



## Notice of Funding Availability: Council-Selected Restoration Component 2021 Funded Priorities List 3b

(33 U.S.C. 1321(t)(2))

**Federal Agency Name:** Gulf Coast Ecosystem Restoration Council (Council)

**Funding Opportunity Title:** Council-Selected Restoration Component 2021 Funded Priorities List 3b

**Announcement Type and Date:** Initial; effective date April 28, 2021

**Funding Opportunity Number:** GCC-FPL-21-001

**Federal Assistance Listing Number (formerly CFDA):** 87.051 Gulf Coast Ecosystem Restoration Council Comprehensive Plan Component Program

**Funding Instrument:** Grants to state Council members and interagency agreements (IAAs) with federal Council members.

**Dates:** Applications for project funding will be accepted on a rolling basis until June 30, 2030.

**Funding Opportunity Summary:** In accordance with the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf States Act of 2012* (33 U.S.C. § 1321(t) and note) (RESTORE Act), the Gulf Coast Ecosystem Restoration Council (Council) announces the availability of funds for activities described in the 2021 Funded Priorities List 3b (2021 FPL3b<sup>1</sup>), including application submission requirements and review procedures.

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<sup>1</sup> The 2021 FPL 3b was officially approved by the Council on April 28, 2021. The 2021 FPL 3b is available on the Council website at <https://www.restorethegulf.gov/>

## FULL ANNOUNCEMENT TEXT

### I. Funding Opportunity Description

#### A. Program Description and Authority

Through this announcement, member agencies and states (collectively referred to as “members” throughout this notice of funding availability (NOFA)) of the Gulf Coast Ecosystem Restoration Council (Council) may submit applications to fund activities described in the 2021 Funding Priorities List 3b (FPL 3b) under the Council-Selected Restoration Component of the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012* (RESTORE Act) (33 U.S.C. § 1321(t)(2)). Council members are the Secretaries of the Departments of Agriculture, the Army, Commerce, the Interior, and Homeland Security, the Administrator of the U.S. Environmental Protection Agency, and the governors of the Gulf Coast States of Alabama, Florida, Louisiana, Mississippi, and Texas.

This announcement provides guidance to Council members on the necessary steps to submit their applications for funding.

#### 1. Background

The fines and penalties paid to the United States arising from the *Deepwater Horizon* oil spill represent a once-in-a-lifetime opportunity for large-scale restoration in the Gulf of Mexico. Restoration funding in connection with the Deepwater Horizon oil spill is administered through multiple programs, each governed by specific laws and/or procedures. These programs include five RESTORE Act components, Deepwater Horizon Natural Resource Damage Assessment (NRDA), the National Fish and Wildlife Foundation (NFWF) Gulf Environmental Benefit Fund (GEBF), and other funding sources.

Funding decisions under the Council-Selected Restoration Component are guided by criteria set forth in the RESTORE Act, the Council’s 2016 Comprehensive Plan Update<sup>2</sup>, and other policies, including the Council’s 2019 Planning Framework.<sup>3</sup> The Council’s strategy for achieving a healthy Gulf is founded on the five Comprehensive Plan goals that address habitat, water quality and quantity, coastal and marine resources, community resilience, and the Gulf economy. Additionally, the Council committed to an overarching framework for an integrated and coordinated approach to region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, tribal, and federal levels.

The Council develops Funding Priority Lists (FPLs) through collaboration among its members along with feedback from stakeholders across the Gulf. As a result of the collaborative process, the Council determined that developing FPL 3 in two phases will enable the Council to respond to ecosystem needs, save money, and take

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<sup>2</sup> Available on the Council’s website at: <https://www.restorethegulf.gov/comprehensive-plan>

<sup>3</sup> Available on the Council’s website at: <https://www.restorethegulf.gov/planning-framework>

advantage of important partnership opportunities to advance large-scale ecosystem restoration in the first phase. The Council included two ecosystem projects in the first of two-phases of its third FPL, FPL 3a, which was approved by the Council in February 2020. The Council has now approved the second phase, FPL 3b.

In FPL 3b, The Council has approved 20 activities, including projects and programs, that address ecosystem needs across the Gulf of Mexico. Among other potential benefits, FPL 3b will:

- Establish large-scale programs to address water quality and quantity, habitat acquisition and conservation, coastal resilience, and other ecosystem restoration needs in the Gulf;
- Continue funding to enhance the environmental vitality of the area's natural resources while also providing environmental job training for young adults across the Gulf, including youth from Federally recognized tribes;
- Support ecosystem restoration in important ecoregions and watersheds, including the Texas Chenier Plain, Mississippi Sound in Mississippi, the Apalachicola watershed in Florida, and the Perdido River and Bay Watershed shared by Alabama and Florida;
- Continue funding for private land conservation and ecological restoration on agricultural lands across the Gulf; and
- Support scientific efforts to help build the knowledge needed to advance Gulf restoration.

Details on how FPL 3b will help promote the Council's Comprehensive Plan goals and objectives can be found in the 2021 FPL 3b, available on the Council website at <https://www.restorethegulf.gov/funded-priorities-list-3b>.

## **2. Program Authority**

The statutory authority for the FPL 3b is the Council-Selected Restoration Component of the RESTORE Act (33 U.S.C. § 1321(t)(2)).

## **II. Federal Award Information**

The application phase is not competitive. All awards issued by the Council are to its federal and state members, and all Council members must apply for funding through the Council's electronic awards management system, which has two parts - GrantSolutions and the Program Information Platform for Ecosystem Restoration (PIPER). GrantSolutions and PIPER are tools that help manage financial/compliance information, as well as program/performance information respectively. The Council also uses these tools for post-award management. Both state and federal Council members must submit all required information and complete all necessary tasks within each tool before the Council can issue an award to a state Council member or an interagency agreement (IAA) to a federal Council member.

## **A. Funding Availability**

Up to \$140,456,250 is available to fund grants and IAAs under this announcement, as approved by the Council in the 2021 FPL 3b. These funds are expected to fund 20 projects and programs. The exact number of grants and IAAs required to fund these 20 projects and programs depends on the State or federal member applicant. The Council may request an applicant split an application into more than one application for administrative efficiency. The amount of each grant or IAA will depend on the exact project(s) or program(s) contained therein.

FPLs include activities in two categories. Category 1 activities are approved for funding. Such approval requires a Council vote as set forth in the RESTORE Act. To be approved in Category 1, a project or program must have documentation demonstrating that all applicable environmental laws have been addressed.

Category 2 activities are Council priorities for potential future funding but are not approved for funding. These are projects and/or programs that are not yet in a position to be approved by the Council, but which the Council considers warrant potential future funding. Upon the Council's approval, funding is budgeted for potential use on these activities, but the Council is not in any way committed to such activities. As appropriate, the Council will review these activities to determine whether to approve them for funding by a Council vote. All applicable environmental laws must be addressed prior to Council approval of funding for activities listed as priorities for potential future funding. FPL 3b prioritizes \$161,543,750 for activities in Category 2. It is anticipated that these funds will also be provided through grants and IAAs under this notice in the future upon formal approval by the Council.

## **B. Project/Award Period**

The duration of projects and programs under this announcement is anticipated to be three to ten years; however, subject to Council approval projects may have a longer duration. Award start dates will depend on when the applicant submits a complete application. It is anticipated that performance for most awards will be completed by December 31, 2035.

## **C. Type of Funding Instrument**

Subject to the availability of funds, the Council will award grants to state Council members and enter into IAAs with federal Council members.

## **D. Eligibility Information**

### **1. Eligible Applicants**

Eligible applicants are limited to members of the Council, or their administrative agents.

Council members are:

- The governors of the Gulf Coast States of Alabama, Florida, Louisiana, Mississippi, and Texas; and
- The Secretaries of the Departments of Agriculture, the Army, Commerce, Homeland Security, and the Interior; and Administrator of the Environmental Protection Agency.

No other entity is eligible to apply under this announcement.

## 2. Cost-Sharing or Matching

There is no cost-sharing or matching requirement.

## 3. Allowable Activities

Allowable activities are those described in FPL 3b and summarized above.

### III. Application and Submission Information

Please refer to the Council’s Recipient Proposal and Award Guide (RPAG<sup>4</sup>), available at the Council’s Grants Resources webpage, for comprehensive guidance on all phases of the application submission, award and agreement, and post award processes.

#### A. Address to Request Application Package

All applications must be submitted via the two components of the Council’s electronic award management system - GrantSolutions<sup>5</sup> and the Program Information Platform for Ecosystem Restoration (PIPER)<sup>6</sup>.

#### B. Content and Form of Application

A complete application will include all information listed below, which is entered directly into GrantSolutions and PIPER. Application materials will include all data from required federal standard application forms and may include Council-specific supporting information and schedules.

1. **Basic Application Data:** Information from Office of Management and Budget (OMB) Form SF-424 “Application for Federal Assistance” and associated forms.
2. **RESTORE Council Applicant Certifications.**
3. **FPL 3b Activities Description** to be submitted in PIPER, including the following information:
  - a. The title of the request, exactly as written in FPL 3b;

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<sup>4</sup> [The Council's Recipient Proposal and Award Guide](https://www.restorethegulf.gov/gcerc-grants-office/gcerc-grants-resources) is also available on the Council’s Grant Resources web page at <https://www.restorethegulf.gov/gcerc-grants-office/gcerc-grants-resources>.

<sup>5</sup> GrantSolutions is a shared federal service available at <https://home.grantsolutions.gov/home/>.

<sup>6</sup> PIPER is a RESTORE Council system available at <https://www.restorethegulf.gov/apps/piper/web/>.

- b. An abstract of the project describing the purpose/goal of the FPL activities, where activities will be located, and identifying the entity or entities that will undertake the activities (this may be the exact abstract included in the final project description);
- c. Written Scope of Work;
- d. The total funding amount requested;
- e. Major milestones for the project, including start and expected end dates, activity-based costs, and any deliverables for each milestone;
- f. Geospatial files and information, including metadata;
- g. Observational Data Plan; and
- h. Performance and Success Metrics. For more information on metric and associated indicators, see section V.C, *Reporting*, below.

**4. Budget documentation** to be submitted in GrantSolutions, including the following.

- a. The Standard Forms (SF) SF-424 “Application for Federal Financial Assistance” and SF-424A “Budget Information – Non-Construction Programs” are required, and SF-424C “Budget Information – Construction Programs,” may be needed, depending on the proposed expenditures. These forms are incorporated in GrantSolutions. Additionally, the Member may need to submit the following as applicable:
  - i. Co-funding budget data by Form SF-424A object classes for non-Council funding that is required to complete the objectives of the activity;
  - ii. A detailed subrecipient budget using object categories from the Form SF-424A, where the applicant will “pass through” or otherwise provide funds to one or more proposed and known subrecipients; and
  - iii. Any program income, as defined in 2 CFR § 200.1, anticipated during the award period.
- b. A Budget Narrative, supporting budget information provided in the forms above through:
  - i. A detailed description of the expenses listed on the budget form and how expenses address the proposed work;
  - ii. Item descriptions and justifications within each applicable object class from the Form SF-424A, including salaries, fringe benefits, equipment, supplies, travel, contractors, subrecipients, and other direct costs;
  - iii. Purchase versus lease justification for purchases of equipment greater than \$5,000;
  - iv. Where the applicant plans to procure goods and services through a contractual or subrecipient relationship, information on the proposed method of selection, period of performance, scope of work, and method(s) of accountability;
  - v. A description of any leveraged or other third-party funding that is required to complete the objectives of the project/program, including the amount, source and proposed use of these funds; and
  - vii. Detailed information regarding any pre-award costs requested by state applicants including a justification for each item. Such costs are allowable only to the extent that they would have been allowable if incurred after the grant award date and only with the written approval of the Grants Officer. All costs incurred before the Council awards the grant are at the recipient’s risk. Costs incurred prior to the approval of the FPL 3b on April 28, 2021, are not allowable.

## **5. Indirect Cost Rate Information**

- a. A copy of the applicant's and any subrecipient's most recent Negotiated Indirect Cost Rate Agreement (NICRA), if applicable, is required.
- b. For federal members requesting overhead, general and administrative (G&A) or similar expenses, supporting documentation is required.

**6. Individual Project Workplans:** Program applications generally involve multiple, specific projects proposed for implementation under a single award. More detailed information may be required for specific projects (e.g., project location, scope of work, budget) prior to Council approval to fund and/or release funds for implementation of selected projects. In such cases, this information must be provided to, and approved by, Council staff in the form of individual project workplans. Applicants should consult with Council Staff to determine whether project workplans will be required for a given application or award amendment that includes the identification and implementation of specific projects under the award.

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

Each applicant is required to: (i) Be registered in the System for Award Management (SAM) before submitting its application ([www.SAM.gov](http://www.SAM.gov)); (ii) maintain an active SAM registration with current information, including information on a recipient's immediate and highest level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable, at all times during which it has an active award, or an application, or plan under consideration by the Council; and (iii) provide its Unique Entity Identifier.

The Council may not make a Federal award, or financial modification to an existing Federal award, to an applicant or recipient until the entity has complied with the requirements described in 2 CFR § 25.200 to provide a valid Unique Entity Identifier and maintain an active SAM registration with current information.

A Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities (§ 25, Appendix A, C.2)

See section IV.C below for additional information on how the Council will utilize the information in SAM.

## **D. Submission Dates and Times**

Applications will be accepted on a rolling basis until June 30, 2030.

## **E. Intergovernmental Review**

Applications under this announcement are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

## **F. Funding Restrictions**

A recipient may not use more than three percent of the Federal award funds received under the Council-Selected Restoration Component for administrative costs.

Administrative costs are defined at 31 CFR § 34.2 as “indirect costs for administration incurred by the Gulf Coast states, coastal political subdivisions, and coastal zone parishes that are allocable to activities authorized under the Act. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to, facilities as defined in 2 CFR § 200.414.”

The three percent limit does not apply to the administrative costs of subrecipients. All subrecipient costs are subject to the cost principles in federal law and policies on grants.

## **G. Other Submission Requirements**

The Council has implemented a Unified Solution electronic awards system for the management of grants and IAAs. The two components of this electronic system are GrantSolutions and the Program Information Platform for Ecosystem Restoration (PIPER). Applicants and recipients are required to utilize these components for grant and interagency agreement applications, and to perform grant or agreement administrative tasks unless an exception has been granted by the Grants Office.

Only users explicitly authorized by a Council member, or Council member designee, will be able to submit applications in GrantSolutions and PIPER.

For information or questions regarding access to GrantSolutions or PIPER, or technical difficulties with either system, contact the Council Help Desk via email at [helpdesk@restorethegulf.gov](mailto:helpdesk@restorethegulf.gov) or via phone at (504) 444-2540.

## **IV. Application Review Information**

### **A. Risk Evaluation Criteria**

At the organizational level, the Council will conduct risk assessments of first-time state applicants in order to effectively implement the statutory, regulatory, administrative, and program requirements of a potential federal award. Once an initial assessment has been made, it will be reviewed on an annual basis.

The Council will review the risk posed by applicants as required by 2 CFR § 200.206. When an applicant is determined to pose a particular risk, or when an applicant, or recipient, has a history of failure to comply with the general or specific terms and conditions of a Federal award, or failure to meet expected performance goals as described in 2 CFR § 200.301 contained in a Federal award, or is not otherwise responsible, the Council may impose additional specific award conditions as needed, per 2 CFR § 200.208.

## **B. Review and Selection Process**

Upon receipt of an application through GrantSolutions and PIPER, the Council will review the application for completeness. Once it has been determined that the application is complete, the staff will review this announcement, the application and supporting documentation, SAM, and any other information available to determine the following:

1. Whether the proposed recipient and any subrecipients are eligible for funding.
2. Whether the activity as described in the application is consistent with the FPL 3b;
3. Whether Observational Data Plans and associated metrics are complete;
4. Whether award activities are eligible and attainable;
5. Whether staff time is appropriate to perform proposed tasks;
6. Whether budget line items are allowable, allocable, and reasonable;
7. Whether budget line items are accurately calculated;
8. Whether any proposed procurement complies with applicable laws and policies;
9. Whether the period of performance requires an adjustment; and
10. Whether any special award conditions are needed.

## **C. Agency Review of Information Concerning Recipient Integrity and Performance**

The Council is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) (*see* 41 U.S.C. 2313). The applicant may, at its option, review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Furthermore, the Council consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR § 200.206.

## **D. Anticipated Award Dates**

After receipt of a fully-compliant application, grant awards are anticipated to be made within 90 calendar days. The Council also anticipates providing IAAs to the federal member for review and approval within 90 days of the receipt of a fully-compliant application.

## **V. Award Administration Information**

### **A. Award and Interagency Agreement Notices**

Official notification of funding, signed by the Council Executive Director, is the authorizing document that allows the activity to begin. Notifications will be issued to the Authorizing Official designated by the Council member for the activity.

All recipients and non-Federal subrecipients must comply and require each of its contractors and subcontractors employed in the completion of the activity to comply with all applicable statutes and regulations, Executive Orders (EOs), Office of Management and Budget (OMB) circulars, terms and conditions, agreements and approved applications.

Non-Federal subrecipients must be registered in SAM and provide a valid Unique Entity Identifier.

## **B. Administrative and National Policy Requirements**

The following requirements apply to applications and awards under this announcement.

1. The Council Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the *Federal Register* notice of November 24, 2014 (79 FR 79822; <https://federalregister.gov/a/2014-27719>).
2. RESTORE Act implementing regulations at 31 CFR § 34 and 40 CFR § 1800-1850.
3. For grants, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR § 200, as adopted by the Council through 2 CFR § 5900.101, and technical corrections at 86 FR 10439, Feb. 21, 2021.
4. For grants, the Council's Financial Assistance Standard Terms and Conditions (STCs)<sup>7</sup> noticed in the *Federal Register* on August 31, 2015 (80 FR 52478; <https://federalregister.gov/a/2015-21417>) and available on the Council website, or updated successor terms.
5. For IAAs, the Council's Interagency Agreement STCs<sup>7</sup> available on the Council's website.
6. Limitation of Liability. If any activities fail to receive funding, or are cancelled because of other agency priorities, the Council will not be responsible for application preparation costs. Publication of this announcement does not oblige the Council to issue an award for any activity, or to obligate any available funds.
7. Recipients are subject to all federal laws and agency policies, regulations, and procedures applicable to federal financial assistance awards.

## **C. Reporting**

1. Award recipients are required to submit financial and performance reports. These reports are to be submitted electronically via GrantSolutions and PIPER. Council members receiving funds for activities described in FPL 3b will provide information on the progress of their respective efforts. The following reporting elements of FPL 3b funding include semi-Annual Financial and Technical Progress reports submitted in GrantSolutions, and annual Performance Progress summaries, submitted in PIPER, in adherence to federal financial assistance requirements (2 CFR § 200).

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<sup>7</sup> The Council's Financial Assistance STCs and Interagency Agreement STCs, which are subject to periodic updates, are available on the Council's Grants Resources web page, <https://www.restorethegulf.gov/gcerc-grants-office/gcerc-grants-resources>.

- a. Financial and Technical Progress Reports: Semi-annual financial reports will include the information on the SF-425, Federal Financial Report, a summary of progress, expenditures by budget object class, and milestones accomplishments during the reporting period. Reporting on non-Council funding that is required to complete the objectives of the activity is also required.
  - b. Performance and Success Metrics: Annual performance reports will include reporting on project metrics and appropriate updates to monitoring and data management information in the award's Observational Data Plan. Additional guidance on metrics and development of Observational Data Plans can be found at <https://restorethegulf.gov/files/observationaldataplan guidance>.
2. Reporting Periods and Due Dates:
- a. Semi-annual reporting periods will be specified in the award. Reporting periods will have ending dates of March 31, June 30, September 30, or December 31. Semi-annual financial and technical progress reports are due no later than 30 days following the end of each reporting period. A final financial report is due within 120 days after the expiration of the activity period.
  - b. Annual performance and progress summary reporting periods will be specified in the award. These reports are due no later than 30 days following the end of each reporting period. A final performance and progress summary report is due within 120 days after the expiration of the activity period.
3. Federal Funding Accountability and Transparency Act: Applicants must also comply with the Federal Funding Accountability and Transparency Act, as amended. This Act includes a requirement for awardees of applicable federal grants to report information about first-tier sub-awards and executive compensation under federal assistance awards. All awardees of applicable grants are required to report to the Federal Sub-award Reporting System (FSRS available at [www.FSRS.gov](http://www.FSRS.gov)) on all sub-awards over \$25,000.
4. Federal Awardee Performance and Integrity Information System: If an eligible Member receives more than \$10,000,000 in federal financial assistance in aggregate, and that Member will also receive more than \$500,000 over the period of performance of the Council award, applicants must also comply with the post award reporting requirements reflected in 2 CFR § 200 Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters.

#### **D. Payments**

The reimbursement method of payment will be used, to the extent authorized by 2 CFR § 200.305, unless otherwise specified in a special award condition. Payments for grants are made through electronic funds transfers directly to the recipient's bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 et. seq.) and the Cash Management Improvement Act (31 U.S.C. 6501 et. seq.). Unless otherwise provided for in the award terms, payments for grant expenditures will be made using the Department

of Treasury’s Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments will be made through preauthorized electronic funds transfers in accordance with the requirements of the Debt Collection Improvement Act of 1996. Payments on IAAs are managed through the Intra-Governmental Payment and Collection (IPAC) system.

## **VI. Agency Contacts**

For questions about this announcement, contact the Council Help Desk via email at [helpdesk@restorethegulf.gov](mailto:helpdesk@restorethegulf.gov) or via phone at (504) 444-2540 and mailing address Gulf Coast Ecosystem Restoration Council Office, 500 Poydras Street, Suite 1117, New Orleans, LA 70130.

## **VII. Other Information**

### **A. Resources**

Additional resources are available on the Council website at <https://restorethegulf.gov>.

### **B. Freedom of Information Act Disclosure**

The Freedom of Information Act (5 U.S.C. § 552) (FOIA) and the Council’s implementing regulations at 40 CFR § 1850 set forth the rules and procedures to make requested material, information, and records publicly available. Unless prohibited by law and to the extent permitted under FOIA, contents of applications submitted by applicants may be released in response to FOIA requests. In the event that an application contains information or data that the applicant deems to be confidential commercial information, that information should be identified, bracketed, and marked as “Privileged, Confidential, Commercial or Financial Information.” Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

In addition, applicants acknowledge and understand that information and data contained in financial assistance applications and reports they submit may be used by the Council in reviewing and conducting its financial assistance programs. Applicant information and data may be accessed, reviewed, and evaluated by the Council, its staff, other federal employees, other federal agents and contractors, and other non-federal personnel that enter into any appropriate confidentiality and conflict of interest agreements covering the use of such information. Applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a RESTORE financial assistance award.