

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: 2012 BREP

Announcement Type: Initial

Funding Opportunity Number: NOAA-NMFS-FHQ-2012-2003362

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

Dates: Full proposals must be received by 5:00 pm eastern time on May 25, 2012. Letter of Intent should be sent directly to Derek Orner, (derek.ornier@noaa.gov) no later than May 4, 2012.

Funding Opportunity Description: The mission of the National Bycatch Reduction Engineering Program (BREP) is to develop technological solutions and investigate changes in fishing practices designed to minimize bycatch of fish (including sponges, deep-sea corals, and shallow, (tropical) corals) and protected species (including marine mammals, sturgeon, seabirds, and sea turtles) as well as minimize bycatch injury and mortality (including post-release injury and mortality).

For FY2012, it is anticipated that approximately \$2,500,000 could be made available for projects that address by-catch research as identified in the Program Priority Section (I.B.1 - I.B.4).

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

The Magnuson-Stevens Act requires that NOAA's conservation and management measures minimize bycatch to the extent practicable. Bycatch reduction is a top priority for NMFS because bycatch contributes to overfishing, threatens critically endangered species, and can shut down important fisheries, significantly impacting U.S. economic growth. There is a demand for new bycatch reduction engineering products and services from the Regional Fishery Management Councils, which are required to develop management plans that minimize bycatch and habitat impacts. Commercial and recreational fisheries also require improved gear and practices to minimize bycatch and habitat impacts. With new gears, fishermen can increase their fishing opportunities and efficiency through less sorting time and loss of bait. New gears also may increase catch rates for target species.

B. Program Priorities

The NMFS Office of Sustainable Fisheries (OSF) proposes to fund applied projects in the following five high-priority areas:

1. Reduction of protected species bycatch and interactions, specifically sea turtle bycatch in trawl, gillnet, and bottom longline fisheries; Atlantic sturgeon bycatch in trawl and gillnet fisheries; and high-priority marine mammal research needs identified in the False Killer Whale Take Reduction Plan (see <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr76-42082.pdf>), Atlantic Large Whale Take Reduction Plan (see http://www.nero.noaa.gov/prot_res/research/), and Harbor Porpoise Take Reduction Plan (see http://www.nero.noaa.gov/prot_res/research/).

2. Development of improved fishing practices and innovative gear technologies that reduce fish bycatch while maintaining or increasing target catch, including in the California drift gillnet fishery, West Coast groundfish fishery, U.S. Pacific hake fishery, Hawaii-based longline fisheries, Atlantic herring/mackerel mid-water trawl fishery, Atlantic pelagic longline fishery, and Southeastern U.S. commercial shark fishery.

3. Reduction of post-release mortality and serious injury, including cusk, cod, and haddock in Northeast commercial trap and/or recreational fisheries, crabs in Alaska fisheries, blue and striped marlin in Hawaii-based longline fisheries, and reef fish in Gulf of Mexico recreational fisheries.

4. Development or refinement of innovative technologies to enhance understanding of or reduce bycatch or gear interactions, including: deterrent technologies such as

illumination, electrosensory technologies, and higher frequency (50-100 kHz) pingers for gillnets; gear modifications to reduce bycatch or bycatch mortality in gillnet, trawls, and fixed fishing gear; devices for marking fixed gear such as bar codes or electronic tagging; video technology; cameras and passive acoustics to assess marine mammal behavior around fishing gear (e.g. trawls, gillnets); and artificial light to enhance escapement from trawls.

C. Program Authority

Section 316 of the Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007 (MSA) requires the Secretary of Commerce , in cooperation with the Councils and other affected interests, and based upon the best scientific information available, to establish a Bycatch Reduction Engineering Program (BREP), including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality and post-release mortality in federally managed fisheries.

The Secretary is authorized under the Magnuson Fishery Conservation and Management Act, 16 U.S.C 1865; Fish and Wildlife Coordination Act of 1956, 16 U.S.C 661; National Fisheries Research and Development Program, 15 U.S.C 713c3(d)., to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, and in minimizing damages from overabundant species.

II. Award Information

A. Funding Availability

This solicitation announces approximately \$2,500,000 in federal funds that may be available in FY 2012 in award amounts to be determined by the proposals. It is expected that these funds will provide support for 10 - 15 projects at approximately \$50,000 to \$250,000 per project. Funding for subsequent years of work will depend on congressional appropriations, the performance of grantees to successfully conduct activities as determined by the Federal Program Officer through performance reports, site visits, and compliance with award conditions.

There is no guarantee that sufficient funds will be available to make awards for all qualified projects. The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA representatives. Publication of this notice does not obligate NOAA to award any specific project or to obligate any available funds. If applicants incur any costs prior to an award being made, they do so at their own risk of not being reimbursed by the government. Notwithstanding verbal or written assurance that

may have been received, there is no obligation on the part of NOAA to cover pre-award costs unless approved by the Grants Officer as part of the terms when the award is made.

B. Project/Award Period

Proposals should be submitted for one year of funding support. Proposals should clearly identify objectives and products to be completed during that year of activity. Proposals may be considered eligible for renewal beyond the first project period. However, funds will be made available for only up to an 18-month award period and any continuation of the award will depend on submission of a successful proposal subject to identified review process, adequate progress on previous award(s), and available funding to renew the award. No assurance for a funding renewal exists; funding will be at the complete discretion of NOAA.

C. Type of Funding Instrument

Under this solicitation, NMFS/OSF will fund BREP Projects as cooperative agreements. The cooperative agreement has been determined to be the appropriate funding instrument because of the substantial involvement of NOAA in:

1. Developing program research priorities;
2. Evaluating the performance of the program for effectiveness in meeting National and/or Regional goals;
3. Monitoring the progress of each funded project;
4. Holding periodic workshops with investigators; and
5. Working with recipients to prepare annual reports summarizing current accomplishment of the BREP.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are individuals (U.S. citizens), institutions of higher education, other nonprofits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this notice.

The Department of Commerce/ National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and institutions that work in underserved areas.

B. Cost Sharing or Matching Requirement

No cost sharing is required under this program, however, the NMFS/OSF strongly encourages applicants to share as much of the project costs as possible. Funds from other Federal awards may not be considered matching funds. The nature of the contribution (cash versus in kind) and the amount of matching funds will be taken into consideration in the review process. Priority selection will be given to proposals that propose cash rather than in-kind contributions.

C. Other Criteria that Affect Eligibility

Not applicable.

IV. Application and Submission Information

A. Address to Request Application Package

Electronic application packages are strongly encouraged and are available at: <http://www.grants.gov/>.

If the applicant has difficulty accessing Grants.gov or downloading the required forms from the NMFS/OSF website (http://www.nmfs.noaa.gov/by_catch/bycatch_BREP.htm), they should contact

Derek Orner

Office of Sustainable Fisheries

1315 East-West Highway

Silver Spring, MD 20910

derek.ornier@noaa.gov

Potential applicants are invited to contact the BREP Coordinator before submitting an application to discuss project ideas in the context of program goals and objectives.

Lee Benaka

Office of Sustainable Fisheries

1315 East-West Highway

Silver Spring, MD 20910

lee.benaka@noaa.gov

B. Content and Form of Application

Application Format

Applicants must submit the following forms during initial submission of the application:

- Application for Federal Assistance (SF-424),
- Budget Information, Non-construction Programs (SF-424A),
- Assurances, Non-construction Programs (SF424B),

Applicants may submit the information typically included on these documents through the <http://www.grants.gov/> website. The Department of Commerce Form(s) CD 511, Certifications Regarding Debarment, Suspension and Other responsibility Matters; Drug

Free Workplace Requirements and Lobbying, and if applicable Department of Commerce Form CD 346 Applicant for Funding Assistance (Non Profits, For Profits, and Individuals) will be required during the final review process if not initially submitted with the application.

Proposal format must be in at least a 10 point font and double spaced. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 10 pages. Data management plans and/or access agreements as well as tables and visual materials, including charts, graphs, maps, photographs, and other pictorial presentations are not included in the 10 page limitation. Appendices may be included but must not exceed a total of 15 pages in length. Appendices may include information such as curriculum, resumes, and/or letters of endorsement. Additional informational material will be disregarded.

In addition to the Federal Forms listed above, proposals must include the following information in the format outlined below.

a. Project summary (1-page limit):

(1) Organization title.

(2) Principal Investigator(s) (PI).

(3) Address, telephone number, and email address of Principal Investigator(s).

(4) Area of interest for which you are applying (see section I. B.).

(5) Project title.

(6) Project objectives for the project period.

(7) Summary of work to be performed in federal fiscal year 2012 and federal fiscal year 2013 (if applicable).

(8) Budget Information

- Total Federal funds requested for federal fiscal year 2012 and federal fiscal year 2013.

- Cost sharing to be provided from non Federal sources, if any. Specify whether contributions are cash or in kind.

- Total project cost for federal fiscal year 2012 and federal fiscal year 2013.

b. Project description (10 page limit): Each project must be completely and accurately described. The main body of the proposal should be a clear statement of the work to be undertaken and should include: specific objectives and performance measures for the period of the proposed work and the expected significance; relation to longer-term goals of the PI's project; and relation to other work planned, anticipated, or underway through Federal assistance.

Each project must be described as follows:

(1) Identification of problem(s): Describe the specific problem(s) or area(s) of interest to be addressed (see section I.B. above). Specify how the problem(s) or area(s) of interest directly relates to a Program Priority(ies) in section I.B.

(2) Project objectives: Objectives should be simple and understandable; as specific and quantitative as possible; clear as to the "what and when," but should avoid the "how and why", and; attainable within the time, money and human resources available. Projects should be accomplishment oriented and identify specific performance measures.

(3) Project narrative: The project narrative is the scientific or technical action plan of activities that are to be accomplished during each budget period of the project. This description must include the specific methodologies, by project job activity, proposed for accomplishing the proposal's objective(s).

Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutional, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. The project narrative must include a milestone table that summarizes the procedures/objectives

that are to be attained in each project month covered. Table format should follow sequential month rather than calendar month (i.e. Project period Month 1, Month 2... versus October, November...).

(4) Data management: (not included in the 10-page limitation _ can be submitted as an appendix.) The proposal must include a plan to make available to the public all data generated from observations, analyses, or model development (primary data) and any secondary (or existing) data used under a cooperative agreement awarded from this solicitation. The data must be available in a format and with documentation such that they may be used by others in the scientific community. Proposals must address plans for sharing data and research products with the community in a timely manner and should lead to development and/or support of models for management purposes.

(5) Benefits or results expected: Identify and document the results or benefits to be derived from the proposed activities.

(6) Need for Government financial assistance: Demonstrate the need for assistance. Explain why other funding sources cannot fund all the proposed work. List all other sources of funding that are or have been sought for the project.

(7) Federal, state and local government activities: List any programs (Federal, state, or local government or activities, including Sea Grant, state Coastal Zone Management Programs, etc.) this project would affect and describe the relationship between the project and those plans or activities.

(8) Project management: Describe how the project will be organized and managed. Include resumes of principal investigators. List all persons directly employed by the applicant who will be involved with the project. If a consultant and/or subcontractor is selected prior to application submission, include the name and qualifications of the consultant and/or subcontractor and the process used for selection.

(9) Results from prior NOAA/NMFS support: If any PI or co-PI identified on the project has received support from the NOAA/NMFS in the past 5 years, information on the prior award(s) is required. The following information should be provided:

(a) The NOAA award number, amount and period of support;

(b) The title of the project;

(c) Summary of the results of the completed work, including, for a research project, any contribution to the development of human resources in science/biology;

(d) Publications resulting from the award (Reprints may be submitted, and are requested, for documentation if applicable);

(e) Brief description of available data, samples, physical collections and other related research products not described elsewhere; and

(f) If the proposal is for renewed support, a description of the relation of the completed work to the proposed work.

(10) Monitoring of project performance: Identify who will participate in monitoring the project.

(11) Project impacts: Describe how these products or services will be made available to the fisheries and management communities.

(12) Education and outreach: How will this project provide a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources? This includes the degree to which the potential users of the results, i.e., industry or state resource managers, have been involved in the planning of the activity, will be involved in the execution of the activity and/or are providing funds, and whether there is a plan to disseminate the results to user groups (including Regional Fishery Management Councils and, if applicable, marine mammal take reduction teams) and the public.

(13) Evaluation of project: The applicant is required to provide a description of project accomplishments and progress towards the project objectives and performance measures at the end of each funding period and in the final report. The application must describe the methodology or procedures to be followed to quantify the results of the project.

c. Total project costs and budget narrative: Total project costs are the amount of funds required to accomplish what is proposed in the Project Description, including cost-share contributions and donations.

Provide a detailed table with narrative to support the requested items or activities (personnel/salaries, fringe benefits, travel, equipment, supplies, contract costs (such as vessel charters), and indirect costs.) Supplies (<\$5,000/item) and equipment (>= \$5,000/item) should be broken out in as much detail as possible. The budget table and narrative submitted with the application should match the dollar amounts on the SF-424 and SF-424A forms. Additional cost detail may be required prior to a final analysis of overall cost allowability, allocability, and reasonableness.

Please note the following restrictions for salaries and fringe benefits:

Funds for salaries and fringe benefits may be requested only for those personnel who are directly involved in implementing the proposed project and whose salaries and fringe benefits are directly related to specific products or outcomes of the proposed project. Hourly rates and projected hours worked on the project and/or percentage of time and yearly salary should be included for all salary requests. Applicants are strongly encouraged to request

reasonable amounts of funding for salaries and fringe benefits to ensure the proposal is competitive.

C. Submission Dates and Times

Institutions are strongly encouraged to submit Letters of Intent to NMFS/OSF by Friday, May 4, 2012 to aid in planning the review processes and provide potential guidance on permits required (ESA/MMPA). Letters of Intent should be submitted via e-mail to derek.ornier@noaa.gov. Information should include a general description of the intended proposal, Endangered Species and/or Marine Mammal permit concerns/permits and approximate budget. Letters of Intent should not exceed 2-pages.

Proposals must adhere to the following provisions and requirements and must be received by 5 p.m. eastern time on May 25, 2012. Failure to follow these requirements will result in proposals being returned without review.

Important: All applicants, both electronic and paper, should be aware that adequate time must be factored into applicant schedules for delivery of the application. Electronic applicants are advised that volume on Grants.gov is currently extremely heavy, and if Grants.gov is unable to accept applications electronically in a timely fashion, applicants are encouraged to exercise their option to submit applications in paper format. Paper applicants should allow adequate time to ensure a paper application will be received on time, taking into account that guaranteed overnight carriers are not always able to fulfill their guarantees.

Applications must follow the format described in this document and must be complete. Applicants must identify the specific research priority or priorities to which they are responding. If the proposal addresses more than one priority, it should list first on the application the priority that most closely reflects the objective of the proposals. For applications containing more than one project, each project must be identified individually using the format specified in this section. If an application is not in response to any of the priorities listed in this Announcement, it should so state. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application.

D. Intergovernmental Review

Applications under this program (CFDA 11.472) are subject to Executive Order 12372, Intergovernmental Review of Federal Programs

E. Funding Restrictions

1. Indirect Cost Rates

Regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the Department of Commerce will reimburse the recipient shall be the lesser of the line item amount for the Federal share of indirect costs contained in the approved budget of the award, or the Federal share of the total allocable indirect costs of the award based on the indirect cost rate approved by an oversight or cognizant Federal agency and current at the time the cost was incurred, provided the rate is approved on or before the award end date. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

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 Circulars A 122, "Cost Principles for Nonprofit Organizations"; A 21, "Cost Principles for Education Institutions"; and A 87, "Cost Principles for State, Local and Indian Tribal Governments." Generally, costs that are allowable include salaries, equipment, supplies, and training, as long as these are "necessary and reasonable."

3. Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law

(1) In accordance with Sections 543 and 544 of Public Law 112-55 Commerce, Justice, Science, and Related Agencies Appropriations Act 2012, Title V (General Provisions) none of the funds made available by that Act may be used to enter into a cooperative agreement with or make a grant to any corporation that-

(a) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

(b) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

(2) The Applicant represents that-

(a) It is is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(b) It is is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreements with the authority responsible for collecting the tax liability.

The "Applicant Representation of Corporation" document is located at the Grants.gov Synopsis for this FFO as an attached document. Your authorized representative must complete the document, attach the file for representation document and submit the attached document with the Grant application forms.

F. 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 impacts (i.e. introducing sound into the animal's environment or employing gear that may entangle or injure) affecting marine mammals and animals listed as threatened or endangered species may require permits under section 10 of the ESA (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 and/or a letter of support from the permit holder is required.

For further information on permit requirements and application procedures for federal natural resource permits, contact the NMFS Office of Protected Resources Permits Division (301-427-8401) or see <http://www.nmfs.noaa.gov/pr/permits/>.

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 obtain other Federal, State, and local permits, approvals, letters of agreement, or failure to provide information necessary to complete environmental analyses where necessary (i.e., NEPA environmental assessments or documentation) may delay the award of funds if a project is otherwise selected for funding.

2. Letters of Intent

Institutions are strongly encouraged to submit Letters of Intent to NMFS/OSF by Friday, May 4, 2012 to aid in planning the review processes and provide potential guidance on permits required (see Section IV.F.1). Letters of Intent should be submitted via e-mail to derek.ornier@noaa.gov. Information should include a general description of the intended project, Endangered Species and/or Marine Mammal permit concerns/requirements and approximate budget. Letters of Intent should not exceed 2-pages.

3. Application Submission

All applicants are strongly encouraged to submit applications electronically (through <http://www.grants.gov/>). Facsimile transmissions of proposals will not be accepted. For additional information on application requirements or submission procedures, contact:

Derek Orner

Office of Sustainable Fisheries

1315 East-West Highway

Silver Spring, MD 20910

derek.ornier@noaa.gov

Please refer to important information in submission dates and times above (Section IV.B.4) to help ensure your application is received on time.

Applications submitted in response to this announcement are strongly encouraged to submit via <http://www.grants.gov>. Electronic access to the full funding announcement for this program is also available at this site. If internet access is unavailable, paper applications (a signed original and two copies) may also be submitted to:

Derek Orner

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Silver Spring, MD 20910

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V. Application Review Information

A. Evaluation Criteria

1. Importance/relevance and applicability of proposal to the program goals (20 points)

This ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA. For the BREP, this includes the following questions: Does the project directly relate to a Program Priority in Section B (8 points)? Is the project relevant to NOAA, Regional Fishery Management Council, Take Reduction Team, Endangered Species Act (ESA) Recovery Plan, and/or Biological Opinion fishing practice and gear technology priorities (8 points)? Does the project build on research previously funded by the BREP (4 points)?

2. Technical merit (40 points)

This assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For the BREP, this includes the following questions: Does the applicant demonstrate that the objectives are realistic and can be reached within the proposed project period (10 points)? Is the project design appropriate for addressing the research question (10 points)? Does the project design include a project evaluation that ensures that the goals and objectives of the project will be met (10 points)? Is the participation of U.S. fishermen meaningfully incorporated into the project design (10 points)?

3. Overall qualifications of applicants (10 points)

This ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. For the BREP, this includes the following questions: Does the applicant have experience with this or a similar gear technology, and does the applicant show the capability and experience in successfully completing similar projects (5 points)? Does the applicant demonstrate a knowledge and comprehension of the problem, and is the applicant familiar with related work that is completed or on-going (5 points)?

4. Project costs (20 points)

This budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame. For the BREP, this includes the following questions: Does the applicant demonstrate the ability to leverage other resources, and is the nature of the cost share cash or in-kind (5 points)? Is the budget request reasonable and does the applicant justify the proposed budget request (10 points)? Are requested funds for salaries and fringe benefits only for those personnel who are directly involved in implementing the proposed project and/or are directly related to specific products or outcomes of the proposed project (5 points)?

5. Outreach and education (10 points)

This assesses whether the project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. For the BREP, this includes the following questions: Does the project involve external sharing and communication through peer-reviewed publication and presentation at scientific symposium and conferences or other public fora (10 points)? This includes the degree to which the potential users of the results, i.e., industry or state resource managers, have been involved in the planning of the activity, will be involved in the execution of the activity and/or are providing funds, and whether there is a plan to disseminate the results to user groups (including Regional Fishery Management Councils and, if applicable, marine mammal take reduction teams) and the public.

B. Review and Selection Process

1. Initial Evaluation of Applications

Once a full application has been received by NMFS/OSF, an initial administrative review is conducted to determine compliance with requirements and completeness of the application.

2. Technical Review

Applications meeting the requirements of this solicitation will undergo an external technical review. Technical review is conducted by a minimum of three independent reviewers. Each reviewer will individually evaluate and score proposals (1-100 points) using the evaluation criteria provided in Section V.A. This review may involve subject matter experts from both NOAA and non NOAA organizations. The technical reviewers' ratings will be used to produce a rank order of the proposals. No consensus advice will be given by the technical reviewers.

3. Review Panel

Following completion of the technical review, NMFS may convene a review panel, including federal and non-federal members, to review the scored proposals and to enhance NOAA's understanding of the proposals. Applicants may be required, in consultation with NMFS, to further refine or modify study methodology and/or budget as a condition of project approval. No consensus recommendations will be made by the review panel members.

C. Selection Factors

The Federal Program Officer will, in consultation with BREP staff as appropriate, review the ranking of the proposals and make recommendations to the NMFS/OSF Director. The average numerical ranking from the Technical review will be the primary consideration by the NMFS/OSF Director in deciding which of the proposals will be recommended for funding to the NOAA Grants Officer. However, the Director of the NMFS/OSF will select proposals after considering the technical reviews and recommendations of the Federal Program Officer. The NMFS/OSF Director shall award in rank order unless it is justified that a proposal be selected out of rank order based upon any of the following factors:

1. Availability of funding
2. Balance/distribution of funds
 - a. Geographically
 - b. By type of institutions
 - c. By type of partners
 - d. By research areas
 - e. By project types
3. Duplication of other projects funded or considered for funding by NOAA/federal agencies
4. Program priorities and policy factors as set out in Section I.B. and III.B.
5. Applicant's prior award performance
6. Partnerships with/Participation of targeted group
7. Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to GMD.

D. Anticipated Announcement and Award Dates

Subject to the availability of funds, review of proposals will occur during the 120-days following the date given in this announcement that the proposals are due to the NMFS/OSF.

Funding should begin during fall 2012 for most approved projects. Projects should not be expected to begin prior to October 1, 2012, unless otherwise directed by the Federal Program Officer.

VI. Award Administration Information

A. Award Notices

- Successful applicants will receive notification from the Federal Program Officer 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. This notification will be issued by e-mail from Grants Online to the Authorized Representative of the project. Unsuccessful applicants will be notified that their proposal was not selected for recommendation. Unsuccessful applications will be kept on file in the Program Office for a period of at least 12 months, and then destroyed.
- To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration and Dun and Bradstreet Universal Numbering System and be subject to reporting requirements, as identified in OMB guidance published at 2 CFR Parts 25, 170 (2010), http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25_main_02.tpl, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl.

B. Administrative and National Policy Requirements

The recipients must comply with Executive Order 12906 regarding any and all geospatial data collected or produced under grants or cooperative agreements. This includes documenting all geospatial data in accordance with the Federal Geographic Data Committee Content Standard for digital geospatial data. The Program uses only the existing NOAA Federal financial assistance awards package requirements per 15 CFR parts 14 and 24.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation The. <http://www.gpo.gov/fdsys/>.

Intergovernmental Review

Applications under this program (CFDA 11.472,) are subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds. Recipients and sub-recipients are subject to all Federal laws and agency policies, regulations and procedures applicable to Federal financial assistance awards.

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 which 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 our NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6_TOC.pdf, and the Council on Environmental Quality implementation regulations, http://ceq.eh.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, 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 may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for the denial of an application. 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 on any impacts that a project may have on the environment.

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comments 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 inapplicable. Therefore, a regulatory flexibility analysis has not been prepared. It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Paperwork Reduction Act

This notification involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF-LLL and CD-346 has been approved by the Office of Management and Budget (OMB) under control numbers 0348-0043, 0348-0044, 0348-0040 and 0348-0046 and 0605-0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

It has been determined that this notice is not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

C. Reporting

Award recipients will be required to submit financial and performance (technical) reports.

1. All financial reports should be submitted through the NOAA Grants Online system. 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.

2. Performance Progress Reports must also be submitted to the Federal Program Officer through the NOAA Grants Online system 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. Basic information that should be in all report submissions includes the project title, award number, dates of the award period, dates of the reporting period, and the name(s) of the grantee and the principal investigator. Inclusion of media such as photography and statistics (tables, graphs, etc.) to help document programmatic activities in report submissions is also encouraged. Pertinent, captioned photographs of project activities are requested, and may be included within the progress report document.

Semi-annual progress reports should describe the tasks scheduled for the reporting period (from the proposal and amendments) and the tasks that were actually accomplished in the period. The report should also explain any special problems or differences between the scheduled and accomplished work. The performance reports must also include documentation of all fish caught by vessels participating in the project, including catch that may or may not be directly applicable to the research subject matter.

The final, comprehensive report should include an "Executive Summary" of the project accomplishments which briefly and succinctly summarizes the final report for website or publication use. Limit this summary to no more than one page. The suggested format for the final report is:

- a. Report title, author, organization, grant number, date
- b. Executive Summary: a brief and succinct summary of the final report
- c. Purpose:

- Detailed description of problem or impediment of fishing industry that was addressed by the project.

- Objectives of the project.

- d. Approach:

- Detailed description of the work that was performed.

- Project management: list individuals and/or organizations actually performing the work and how it was done.

e. Findings:

- Actual accomplishments and findings.

- If significant problems developed which resulted in less than satisfactory or negative results, these should be discussed.

- Description of need for additional work, if any.

f. Evaluation:

- Describe the extent to which the project goals and objectives were attained. This description should address the following: Were the goals and objectives attained? How? If not, why? Were modifications made to the goals and objectives? If so, explain.

- Dissemination of project results: Explain, in detail, how the project's results have been and will be disseminated.

Additional performance reports may be required to comply with Congressional reporting requirements on an annual basis if the above noted reports are not timely for the congressional report.

3. Publications, Videos, and Acknowledgement of Sponsorship: Publication of the results or findings of the funded award activities in appropriate professional journals, outreach materials, or press releases, and production of video or other media is encouraged as an important method of recording and reporting scientific information. These are also constructive means to expand access to federally funded research. The recipient is required to submit a copy of any publication to the funding agency, and when releasing information related to a funded project, include a statement that the project or effort undertaken was or is sponsored by NOAA Fisheries Service. The recipient is also responsible for assuring that every publication of material (including Internet sites and videos) based on or developed under an award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following acknowledgement and disclaimer: "This project received funding under award [number] from NOAA Fisheries Service, in cooperation with the Bycatch Reduction Engineering Program. The statements, findings, conclusions, and

recommendations are those of the author(s) and do not necessarily reflect the views of NOAA Fisheries."

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

VII. Agency Contacts

For further information about BREP, please visit the Bycatch Reduction Engineering Program website at: http://www.nmfs.noaa.gov/by_catch/bycatch_BREP.htm.

Or contact:

Lee Benaka

Office of Sustainable Fisheries

1315 East-West Highway

Silver Spring, MD 20910

Lee.benaka@noaa.gov

For assistance with forms, application requirements, or submission procedures please contact:

Derek Orner

Office of Sustainable Fisheries

1315 East-West Highway

Silver Spring, MD 20910

derek.ornier@noaa.gov.

VIII. Other Information

ESA/MMPA 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 impacts (i.e. introducing sound into the animal's environment or employing gear that may entangle or injure) affecting marine mammals and animals listed as threatened or endangered species may require permits under section 10 of the ESA (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 and/or a letter of support from the permit holder is required.

For further information on permit requirements and application procedures for federal natural resource permits, contact the NMFS Office of Protected Resources Permits Division (301-427-8401) or see <http://www.nmfs.noaa.gov/pr/permits/>.

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 obtain other Federal, State, and local permits, approvals, letters of agreement, or failure to provide information necessary to complete environmental analyses where necessary (i.e., NEPA environmental assessments or documentation) may delay the award of funds if a project is otherwise selected for funding.