Council) is responsible for soliciting, reviewing, and evaluating project proposals. The Council will create a prioritized list of projects it recommends for funding to the Assistant Secretary of Army (Civil Works). The Secretary will make the final decision regarding which of the recommended projects will be funded. Information about the EHRP may be found at http://www.usace.army.mil/Missions/Environmental/EstuaryRestoration.aspx or http://www.era.noaa.gov.

C. Funding Process

The U.S. Army Corps of Engineers is authorized to provide funds to EHRP projects by the ERA. The ERA also authorizes the use of cooperative agreements as the funding mechanism. This is in addition to USACE's normal process of using cost-shared agreements under which USACE would use the funds to implement a portion of the project. Proposals requesting less than $200,000 or more than $1,000,000 will not be considered.

D. Definitions

- ***Estuary:*** A body of water considered to extend from the head of tide to the boundary with the open sea (to downstream terminus features or structures such as barrier islands, reefs, sand bars, mud flats, or headlands in close proximity to the connection with the open sea). In the Great Lakes, riparian and nearshore areas adjacent to the mouths of creek or rivers entering the Great Lakes will be considered to be estuaries.
- ***Estuary habitat:*** The physical, biological, and chemical elements associated with an

estuary, including the complex of physical and hydrologic features and living organisms within an estuary and associated ecosystems. Examples of estuarine habitats are salt, brackish, and fresh water coastal marshes; coastal forested wetlands and other coastal wetlands; maritime forests; coastal grasslands; tidal flats; natural shoreline areas; shellfish beds; sea grass meadows; kelp beds; river deltas; and river and stream corridors under tidal influence.

- ***Estuary Habitat Restoration:*** An activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape. Projects awarded funding will also include consideration of potential climate change impacts.

II. <u>Eligibility</u>

A. Applicant Eligibility

Eligible applicants are institutes of higher education, U.S. Territories, state, local and Indian tribal governments, and non-governmental organizations. For the purposes of the EHRP, the term "non-governmental organization" does not include for profit enterprises.

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

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

B. Eligible Activities

Restoration involves re-establishment of chemical, physical, hydrologic, and biological features and components associated with an estuary. It may include but is not limited to the following activities:

- Improvement of estuarine wetland tidal exchange or reestablishment of historic hydrology
- Dam or berm removal
- Improvement or reestablishment of fish passage
- Appropriate reef/substrate/habitat creation
- Planting of native estuarine wetland and submerged aquatic vegetation
- Reintroduction of native species
- Control of invasive species by altering conditions and improving ecosystem resiliency, and
- Establishment of riparian buffer zones in the estuary.

C. Ineligible Activities

- Mitigation required under any Federal or state law for the adverse effects of an activity regulated or otherwise governed by Federal or state law, or that constitutes

restoration for natural resource damages required under any Federal or state law, or activities that are required by a separate consent, decree, court order, statute, or regulation.

- Remediation of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675).
- Projects dealing only with water quality improvement measures are not eligible. While the council recognizes that water quality issues can impact estuary habitat restoration efforts, this program is intended to fund on-the-ground habitat restoration projects that will have significant and tangible ecological impacts.
- Construction of recreation or education facilities (e.g., boat ramps, trails, and signage). Such facilities, however, may be included in the project provided they do not conflict with the environmental benefits expected from project implementation.
- Estuary habitat restoration projects on Federal land.
- Proposals to restore shellfish beds with significant areas open to commercial harvest or enhancing a fish hatchery.
- Proposals to fund studies only or overly focused on research and/or monitoring.

III. Application Contents

A. Required Project Elements (Proposals without these will not be reviewed):

- The project must address restoration needs identified in a Federal, state or regional estuary habitat restoration plan.
- The project must be consistent with the Estuary Habitat Restoration Strategy.
- The projects must include a monitoring plan consistent with Monitoring Requirements under the ERA (Section III.D.5. Monitoring)
- The project must include satisfactory assurances from the Non-Federal interests proposing the project that the Non-Federal interests will have adequate personnel, funding, and authority to carry out items of local cooperation and maintain the project.
- The Federal share shall not exceed 65 percent of the total project cost. (See Section V.D. for more details regarding the Non-Federal share of the costs.)

B. Priority consideration will be provided to those project proposals that:

- Incorporate climate adaptation into project design and/or implementation techniques, including reduction of potential climate change impacts and creation of resilient coastal ecosystems.
- Occur within a watershed where there is a program being implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat; and
- Include demonstration of an innovative technology or approach having the potential to achieve better restoration results than conventional technologies, or comparable results at lower cost. Innovative technologies or approaches are defined as novel processes, techniques and/or materials to restore habitat, or the use of existing

processes, techniques, and/or materials in a new restoration application.

C. Content and Form of Application

Applicants should apply through Grants.gov (www.grants.gov). A complete standard grant application package should be submitted in accordance with the guidelines in this announcement. Applicants should not assume prior knowledge on the part of the Council as to the relative merits and background of the project described in the application. NOTE: Applicants are strongly encouraged to adhere to page limits specified and to use 12 point font with 1" margins. Including page numbers and the project title on each page will facilitate review. A complete application must include the following items:

- Form SF-424 (7/03 version or newer) – Application for Federal Assistance.
- Form SF-424A – Budget Information for Non-construction Programs (including all the funds required to complete the project).
- Budget Information Construction Programs SF424C.
- Form SF-LLL Disclosure of Lobbying, if applicable.
- If selected for funding, additional forms will be required by USACE including but not limited to USACE approved certifications regarding lobbying, debarment, suspension and other responsibility matters and drug-free workplace requirements.
- Project summary (described below, 1 page).
- Project narrative (described below, 10 pages).
- Justification for consideration as an innovative project (described below, 2 pages).
- A detailed budget justification and associated budget table showing all financial and in-kind contributions to the project, including ERA. If you consider the project to be innovative, a separate budget must be included based on the 85 percent cost-share for the incremental increase in cost of using the innovative method or technique (described below, 3 pages).
- A monitoring plan summary specifying at least one structural and one functional parameter to be measured to assess project success and articulating how monitoring will occur to meet the ERA five years post-construction monitoring requirement (2 pages).
- Project design plans, if available.
- A site location map such as a USGS topographic quadrangle map with site location(s) highlighted.
- Professional profiles of up to five primary project personnel (maximum 5 pages).
- Documentation of title, easement, or other written permission from the private landowner or public land manager for use of the land required for the project, including operation and maintenance in perpetuity.
- Additional relevant supporting documents, such as letters of financial or in-kind support and site photos.

NOTE: Applicants are encouraged to include in their proposals relevant web links in the project narrative, documentation of innovation, and monitoring plan as a reference for

reviewers, the Council, and the awarding agencies. Please be aware that the web links will be used for REFERENCE ONLY and not reviewed in their entirety as part of the review process. Ensure that all critical information on the web is summarized within your proposal in the applicable sections. Also, reviewers are more likely to review the web links if you include specific references to pages or sections within the website or online document.

D. Application Section Descriptions

1. **Project Summary** (1 page)

The project summary should include:

- Concise project name used on all documents
- Non-Federal Sponsor (Applicant) Organization
- Site location – state, county/town, at minimum
- Landowner name and address if privately owned, agency contact, if public land
- Project time line – key dates
- Project cost - funds requesting, other federal funds, Non-Federal funds and/or value of goods and services and total project cost.
- Number of acres to be restored and key habitat types
- A general description of the project (e.g., location, nature, scope, current condition, benefits, partners and a brief explanation of how the project supports the goals of the ERA and the ERA Strategy)
- Identify permits or regulatory approvals necessary for this project and current status of permits secured, or applications and/or consultations pending.

2. **Project Narrative** (10 pages)

The project narrative should clearly and succinctly address each of the evaluation criteria. Applications must indicate how the proposed work will address needs identified in a Federal, state or regional estuary habitat restoration plan, restore estuarine habitats in a manner to adapt to climate change stressors, achieve cost-effective restoration of ecosystems, and promote increased partnerships among agencies and between public and private sectors. If you are asserting that the project is innovative, you must justify in the application why it is innovative. The Council reserves the right to determine whether a proposed project is innovative.

The narrative should describe the historic condition of the restoration site and, if applicable, the processes which resulted in degradation of the area and how these processes have been abated to allow for successful restoration. Describe the existing habitat and proposed changes. List the key or target species including any threatened or endangered species present at the project site and/or that use the project site, identify the problems the project will address, describe short and long-term objectives and goals, detail the methods for carrying out and monitoring the project, and describe how the project will be managed and maintained in the long-term. Detailed information about the objectives, construction plan, techniques, anticipated results, management and monitoring of the project appropriate for the type of project are critical to the proposal review process. As

part of this information, include a brief discussion of other options for restoration that were considered, key design considerations, and how climate change will be factored into design and implementation projects. Since Federal funding agencies must analyze the potential environmental impacts, as required by the NEPA, briefly describe the compliance activities accomplished to date. If selected applicants should be prepared to provide enough detail for the funding agency to prepare NEPA compliance documents. .

3. **Budget Justification** (2 pages):

The narrative budget justification should include a description of total project costs broken out by category of cost (object class in SF-424A) and assign the costs to the ERA request, other Federal funds, and Non-Federal funds (including goods and services), as appropriate. The Federal share of the project cost may not exceed 65 percent unless the project includes innovative technology or an innovative approach (see section V.D below for additional information.) If funding is being requested to complete part of a larger project, a budget overview for the entire project should be provided to allow the Council to make an informed determination of the project's efficacy and cost-effectiveness. The justification should indicate if the applicants have applied for or received project funding from other sources and whether the funds requested/secured are Federal or Non-Federal.

Applicants must include a budget table by object class to further clarify the cost breakdown allowing the funding agencies to ensure the match was calculated correctly. Be sure to include the following detail when calculating the budget for personnel, equipment, and indirect cost:

- Personnel hours/costs and contractual hours/costs should be listed by task or position so the extent to which costs are directly related to on-the-ground implementation can be assessed.
- Requests for equipment (any single piece of equipment costing $5,000 or more) should be strongly tied to achieving on-the-ground habitat restoration and a comparison with rental costs should be included to justify the purchase.
- The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. A copy of the current, approved negotiated indirect cost agreement with the Federal government should be included with the application as part of the supplemental information.
- If the applicant does not have a negotiated indirect cost rate agreement with a Federal agency, then all charges may be considered direct costs, or the applicant may submit a request to establish an indirect rate. See the Supplemental Information document for more detail on the budget.

Applications will be evaluated for cost-effectiveness by examining the proportion of funds directed to project implementation or monitoring activities, as compared to the percentage for general program support such as indirect costs, overhead, award administration, travel, etc. Budgets will be reviewed to determine if the costs are allowable, allocable, reasonable, and realistic. All in-kind work and/or expenditure of funds must occur during the award period in order to be credited towards the required Non-

Federal share of the project costs.

The cost of USACE management and oversight of projects funded under this authority must be included as a Federal cost in the project budget. The Non-Federal Sponsor should coordinate with the appropriate USACE district office during preparation of the proposal to obtain an estimate of the funds required, applicable policies, and other relevant information that may improve the application. Information on district locations and boundaries may be found at http://www.usace.army.mil/Locations.aspx . (Click on the yellow dots for District information.) If you have questions regarding USACE process or contacts, contact Ellen Cummings (see Section VII. Agency Contacts). If a project is selected for funding, USACE will engage the applicant in negotiations to determine the best use of the funds.

4. Justification for Receiving Innovative Cost-Share (1 page)

If you feel your project is innovative, you must develop two budgets that follow the guidance in the Budget Justification section above – one for standard match rate (no more than 65 percent Federal funding) and one for the innovative match rate (85 percent Federal for the incremental increase in cost of using the innovative method or technique). This means that the estimated cost of achieving similar results not using the innovative approach or technology must be provided, see Supplemental Information document for example of budget information.

5. Monitoring Plan Summary (2 pages)

A restoration monitoring plan must include information to allow for successful implementation and evaluation of the project over the long-term. The ERA requires that projects funded under this solicitation include a monitoring plan that is consistent with the standards developed pursuant to the ERA. Those standards can be found at: http://www.era.noaa.gov/information/monitor.html or http://www.usace.army.mil/Missions/Environmental/EstuaryRestoration/MonitoringandDatabase.aspx . The following four critical elements must be included in monitoring plans for projects supported by ERA funds: monitoring parameters, including at least one clearly identified structural and one clearly identified functional parameter; methods for evaluating results; baseline monitoring; and appropriate frequency of monitoring and length of the monitoring period. Comparison to a reference site is encouraged. See Supplemental Information for more guidance on monitoring evaluation.

6. Supplemental Information (15 pages)

Inclusion of supplementary materials such as images, diagrams, copies of secured permits, letters of support, etc. are strongly encouraged. These may all be included in one PDF when applying through Grants.gov. However if the project plans/design drawings and map are large files place these items in a second PDF.

Additional Information about letters**:**

- Private Landowner or Public Land Manager Support: To protect the Federal investment, a letter of commitment from the landowner must be provided for

projects on private land, or from relevant agency personnel for projects on public lands. This letter should provide assurances that the project will be maintained for its intended purpose.

- Documentation of plans for long-term project management should also be included. Perpetual easements or fee title will usually be required for projects funded by USACE to ensure the continued existence of the project, its benefits, and the USACE's ability to inspect as necessary.
- All letters of support should demonstrate the entity's specific and quantified commitments to the project. Do not include letters that simply state that the sender supports the project.

IV. Application Review Information

A. Project Evaluation Criteria

Based on the following evaluation criteria and respective point values, reviewers will score the proposals from 0 to 100 points. Proposals that best address the criteria will be most competitive. While the Council encourages applicants to conduct education and outreach activities, those elements CANNOT be funded through this solicitation and thus are not part of the selection criteria.

1. Importance and Applicability/Ecosystem Benefit (25 points total): The project's intrinsic value and its relevance to Federal, regional, state or local activities.

a. Potential to contribute to conservation of function: The potential of the project to restore, protect, conserve or significantly enhance estuarine habitat and contribute to the long-term conservation of estuary habitat function consistent with the Estuary Habitat Restoration Strategy. (5 points)

b. Addresses Climate Change Impacts: The potential effects of climate change on the area and habitat to be restored are described and related to the importance of the proposed restoration. Include reference to specific information for the project area such as models that predict potential climate change impacts to the restoration site, existing adaptation plans, or peer reviewed climate change studies. (5 points)

c. Project Scope: In the context of the local environment, the significance of the project is measured in the amount of habitat (e.g. number of stream miles opened or acres restored) receiving long-term benefits; and/or the potential of the project to establish ecological corridors connecting habitat areas; and/or expansion of protected areas. (4 points)

d. Benefits to Estuarine Species: The project will restore or enhance habitat for estuarine species within priority areas (e.g. critical habitat identified in a recovery plan, or essential fish habitat areas of particular concern, or areas vital to key life stages) of a number of Federal trust species (threatened and endangered species, migratory birds, inter-jurisdictional fish species, and marine mammals) and species dependent on the habitat for critical life cycles or other special management areas, such as private or state protected areas. Consideration will be given to the number of relevant species

that are ESA-listed species, species proposed for listing, or recently delisted species, as well as the extent that critical habitat is involved. (3 points)

e. Complimentary to watershed initiatives: The extent that the project complements activities within the watershed. Does the project occur in a watershed where there is a program that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat? (4 points)

f. Supports Restoration Plan: The project addresses restoration need(s) identified in an approved Federal, regional, or state restoration plan. (4 points)

2. Coordination and Cooperation: (10 points total)

a. Agency Cooperation. The planning and implementation of the project will facilitate increased coordination and cooperation among Federal, state, and local government agencies (e.g. several agencies involved in project development and implementation, number of methods used to coordinate, formal agreement exists as part of project, etc.). (3 points)

b. Promotes Partnerships: The planning and implementation of the project encourages collaboration and/or creates partnerships among public and private entities, including potential for future new or expanded public/private partnerships (e.g. joint funding, periodic multi-agency review of the project, collaboration on adaptive management decisions, joint monitoring, opportunities for future collaboration, etc.). (3 points)

c. Clearly Defined Roles: The roles of the project partners have been clearly defined through letters of support that demonstrate specific and quantified commitments to the project or a formal agreement (e.g. Memorandum of Understanding, Memorandum of Agreement) and understanding of USACE role. (4 points)

3. Technical/Scientific Merit (30 points total): The proposed approach is technically sound and/or innovative, the methods are appropriate, and there are clear project goals and objectives.

a. Clarity of Application: The proposal provides sufficient detail to clearly describe the project and the restoration objectives and includes a realistic scope of work/implementation plan achievable within 24 months, along with a project timeline. (5 points)

b. Technically Sound: The proposed approach is technically sound and is likely to achieve project goals/objectives both from a biological and engineering perspective. (5 points)

d. Integrates Climate Change Adaptation: The project goals and strategies are designed to be viable in response to climate change and its impacts on the habitat being restored. The proposal demonstrates through project designs or design plans that climate change has been or will be integrated into the project design and that the project is robust to climate change, see Section III. D.2. Project Narrative for additional

information. (5 points)

e. Promotes Resilient Coastal Ecosystems: The project will reduce the target species' or habitat's vulnerability to climate change. The extent that the proposal addresses any of the following vulnerabilities: the project area will remain suitable for the species/habitats of interest; if replanting is done, species/cultivars used will be appropriate for the future as well as current conditions; engineering designs account for plausible changes in temperature, precipitation (type, intensity, and timing), water level, flooding, ice cover, and sedimentation as a result of climate change; or will the proposed design maintain habitat connectivity in a changed climate. (4 points)

f. Sustainable Design: The project is likely to be successful in the long-term because it includes self-sustaining restoration techniques with minimum long-term management requirements (e.g. with minimum operation and maintenance). (4 points)

g. Technically Sound: The proposal provides an explanation and rationale for the restoration techniques proposed, including examples that demonstrate its successful application (e.g. previous use and success in similar settings). Or if the technique(s) and/or approach is innovative, extent that the proposal discusses the scientific principles behind the innovative technology or approach that will make it successful. (4 points)

h. Project Readiness: The applicant provides assurance that the project will expediently meet environmental compliance and permitting requirements, so that on-the-ground activities will begin within the first 12 months after the project's start date. (3 points)

4. Monitoring Plan (12 points total).

a. Monitoring Appropriate for Goals: The monitoring plan describes the connection between the monitoring methods and the project goals, including how monitoring results will be evaluated in comparison to project targets used as success criteria/performance measures, reported and used to determine proposed adaptive management actions if targets are not being met. (5 points)

b. Meets the Minimum Standards: The plan includes at least one functional and one structural parameter to be monitored over a five-year post-construction period and includes additional monitoring details, such as frequency and timing of monitoring for each parameter, identified number and/or location of sampling locations, and how they were selected. (4points)

c. Defined Baseline: The plan includes how baseline conditions will be established for the parameters to be measured. If reference sites are to be used, do they represent a baseline condition(s) for the habitat at the restoration site prior to restoration or does the reference site represent the desired results of the restoration? Does the proposal contain information about how the site(s) was selected, and its location? If a reference site(s) has not yet been identified does the plan include how the site(s) will be selected including potential locations? (3points)

5. Qualifications of Applicants (**8 points total**) The purpose of this criterion is to ensure that the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the proposed work.

a. The capacity of the applicant and associated project personnel to successfully carry out the project based on the qualifications and past experience of the project leaders and/or partners in designing, implementing and effectively managing and overseeing projects that benefit living marine or coastal resources. (3 points)

b. The available facilities and/or administrative resources and capabilities that will enable the applicant guide the project to a successful completion, and report project outputs and outcomes. (3 points)

c. Experience with development and/or implementation of climate smart projects (2 points)

6. Budget (**15 points total**) This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time-frame.

a. The proposed budget is sufficiently detailed, with appropriate budget breakdown and justification of ERA, other Federal, and Non-Federal cost-share by object class as listed on form SF-424A, including the cost of the required monitoring. (3 points)

b. The applicant demonstrates that a significant benefit will be generated for a reasonable and realistic cost, based on the applicant's stated objectives and time frame. (3 points)

c. The applicant proposes a cost-effective strategy to limit administrative costs, salaries, overhead, and travel; and directs the majority of funds to project implementation. See Section III. D.3. Budget Justification for details to include in the budget to ensure the cost-effectiveness of the project is clear. (3 points)

d. A breakdown of the funds anticipated, including any other Federal funding anticipated or awarded and the amount and type (e.g. cash, in-kind) of the Non-Federal match commitment for the requested funding. There is a required Non-Federal minimum share of 35 percent. Does the proposal include documentation confirming acceptable secured Non-Federal match will be available within the proposed project period? (3 points)

e. The extent the project includes pilot testing of or a demonstration of an innovative technology or approach having the potential for improved cost-effectiveness in estuary habitat restoration by either lowering costs or improving results (see Section III.D 3. Budget Justification). Innovative projects may receive 85 percent Federal funding for the incremental cost of the use of innovative technology. (3 points)

B. Additional Considerations

In addition to the criteria in Section 104(c) of the ERA and the items listed above in Section IV.A., the Work Group will consider:

- Availability of funding;
- Readiness of the project for implementation: including status of permits and environmental compliance;

- Balance/distribution of funds: a) geographically and b) between large and small projects;
- Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies;
- Program priorities and policy factors set out in Sections I. and II.; and
- An applicant's prior award performance.

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

C. Selection Process

Applications will undergo an initial administrative review to determine if they are eligible and complete (See Sections II and III for additional information). Eligible applications will then undergo a technical review, ranking and selection process to determine how well they meet the stated goals of the EHRP.

Eligible applications for estuary habitat restoration projects will be evaluated by a panel of technical reviewers from each of the five Council member agencies, including the interagency ERA Work Group (Work Group). The Work Group will recommend a list of projects to be considered for funding to the Council.

Using the selection factors in paragraphs A., and B. of this section the Council will then consider the Work Group's recommendations and if necessary revise the list. The Council will then recommend to the Secretary of Army a prioritized list of projects recommended for funding consideration including, the amount of funds to be made available for each recommended proposal.

The Secretary will approve projects for funding from the Council's prioritized list of recommended projects after considering the criteria contained in section 104 (c) of the ERA, the Program Objectives (Section I.A.), and the availability of funds. Each applicant will be notified of their status at the conclusion of the award process. Staff from the appropriate USACE district will work with the applicant of each project approved for funding to develop the cost sharing or cooperative agreements and schedules for project implementation, including final award documentation (see VII. A. Award Notices, below). Unsuccessful applications submitted in hard copy will be kept on file until the selection process has been validated and approved by USACE and then destroyed.

V. <u>Award Information</u>

A. Funding Availability

Approximately $3.5 million will be available for EHRP projects in Fiscal Year 2013. Actual funding availability for this program is contingent upon Fiscal Year 2013 Congressional appropriations and agency budget decisions. The Council will only accept proposals that request at least $200,000 and no more than $1,000,000 from this program. The Council does not guarantee that sufficient funds will be available to make awards for all proposals. The number of proposals funded as a result of this notice will depend on the number of eligible proposals received, the estimated amount of funds required for each selected project, the merit and ranking of the proposals, and the amount of funds available.

Publication of this document does not obligate the Council or the Secretary to award any specific project or obligate all or any parts of any available funds.

B. Project/Award Period

The earliest start date for project awards is anticipated to be August 1, 2013. The Council expects the project construction phase to be completed within 24 months, and that there will be a longer performance period to include the minimum monitoring period.

C. Type of Funding Instrument

Proposals selected for EHRP funding may be implemented in accordance with a cost share agreement with USACE; or a cooperative agreement with USACE, subject to availability of funds. If a USACE cost share agreement is required, funds will not be transferred to the applicant. Instead, USACE will use the funds to implement (construct) some portion of the proposed project as well as cover its management responsibilities. If the project meets USACE conditions for implementation under a cooperative agreement, funds will be transferred to the applicant under a cooperative agreement. However it will retain a portion of the Federal funds necessary to cover its expenses. ALL applicants are strongly urged to discuss proposed projects with the appropriate USACE district to ensure that these costs are included when preparing the project budget. The USACE has specific policies and processes that apply to their agreements and will be substantially involved in all aspects of the projects it funds. The discussion with USACE should also include sufficient details to reveal potential policy issues. Examples of policies issues affecting USACE funding are real estate requirements, inability to fund cleanup of hazardous and toxic materials, and policies related to levees. See Section VII. Award Administration for more information on agency requirements and policies.

D. Cost Sharing or Matching Requirement

1. The Federal share of the TOTAL cost of an estuary habitat restoration project MUST NOT exceed **65** percent in most cases. This means that the minimum Non-federal share MUST be **35** percent. The exception to this is when the project deals with pilot testing or demonstration of an innovative technology or approach (see Section I. B. Program Priorities and the Supplemental Information document available on Grants.gov). In the latter case, the Federal share may be 85 percent of the incremental additional cost of pilot testing or demonstration of an innovative technology or approach having the potential for improved cost-effectiveness (see Section III.D.3. Budget Justification). In addition, the difference in the cost of the project related to the use of the innovative technique or approach must be clearly delineated. Refer to the Supplemental Information Supplemental information to aid completion of the Estuary Habitat Restoration Program Project Application on Grants.gov for an example of how to calculate the cost share for an innovative technology/approach application.

2. Pre-award costs are generally not allowable. NOTE: Incurring pre-award costs before the Council member agency funding the project provides an award document is at the applicant's own risk.

3. Prior to initiation of a project, the applicant must enter into an agreement with the funding agency in which the applicant agrees to provide its share of the project cost; including necessary lands, easements, rights-of-way, and relocations and long-term maintenance. The applicant may receive cost-share or matching funding credit for services and in-kind contributions toward its share of the project cost, including monitoring to meet the five year post-construction monitoring requirement. Applicants will NOT receive cost-share or match credit for education and outreach costs, building of educational or recreational facilities, the value of land (if a cooperative agreement is used), or work accomplished prior to the execution of the cooperative agreement or cost share agreement with USACE. Do not include these items as part of the 35 percent Non-Federal match requirement in the budget. Adaptive management is a Non-Federal responsibility; it will not be cost shared. Additionally, ERA funds cannot be used to cover education and outreach project costs (see Section V.D. Cost Sharing and Matching Requirement).

4. Credit for the value of in-kind contributions is subject to satisfactory compliance with applicable Federal labor laws covering Non-Federal construction, including but not limited to the Davis-Bacon Act (40 U.S.C. 276a et. seq.), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et. seq.), and the Copeland Anti-Kickback Act (40 U.S.C. 276c). The monetary value of work completed by volunteers will be credited using the hourly rate in common usage for grants programs but not to exceed the Federal estimate of the cost of the activity. The applicant will also have a long-term responsibility for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating these projects.

5. In most cases, Federal funds are not allowable as match. Other Federal funds will count as part of the allowable 65 percent Federal share of the project cost. Any Non-Federal funds or contributions used as a match for those other Federal funds may be used toward the project but will not be considered in determining the Non-Federal share in relation to any Federal EHRP funds. For the EHRP funds requested, previously unclaimed match will have to be secured and demonstrated to ensure that the 35 percent requirement is met for the EHRP request.

6. All projects will be reviewed and move forward in the ERA selection process as outlined in Sections IV. C. Successful applicants may be asked to participate in a negotiation process to modify work plans or budgets, and provide supplemental information required by the funding agency prior to final approval of an award. The exact amount of funds to be awarded, the final scope of activities, the project duration, and specific agency cooperative involvement with the activities of each project will be determined in pre-award negotiations and specified in the cooperative agreement or Project Partnership Agreement. The negotiated cost share must meet the 35 percent Non-federal cost share MINIMUM (or the amount determined based on credit for the use of an

innovative approach or technique).

VI. Application and Submission Information

A. Intergovernmental Review

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

B. Application Submission

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

We highly recommend that you do not wait until the application deadline to begin the application process through Grants.gov.

2. To use Grants.gov, applicants must have a DUNS number and register in the Central Contractor Registry (CCR). Applicants should allow a minimum of 5 days to complete the CCR registration; registration is required only once. After electronic submission of the application, applicants will receive an automatic confirmation from Grants.gov that contains a tracking number. Applications submitted through Grants.gov will be accompanied by THREE automated receipts of the date and time of submission (the first confirms receipt; the second confirms that there are no errors with an application submission; and the third validates that the application has been forwarded to USACE for further processing). If all notifications are not received, applicants should follow up with both the Grants.gov helpdesk and the USACE point of contact listed in Section VIII.A. to confirm USACE receipt of the complete submission.

3. NOTE: It may take Grants.gov up to two (2) business days to validate or reject the application. Keep this in mind in developing your submission timeline. Applicants should allow themselves sufficient time to submit their application to Grants.gov in advance of the deadline to ensure applications have been submitted successfully. Applications received after the deadline are NOT ELIGIBLE and will not be considered. If applicants are unsure about the success of their submission to Grants.gov, applicants may also mail a hard copy, see below for details.

4. If an applicant submits a paper application, the hard copy application SF-424 forms must be signed originals (blue ink is preferred) not copies and be postmarked, or provided to a delivery service and documented with a receipt, and sent to: HQUSACE, ATTN: CECW-CP,7701 Telegraph Road, #3D72, Alexandria, VA 22315-3860. Failure to follow these instructions will result in disqualification.

5. Applications postmarked or provided to a delivery service after the deadline will not be considered for funding. Applications submitted via the U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Applications received later than 7 business days following the postmark closing date will not be accepted. No facsimile or electronic mail applications will be accepted. Paper applications should be printed on one side only, on 8.5" x 11" paper, and should not be bound in any manner. Applications that do not follow these requirements will not be reviewed. Applicants submitting paper applications must also include a full copy of the application on a compact disc (CD).

C. Format of Submissions

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

- 1) Project summary, narrative, and monitoring plan;
- 2) Budget justification, including the table, and justification and associated budget if project is being considered innovative;
- 3) Design plans, if available; and project maps if a large file
- 4) Additional supplemental Information - all other attachments combined into one, indexed file, such as resumes, and project support letters, including landowner or land manager documentation.

VII. Award Administration Information

A. Award Notices

1. All projects will be reviewed and move forward in the ERA selection process as outlined in Section I.B. and IV.C. Successful applicants may be asked to participate in a negotiation process to modify work plans or budgets, and provide supplemental information required by the funding agency prior to final approval of an award. The exact amount of funds to be awarded, the final scope of activities, the project duration, and specific agency cooperative involvement with the activities of each project will be determined in pre-award negotiations.

2. To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration and Dun and Bradstreet Universal Numbering System and be subject to reporting requirements, as identified in OMB guidance

published at 2 CFR Parts 25, 170 (2010), http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25_main_02.tpl

3. Projects should not be initiated in expectation of Federal funding until a notice of award document is received from the appropriate Federal agency. The USACE will discuss this process with prospective recipients as part of the negotiation process. The letter from the Council chair is the official notification of selection for funding but the award and amount are not official until the cost share agreement or cooperative agreement are signed and executed by the appropriate USACE district.

B. Administrative and National Policy Requirements

1. Award Conditions

a. Successful applicants that accept an award under this solicitation will be bound by U.S. Army Corps of Engineers standard terms and conditions for a cooperative agreement or the terms of the cost-share agreement.

b. Award documents provided in the grant award package may contain special award conditions limiting the use of funds for activities that have outstanding environmental compliance requirements to fulfill, and/or stating other compliance requirements for the award as applicable.

c. For projects funded by USACE, the appropriate USACE district will provide all of the required documents to the applicant. These documents include:

- USACE approved certifications regarding lobbying, debarment, suspension and other responsibility matters and drug-free workplace requirements.
- USACE Standard Conditions and other project specific conditions related to USACE district polices, as required.
- Other items as required.

2. National Environmental Policy Act (NEPA) Requirements

a. Detailed information on the NEPA review process and compliance with NEPA can be found at the Council on Environmental Quality's (CEQ) website that outlines implementation regulations that apply to all Federal agencies. The USACE staff will work with the applicant to assess the information required for NEPA compliance.

b. To facilitate NEPA compliance, applicants are required to provide detailed information in the project narrative section regarding project activities. This should include discussion of the activities to be conducted, safety concerns, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, etc.). This information will be used as the basis for any required impact analyses.

c. For projects with NEPA documents completed or under development, indicate the status and level of NEPA review (CE, EA, EIS), lead Federal agency, contact at the agency, and where public drafts of the document are available. If an assessment is

required, applicants will be requested to assist the Federal agency in drafting an environmental assessment and will be required to cooperate with the Federal agency in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for the denial of an application.

d. 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 a Clean Water Act 404 permit has not been obtained USACE will work with the applicant to comply with section 401. Applicants are expected to design their proposals so that they minimize the potential for adverse impacts to the environment. If applicable, documentation of requests or approvals of required environmental permits should be included in the application package.

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

C. Reporting

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

2. Performance progress reports will be required on a schedule to be set during award negotiations and a final report will be required no later than 60 days after the expiration of the period of performance, or completion of the final post construction monitoring, whichever occurs first. District staff will discuss performance and financial reporting schedules and formats with the applicants. The process will vary depending on whether a cooperative agreement or a cost-share agreement is used.

3. Complete details on reporting requirements, including those that might be new to applicants under the Federal Financial Assistance Transparency Act, will be provided to successful applicants in the award documentation in the award package.

VIII. Agency Contact

Prospective applicants are invited to contact the USACE staff listed below before submitting an application to discuss whether their project ideas are within the scope of the EHRP.

A. For further information regarding the application process contact Ms. Ellen Cummings at (202) 761-4750, mailto:Ellen.M.Cummings@usace.army.mil.

B. For further information regarding USACE cost sharing, award documentation, or USACE policies contact Ms. Ellen Cummings at (202) 761-4750, mailto:Ellen.M.Cummings@usace.army.mil.

Additional information on the EHRP can be found on the World Wide Web at http://www.era.noaa.gov or http://www.usace.army.mil/Missions/Environmental/EstuaryRestoration.aspx

IX. Disclaimers

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

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

3. The use of the standard USACE grant application package referred to in this notice involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, the Construction Budget Information form, and SF-LLL Disclosure of Lobbying activities have been approved by OMB under the respective control numbers 4040-0004, 4040-0006, 4040-0008, and 0348-0046.

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