

RECLAMATION

Managing Water in the West

Funding Opportunity Announcement No. BOR-MP-17-F004

San Joaquin River Restoration Program: Giant Garter Snake Habitat Restoration



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California**

June 2017

Mission Statements

The U.S. Department of the Interior protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Synopsis

Federal Agency Name:	U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region
Funding Opportunity Title:	San Joaquin River Restoration Program: Giant Garter Snake Habitat Restoration
Announcement Type:	Funding Opportunity Announcement (FOA)
Funding Opportunity Number:	BOR-MP-17-F004
Catalog of Federal Domestic Assistance (CFDA) Number:	15.555
Dates: (See FOA Sec. IV.B)	Application due date: September 8, 2017 by 2:00 p.m. PST
Eligible Applicants: (See FOA Sec. III.A)	Local agencies, landowners, private companies, and non-governmental organizations
Recipient Cost Share: (See FOA Sec. III.E)	None
Federal Funding Amount: (See FOA Sec. II.B)	Up to \$10,000,000.00 per agreement for a project up to 5 years. Applications that request more than \$10,000,000.00 and/or exceed five years in duration will be considered and may be selected for funding if determined that it is in the best interest of the program to fund the project due to the increased benefits to be provided as a result of the larger project.
Estimated Number of Agreements to be Awarded: (See FOA Sec. II.B)	Approximately 1, depending on requested funding amounts for selected projects and final Fiscal Year (FY) 2017 appropriations.
Estimated Amount of Funding Available for Award: (See FOA Sec II.A)	Estimated: \$10,000,000.00. The amount of funding available for this FOA is dependent on regional spending priorities and may decrease at any time. This FOA may be canceled if sufficient funding is not available.

Application Checklist

The following table contains a summary of the information that you are required to submit with a Giant Garter Snake Habitat Restoration application.

	What to submit	Form or format	When to submit
	Cover page	Form SF 424, Page 21	*
	Assurances	Form SF 424B or SF 424D, as applicable Page 21	*
	Title page	Page 21	*
	Table of contents	Page 21	*
	Project proposal:		*
	• Executive summary	Page 22	
	• Background data	Page 20	*
	• Technical project description	Page 23	*
	• Evaluation criteria	Page 24	
	Performance measures	Page 24	*
	Environmental compliance	Page 28	*
	Required permits and approvals	Page 33	*
	ASAP Verification	Page 33	*
	SAM Verification	Page 33	*
	Disclosure of Lobbying Activities	Page 33	*
	Project Budget	Page 34	*
	Budget proposal:		
	• Budget Table	Page 34	*
	• Budget narrative	Page 34	*
	• Budget form	Page 40 Form SF 424A or SF 424C, as applicable	*

* Submit materials with your application by September 8, 2017, 2:00pm PST.

** Documents should be submitted with your application; however, please refer to the applicable section of the FOA for extended submission dates.

Acronyms and Abbreviations

ALC	Agency Location Code
ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CEQ	Council on Environmental Quality
CPA	Certified public accountant
Department	U.S. Department of the Interior
DFW	California Department of Fish and Wildlife
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Awardee Performance and Integrity Information System
FAQ	Frequently Asked Question
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FY	Fiscal year
GGS	Giant Garter Snake
GAO	Government Accountability Office
GO	Grants Officer
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPDES	National Pollution Discharge Elimination System
O&M	Operation and maintenance
OMB	Office of Management and Budget
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SAM	System for Awards Management
SOR	System Optimization Review
SHPO	State Historic Preservation Officer
SJRRP	San Joaquin River Restoration Program
USFWS	U.S. Fish and Wildlife Service

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Section I: Funding Opportunity Description

I.A Background and Purpose

The mission of the Bureau of Reclamation (Reclamation) is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. The San Joaquin River Restoration Settlement Act (Public Law 111-11) directs the Secretary of the Interior (Secretary), acting pursuant to the Reclamation Act of 1902, as amended, to implement the Stipulation of Settlement (Settlement), dated September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, U.S. District Court, Eastern District of California, No. CIV.S-88-1658-LKK/GGH. The Settlement identifies Phase 1 improvements that include in Paragraph 11 (a): “(1) Creation of a bypass channel around Mendota Pool to ensure conveyance of at least 4,500 cfs from Reach 2B downstream to Reach 3. This improvement requires construction of a structure capable of directing flow down the bypass and allowing the Secretary to make deliveries of San Joaquin River water into Mendota Pool when necessary; (2) Modifications in channel capacity (incorporating new floodplain and related riparian habitat) to ensure conveyance of at least 4,500 cfs in Reach 2B between the Chowchilla Bifurcation Structure and the new Mendota Pool bypass channel”. Reclamation has combined Paragraph 11(a)(1) and 11(a)(2) into the Mendota Pool Bypass and Reach 2B Improvements Project. Implementation of the Mendota Pool Bypass and Reach 2B Improvements Project (Project) will result in impacts to 363 acres of Giant Garter Snake habitat, based on analysis by Reclamation in the United States Fish and Wildlife Service (USFWS) Biological Assessment. Reclamation has committed to implementing Giant Garter Snake habitat mitigation on up to 1,271 acres of land adjacent to the Fresno Slough near Mendota, CA, or near the Volta Wildlife Area, as stated in the USFWS Biological Opinion. The Record of Decision for the Mendota Pool Bypass and Reach 2B Improvements Project determined that 1,271 acres of Giant Garter Snake habitat restoration or protection are required to mitigate the impacts of the Mendota Pool Bypass and Reach 2B project construction on Giant Garter Snakes.

Beyond Reclamation’s direct need to fulfill Endangered Species Act mitigation obligations for effects to the Giant Garter Snake from implementation of the Mendota Pool Bypass and Reach 2B project, the creation of 1,271 acres of Giant Garter Snake habitat which requires restoration of permanent wetlands provides broad public benefits. With only 5% of this native snake’s original habitat remaining, wetland restoration for this aquatic snake is critical. According to the Revised Draft Recovery Plan for the Giant Garter Snake (GGs Recovery Plan) (USFWS 2015¹), California has lost 90% of the wetlands that used to provide clean water, flood protection and habitat in the Central Valley for the Giant Garter

¹ USFWS, 2015. Revised Draft Recovery Plan for Giant Garter Snake (*Thamnophis gigas*). Region 8 U.S. Fish and Wildlife Service, Sacramento, California

Snake. Creation of Giant Garter Snake habitat under this Funding Opportunity Announcement will lead to key improvements to Giant Garter Snake habitat in the San Joaquin Valley as described in the GGS Recovery Plan which was developed based on the best available information on Giant Garter Snake. Giant Garter Snake recovery and the future enjoyment of this species by the public requires implementation of improvements such as those described in this FOA.

Preservation, enhancement, restoration, and creation of suitable giant garter snake habitat is a Priority 1 action under the GGS Recovery Plan. The plan covers nine areas in the Sacramento and San Joaquin Valleys. The Mendota Pool Bypass and Reach 2B Improvements Project lies on the southern boundary of the Merced Management Unit of the San Joaquin Basin Recovery Unit and the northern boundary of the Mendota Management Unit within the Tulare Basin Recovery Unit as defined in the GGS Recovery Plan. Compensatory mitigation for the Project of up to 1,271 acres will be preferentially sited in the Mendota Management Unit within the Tulare Basin Recovery Unit. Within the Mendota Management Unit of the Tulare Basin Recovery Unit, the GGS Recovery Plan goal is a minimum of two habitat block pairs (See Recovery Criteria for Factor A in USFWS 2015). A two-block pair is described as two 539-acre blocks of buffered perennial wetland, or a total of 1078 acres in this unit. If all of the properties along the Fresno Slough identified in this document are available, compensatory mitigation within the Mendota Management Unit could provide 975 acres or 90 percent of the recovery goal acreage of giant garter snake habitat in this unit. If several additional areas are available adjacent to the Fresno Slough beyond the specific areas already known, this mitigation could meet the full recovery target for the species in this area. The areas proposed for possible mitigation in this document are contiguous, with two large parcels on the west side of Fresno Slough, with around a 0.5 mile corridor width as recommended in the GGS Recovery Plan. In addition, all of the proposed areas are adjacent to or just north of the Mendota Wildlife Area, which is an existing protected area.

The giant garter snakes need habitat that include summer aquatic habitat for feeding, basking areas on banks with nearby wetland vegetation for cover and shade, and upland areas with hiding places. Perennial wetlands provide the highest quality habitat for the giant garter snake, and would be protected, created, or restored as part of this FOA. Restoring these wetlands will provide ecological benefits to the Fresno Slough and/or Volta Wildlife Areas, increase habitat for migratory birds through restoration of additional contiguous inundated areas, contribute to the recovery of other special status species such as western pond turtle and tricolored blackbird, and increase the aquatic area available for other native aquatic species.

The public derives other benefits from creating wetland habitat including improved water quality by allowing for natural water treatment effects of wetlands that remove contaminants such as nitrogen and phosphorus. Wetlands also provide flood risk attenuation for downstream communities by the effect of

wetland vegetation reducing water velocities thereby reducing the erosive power of flood flows as well as the lowering of water surface elevations by increasing areas for the safe spread of floodwaters. The slowing down and spreading out of water over the landscape also increases the rate of groundwater recharge. In an area of California where intense groundwater extraction has led to the subsidence of vast swaths of land, increasing recharge is critically important to protect the long-term use of public infrastructure such as roads, bridges, and canals as well as maintaining near surface groundwater resources to allow for agricultural uses into the future.

Reclamation is posting a FOA for Giant Garter Snake habitat restoration. To be eligible for financial assistance, a proposed activity must meet eligibility criteria described in Section III of the FOA.

The amount of funding available for award for this FOA will be determined once final FY 2017 appropriations are made and regional spending priorities are determined. This FOA may be canceled at any time if sufficient funding is not available.

I.B Objective of Funding Opportunity Announcement

The objective of the SJRRP giant garter snake habitat restoration funding opportunity announcement is to fund planning, design, environmental compliance, and construction of habitat restoration for Giant Garter Snakes adjacent to the Fresno Slough or near the Volta Wildlife Area. Projects will be selected through a competitive process that will focus on achieving the outcomes identified in this FOA.

I.C Program Authority

This FOA is issued under the authority of Public Law 111-11, San Joaquin River Restoration Settlement Act, Title X, Subtitle A, Section 10004(b)(2).

Section II: Award Information

II.A Total Project Funding

In FY 2017, approximately \$10 million is available for Giant Garter Snake Habitat Restoration. The amount of funding available to fund projects through this FOA will be determined once Congress approves final FY 2017 appropriations and funding priorities are determined.

II.B Project Funding Limitations

Applications that request more than \$10,000,000 and/or exceed five years in duration (after January 31, 2023) will be considered and may be selected for funding if determined that it is in the best interest of the program to fund the project due to the increased benefits to be provided as a result of the larger project.

Funding for the remaining project years will be made available contingent on subsequent congressional appropriations. (Note: Recipients **will not** be asked to reapply to receive subsequent fiscal year funding for a project selected from this FOA, unless the project activities proposed for funding were not included in the application approved for funding under this FOA.

II.C Reclamation Responsibilities

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the Recipient should expect Reclamation to have substantial involvement in the project. Substantial involvement by Reclamation may include:

- **Collaboration and participation** with the recipient in the management of the project and close oversight of the recipient's activities to ensure that the program objectives are being achieved.
- **Oversight** may include review, input, and approval at key interim stages of the project.

The proposal must demonstrate public benefit for financial assistance agreements. At the request of the recipient, Reclamation can provide technical assistance after award of the project. If you receive Reclamation's assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact Adam Nickels, Project Manager, at anickels@usbr.gov.

II.D Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in November 2017, or slightly later if necessary, based on the enactment of FY 2017 appropriations. Within one to four months after that date, financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. The following tables outline milestones and application materials that need to be met and included in the application prior to award.

Section III: Eligibility Information

III.A Eligible Applicants

Under P.L. 111-11, Title X, Subtitle A, Section 10004 (b)(2), an eligible applicant is State, tribal, and local governmental agencies, and with private parties. Eligible applicants include local agencies, landowners, private companies, and non-governmental organizations. Agencies that wish to collaborate on a project may elect to use a grantor--sub-grantee relationship. Agreements will be executed with one eligible applicant only. The application must indicate who will sign the financial assistance agreement and the nature of the agreement between the other participants.

III.B Eligible Projects

Eligibility for Federal financial assistance will be based on meeting all of the following criteria:

1. Recipients are local agencies, landowners, private companies, or non-governmental organizations.
2. All or a portion of the project benefits must be dedicated to creating, restoring, or protecting habitat for Giant Garter Snakes, up to 1,271 acres (423 acres of aquatic and 848 acres of upland). Large parcels located immediately adjacent to other protected lands are desired in order to create a continuous corridor of habitat.
3. Planning, design, and environmental compliance activities have been completed in accordance with the "Project Report" section of these guidelines, or the application requests funding for these activities.
4. The application provides and/or assists in providing new opportunities for Giant Garter Snake habitat restoration, protection, or creation adjacent to the Fresno Slough or Volta Wildlife Area as shown on maps in Section I.B.2.
5. The application must be a complete and fully functional unit; capable of providing the stated benefits. Future phases may be described with their corresponding benefits.
6. All habitat restoration, creation, or protection sites must be appropriate for Giant Garter Snakes (adjacent to Fresno Slough or Volta Wildlife Area waterways), permanently protected in perpetuity or have a plan for permanent protection, and with no conflicts in land use such as unrestricted mineral access.

III.B.1. Types of Projects

Proposals may be submitted based on the recommended Project Report outlined in Section IV.D.3.1 including: a statement of the problem and need, Giant Garter Snake habitat opportunities, consistency with selection considerations, an economic analysis, Giant Garter Snake habitat acres determination, an environmental analysis, legal and institutional requirements, and management capability to implement the project. The Project Report should emphasize the public benefit resulting from Federal financial assistance to the project sponsor(s).

If a Project Report has already been completed by a project sponsor in another format, or if the information is available in other reports, the recipient/sponsor can prepare an Executive Summary document following the suggested outline and provide references indicating where the supporting information may be found. The supporting information should be provided to Reclamation with the Executive Summary.

All compensatory mitigation sites must be appropriate for Giant Garter Snake mitigation (adjacent to Fresno Slough or Volta Wildlife Area waterways), permanently protected in perpetuity, and with no conflicts in land use such as unrestricted mineral access.

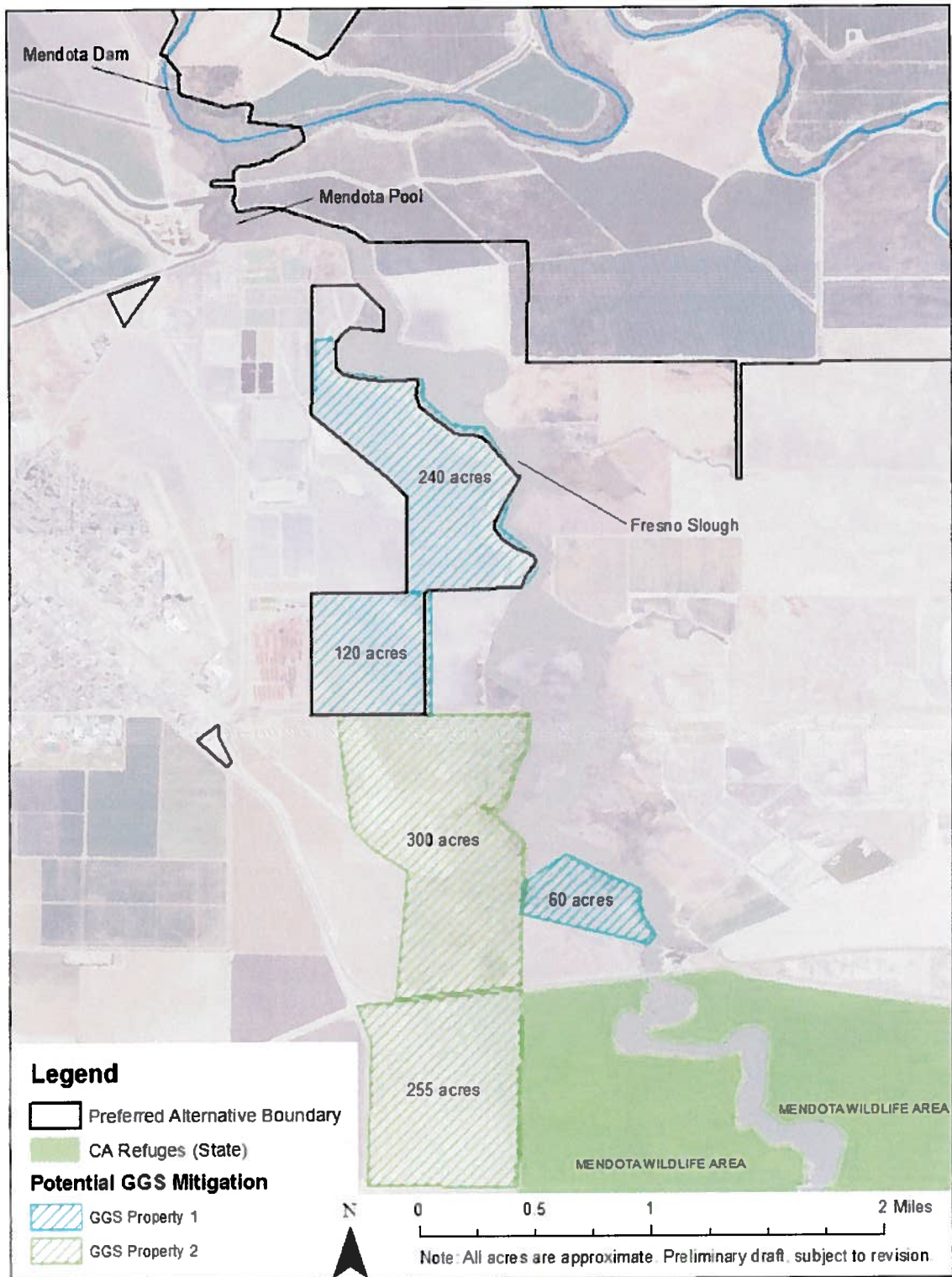


Figure 1
Potential Fresno Slough Giant Garter Snake Compensation Area

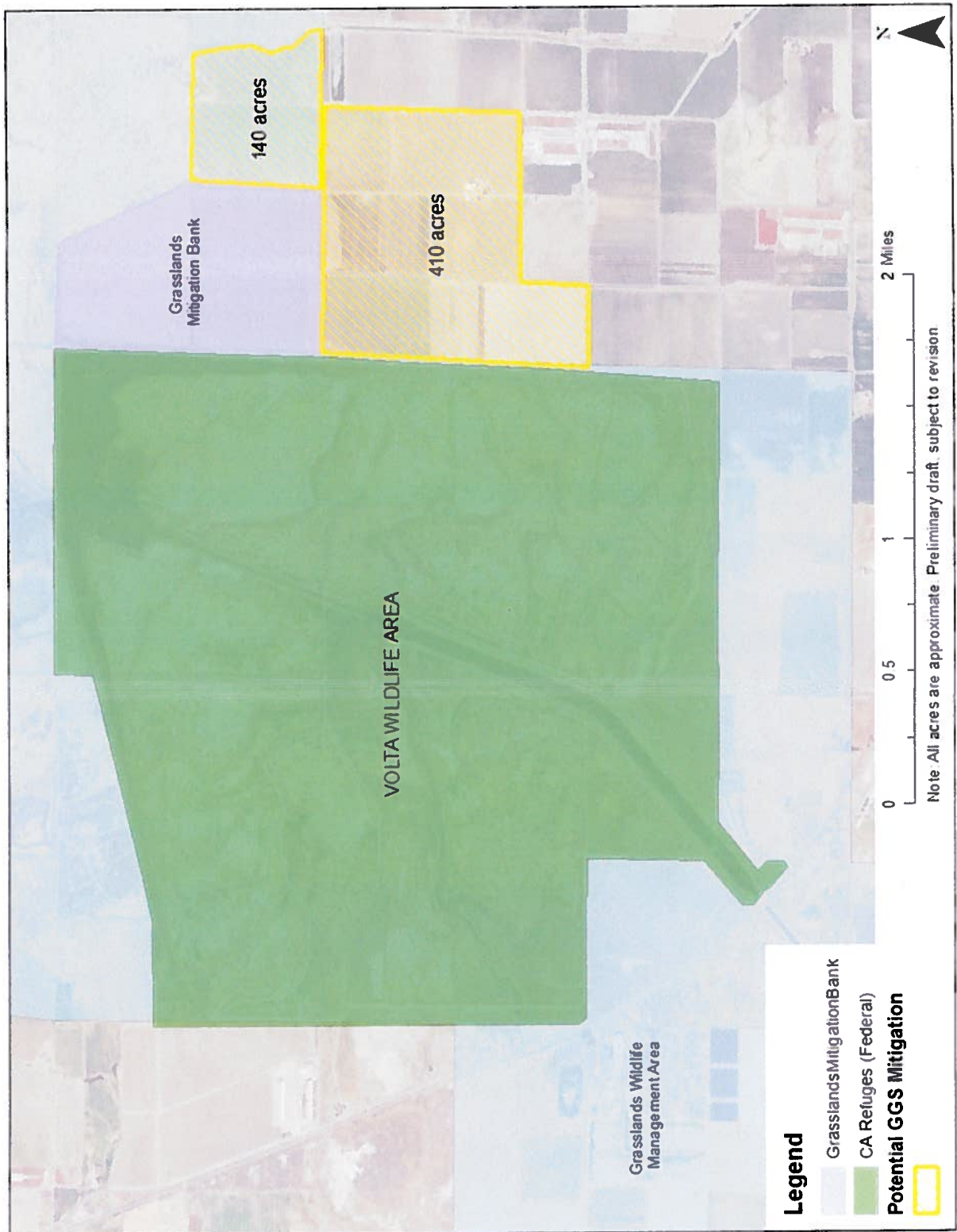


Figure 2
Potential Volta Giant Garter Snake Compensation Area

III.B.2. PROJECT BENEFIT METHODOLOGY

Applications should identify the Giant Garter Snake aquatic and upland habitat acres protected, restored, or created under the proposed project.

III.C Length of Projects

The anticipated project award date will be prior to but no later than, February 28, 2018 for up to 5 years in duration through January 31, 2023. The period of performance may exceed five years from the project award date or the pre-award incurrence of costs date of May 1, 2017, as described in further detail below; only in those cases where the project activities are not appropriately severable (e.g. an agreement for construction of a large facility). Any necessary changes to the terms and conditions will be incorporated in a timely manner (e.g. when a new government-wide requirement becomes effective).

III.E Cost-Sharing Requirement

No cost-share is required.

III.E.1 Cost-Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at www.ecfr.gov.

III.E.2 In-Kind Contributions

In-kind contributions constitute the value of noncash contributions that benefit a federally assisted project. These contributions may be in the form of real property, equipment, supplies and other expendable property, as well as the value of goods and services directly benefiting and specifically identifiable to the proposed project or program. The cost or value of in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds, may not be relied on to satisfy the cost-share requirement for financial assistance under this program. Applicants should refer to 2 CFR 200.434 for regulations regarding the valuation of in-kind donations and contributions, available at www.ecfr.gov.

III.E.3 Pre-Award Costs

Project pre-award costs that have been incurred prior to the date of award may be submitted for consideration as an allowable reimbursable expense.

III.E.4 Indirect Costs

Indirect costs that will be incurred during the development or construction of a project, which will not otherwise be recovered, may be included as part of the applicant's project budget. Indirect costs are those:

- Incurred for a common or joint purpose benefiting more than one cost objective
- Not readily assignable to any one cost objective

If the applicant has never received a Federal negotiated indirect cost rate, proposals may elect to include a de minimis rate of up to 10 percent of modified total direct costs. Otherwise, if the applicant proposes indirect costs in the budget, then the applicant must either supply a copy of a current federally negotiated indirect cost rate agreement or obtain an agreement within one year of the award. For further information on indirect costs and modified total direct costs, refer to 2 CFR Part 200 available at www.ecfr.gov.

III.F Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, the Clean Water Act (CWA), the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected tribes, and consultation with the State Historic Preservation Officer (SHPO).

Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is responsible to ensure that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project. Environmental and cultural resources compliance costs are part of an applicant's cost share. These costs will be considered in the ranking of applications.

Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete, including any necessary determinations solely within Reclamation's purview. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this FOA.

III.G Other Requirements

Applicants shall adhere to Federal, State, Territorial, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Applicants shall also coordinate and obtain approvals from site owners and operators.

Proposal costs and pre-award costs, as described below, should be identified in the detailed budget estimate.

Pre-award costs that are incurred after program legislation has been enacted, but before an appropriation becomes available are allowable, per Government Accountability Office (GAO) Redbook, Chapter 10, Section 2. The Record of Decision for the Mendota Pool Bypass and Reach 2B Project was signed on October 28, 2016; only planning, design, and environmental compliance costs incurred by project sponsors after that date may be eligible to. Project sponsors must also demonstrate that costs would not have been incurred otherwise, and are reasonable, such that they do not diminish the public benefit from Federal funds and further the statutory purpose of Public Law 111-11. Pre-award costs should be identified in the detailed budget estimate that is part of the initial application. During pre-award clarifications with project sponsors, Reclamation will determine whether pre-award costs listed in the initial application meet these criteria.

All mitigation sites generated from this award will have to be managed into perpetuity. All mitigation plans will be evaluated by the U.S. Fish and Wildlife Service and approved by them prior to award (see Appendix A for guidelines for Restoration and/or Replacement of Giant Garter Snakes Habitat). All applicants are expected to carefully review Appendix A of this FOA and draft all mitigation strategies pursuant to these guidelines.

Per OMB Regulations, 2CFR Part 225 Appendix B, Section 31;

31. Pre-award costs. Pre-award costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or

period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency.

Per OMB Regulations, 2CFR Part 225 Appendix B, Section 33;

33. Proposal costs. Costs of preparing proposals for potential Federal awards are allowable. Proposal costs should normally be treated as indirect costs and should be allocated to all activities of the governmental unit utilizing the cost allocation plan and indirect cost rate proposal. However, proposal costs may be charged directly to Federal awards with the prior approval of the Federal awarding agency.

III.G.1 System for Awards Management and Automated Standard Application for Payments Registration

All applicants must be registered in the System for Awards Management (SAM) prior to award under this FOA. Instructions for registering for SAM are located at www.sam.gov/portal/public/SAM. All applicants must maintain an active SAM registration with current information at all times while they have an active Federal award or an application under consideration.

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) (ALC) and the Data Universal Number System (DUNS) Number prior to the award of funds. If a recipient has multiple DUNS numbers they must separately enroll within ASAP for each unique DUNS Number and/or agency. All of the information on the enrollment process for recipients, including the enrollment initiation form and the enrollment mailbox, can be found at www.usbr.gov/mso/aamd/asap.html. Note that if your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

III.G.2 Federal Awardee Performance and Integrity Information System (FAPIS)

Reclamation, prior to making a Federal award with a total Federal estimated amount greater than the simplified acquisition threshold (currently \$150,000.00), is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIS) (see 41 U.S.C. 2313). Applicants, at their option, may 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 FAPIS. Reclamation

will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in §200.205, Federal awarding agency review of risk posed by applicants.

Section IV: Application and Submission Information

IV.A Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required for submission of an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this FOA by contacting:

Bureau of Reclamation
Mid-Pacific Region/MP-3812
Attn: Ms. Christina Munoz
2800 Cottage Way
Sacramento, CA 95825
E-mail: cmunoz@usbr.gov

IV.B Application Submission

IV.B.1 Submission Date and Time

Application submission date deadline:

- September 8, 2017, 2:00 p.m. PST

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Federal government mishandling.

IV.B.2 Application Delivery Instructions

Applications may be submitted electronically through [<www.grants.gov>](http://www.grants.gov) or hard copies may be submitted to the following address. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

**By USPS mail,
courier, or express
delivery mail
services:**

Bureau of Reclamation
Mid-Pacific Region / MP-3812
Attn: Ms. Christina Munoz
2800 Cottage Way
Sacramento CA 95825

IV.C Instructions for Submission of Project Application

Each applicant shall submit an application in accordance with the instructions contained in this section.

IV.C.1 Applications Submitted by Courier or Express Delivery/Mail Services

Please follow these instructions to submit your application by courier or express delivery/mail services.

- Applicants shall submit one original hard copy and an electronic copy on a CD of all proposal documents.
- Hard copy applications may be submitted by mail or express methods to the addresses listed in Section IV.B.2., above. Mailing materials, package, or packing envelopes of the proposal must reference the FOA number BOR-MP-17-0004.
- In addition to hard copy documents, please submit a copy of your application on a CD in Microsoft Office as well as .pdf format. File attachments of spreadsheet in Excel format shall also be provided, if applicable.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded.
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

IV.C.2 Applications Submitted Electronically

If the applicant chooses to submit an electronic application it must be submitted through Grants.gov at <www.grants.gov>. Reclamation encourages applicants to submit their applications for funding electronically through <www.grants.gov/applicants/apply_for_grants.jsp>. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: <www.grants.gov/applicants/apply_for_grants.jsp>

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at www.grants.gov/applicants/apply_for_grants.jsp.
- Applicants have sometimes experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov, you are encouraged to submit your application **several days prior to the application deadline**. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help desk to obtain a “Case Number.” This Case Number will provide evidence of your attempt to submit an application prior to the submission deadline.
- Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in Section IV.B.1. Application Submission Date and Time, above. Late applications will not be accepted unless it is determined that the delay was caused by Federal government mishandling or by a problem with the Grants.gov application system.

IV.C.3 Application Format and Length

Proposals shall be limited to **thirty (30)** 8-1/2 inch X 11 inch pages, excluding any forms required in these instructions, **single-spaced and not binded**. The font used shall be at least 12 points in size and shall be easily readable. Proposals will be prescreened for compliance to the 30-page limit. The cover sheet (Standard Form 424), Assurances (Standard Form 424B or D, as applicable), Budget (Standard Form 424A or C), required budget tables, budget narrative including supporting documentation, blank pages, title pages, maps, blueprints, Appendix, and table of content pages, will not be counted in the 30-page limit. All pages shall be consecutively numbered, including pages with tables and exhibits. See the Proposal Format in Section IV.D.4 of this document.

IV.C.4 Application Content

The application must include the following elements to be considered complete:

- SF-424 Application for Federal Assistance
- SF-424 Assurances (B or D Form, as applicable to the project)
- Title page
- Table of contents

- Project Report and evaluation criteria (limited to 30 pages)

The detailed guidelines to complete the required Project Report are described below. See Section IV.D.3.1 of this document.

- Executive summary
- Background data
- Technical project description
- Evaluation criteria
 - Giant Garter Snake Habitat Acres and Benefit
 - Land, Legal, Institutional, and Regulatory Constraints
 - Management Capacity
 - Cost Effectiveness
 - Environmental
- Performance measures
- Environmental and cultural resources compliance determination plan
- Required permits or approvals
- Verification of ASAP account
- Verification SAM account
- Disclosure of Lobbying Activities (SF-LLL)
- Project budget
 - Funding plan and letters of commitment
Budget proposal
 - Budget narrative
 - Budget Form SF-424A or SF-424C as applicable to project

SF-424, SF-424A, SF-424B, SF-424C and SF-424D forms may be obtained at <http://apply07.grants.gov/apply/FormLinks?family=15>.

IV.D Required Forms

The application must include the following standard Federal forms.

SF-424 Application For Federal Assistance

This fully completed form must be signed by a person legally authorized to commit the applicant to performance of the project. ***Failure to submit a properly***

signed SF-424 may result in the elimination of the application from further consideration. < <http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1> >

SF-424 Assurances

A SF-424B – Assurances – Non-Construction Programs or an SF-424D – Assurances – Construction Programs, signed by a person legally authorized to commit the applicant to performance of the project shall be included. Questions regarding whether to use SF-424B or SF-424D should be referred to Ms. Leanne Henderson at lhenderson@usbr.gov. ***Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.*** < <http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1> >

IV.D.1 Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the FOA number, name and address of the applicant, and the name and address, e-mail address, telephone, and facsimile numbers of the project manager.

IV.D.2 Table of Contents

List all major sections of the technical proposal.

IV.D.3 Project Proposal and Evaluation Criteria

The project sponsor will prepare a Project Report. The Project Report must include: a statement of the problem and need, Giant Garter Snake habitat opportunities, a description of project alternative(s), consistency with selection considerations, an economic analysis, Giant Garter Snake habitat acres determination, an environmental analysis, legal and institutional requirements, and financial capability to implement the project. The Project Report should emphasize the public benefit resulting from Federal financial assistance to the project sponsor(s). Describe any other relevant information.

IV.D.3.1 Project Report

Executive Summary

If a Project Report has already been completed by a project sponsor in another format, or if the information is available in other reports such as regional studies or growth management plans, the sponsor can prepare an Executive Summary document following the suggested outline and provide references indicating where the supporting information may be found. The supporting information should be provided to Reclamation with the Executive Summary.

Introduction

Describe the study area and provide an area/project map. Define the study area in terms of the location adjacent to the Fresno Slough or Volta Wildlife Area, the number of acres of wetland and upland Giant Garter Snake habitat to be protected, restored, or created, and in the larger regional, watershed or river basin context.

Giant Garter Snake Habitat Opportunities

Describe in detail the existing and planned future uses of the property. Describe any other benefits that might arise out of the project – recreation, benefits to other species, etc. Address the opportunities for Giant Garter Snake habitat creation, restoration, or protection in the study area. Attach a title report for the study area property to the proposal and include an evaluation of whether any existing encumbrances would eliminate the possibility of Giant Garter Snake protection, restoration, or creation, such as mineral rights, easements, etc. Describe water sources for Giant Garter Snake habitat. Provide a description of any anticipated constraints on water supply/water operations for Giant Garter Snake habitat. Identify quantities in acre-feet and when such quantities will be available (GGS require year-round water). Identify the cost to acquire water supplies, if known, and assess the level of certainty associated with those estimates. Proposals must also describe the long-term protection of the land into perpetuity, and how the property will be maintained, including specifics on water and vegetation management, pesticide use and access. The proposed operation and maintenance plan for the compensatory mitigation site must meet Reclamation and U.S. Fish and Wildlife approval.

Consistency with Selection Considerations

The “Selection Considerations” section of these guidelines identifies eligibility criteria that will be used to determine the eligibility of a project sponsor’s application for funding and identifies selection considerations for purposes of evaluating and ranking the project sponsor’s application. Describe how the proposed project meets the eligibility criteria, and provide information on the proposed project to enable an evaluation to be made in accordance with the selection considerations.

Cost

Provide a cost estimate as described in the “Economic Analysis” section of these guidelines. Demonstrate the degree to which the Giant Garter Snake habitat

restoration, creation, or protection project is feasible, and must demonstrate the assurance of adequate funding for and capability for construction actions as well as operation and maintenance of the compensatory site as approved by Reclamation and the U.S. Fish and Wildlife Service into perpetuity.

The recipient is responsible for O&M into perpetuity. The economic analysis described in this section will be used by Reclamation to evaluate the project in comparison to other proposed projects.

Provide a construction cost estimate for the proposal in sufficient detail to permit evaluation and comparison of the alternatives. Construction cost estimates will generally include costs for major structures, facilities, or other types of construction as appropriate for the project. Direct construction costs should be based on quantities and unit prices. Lump-sum estimates should be used only for items of relatively small cost and where developing the estimates are impractical or unnecessarily costly. If the project sponsor is requesting Federal funding for planning, environmental compliance, and design activities, these costs should also be included in the project cost of the alternatives. Contingency costs and indirect costs are discussed in detail in above section,

IV.D.3.2 Technical Project Description

Describe the work, in detail, including specific activities that will be accomplished as a result of this project. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal.

Provide an estimated project schedule demonstrating the stages and duration of the proposed work, including major milestones and dates. Discuss any deviations from the proposed February 2018, start date and 60-month project duration.

Briefly describe and summarize any engineering plans, designs, and analyses prepared in connection with the proposed project.

IV.D.3.3 Consistency with Selection Considerations

The “Selection Considerations” section of these guidelines identifies eligibility criteria that will be used to determine the eligibility of a project sponsor’s application for funding and identifies selection considerations for purposes of evaluating and ranking the project sponsor’s application. Describe how the proposed project meets the eligibility criteria, and provide information on the proposed project to enable an evaluation to be made in accordance with the selection considerations.

IV.D.3.4 Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal.

It is suggested that applicants copy and paste the evaluation criteria and subcriteria in Section V. into their applications to ensure that all necessary information is adequately addressed.

Proposals will be evaluated by a technical panel in accordance with the criteria listed below. The relative importance placed on the evaluation criteria is reflected in the points available. Total points available are 100.

IV.D.4 Performance Measures

V.A.1. Giant Garter Snake Habitat Acres and Benefit (25 points maximum)

Applications will be evaluated based on their effectiveness at providing Giant Garter Snake habitat creation, protection, or restoration.

Proposals shall specify the number of acres of wetland and upland Giant Garter Snake mitigation to be designed and provide a conceptual design. The sponsor/recipient shall demonstrate understanding that they will be required to provide a design for a turn-key Giant Garter Snake mitigation site (or demonstrate protection) for the proposed number of acres up to 1,271 acres of Giant Garter Snake credits (up to 423 acres of aquatic and 848 acres of upland). There shall be 2 acres of upland for every acre of wetland habitat created. The final design will be provided for Reclamation and USFWS review according to the schedule suggested by the applicant after selection of one or more applications. The final design shall include the information included in the "Sacramento Fish and Wildlife Office Review Criteria for Section 7 Compensation - Revised January 30, 2014", which includes a management plan, as well as the following:

- Site Plan of compensatory mitigation area
- Proposed permanent wetlands
- Proposed permanent uplands
- Any necessary water control or other structures
- Design drawings stamped by a California-registered Professional Engineer
- Water Management Plan for keeping wetlands inundated as required by Giant Garter Snake

Points	Giant Garter Snake Habitat Acres
0	Giant Garter Snake habitat proposed is not near the Fresno Slough or Volta Wildlife Area.
5	Giant Garter Snake habitat proposed is near the Fresno Slough or Volta Wildlife Area but not adjacent
10	Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area. Proposed project is less than 100 acres in size.
15	Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area. Proposed project is more than 100 acres in size.
20	Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area, and part of a larger project (>500 acres) than can be implemented in phases in the same area.
25	Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area, connected to other protected areas, and is part of a larger project that can be implemented in phases to create a large interconnected area of Giant Garter Snake habitat.

V.A.2. Land, Legal, Institutional, and Regulatory Constraints (25 points)

Examples of constraints include: (1) encumbrances on the land that restrict Giant Garter Snake habitat designs such as unrestricted mineral access or easements through the middle of the property; (2) anticipated environmental compliance or permitting issues such as endangered species or cultural resources; 3) water rights issues such as limited water supplies for inundating land, not continuous water supplies; (4) other applicable legal, institutional, and regulatory requirements (e.g.: contractual water supply obligations, Indian trust responsibilities, water rights settlements, county groundwater ordinances, public health regulations, city ordinances).

Applications will be evaluated based on:

- Comprehensive consideration of potential constraints;
- The number and severity of identified legal, institutional, and regulatory constraints
- Complexity and cost of mitigation strategies.

Points	Legal, Institutional, Regulatory Constraints
Min: 0	Known, anticipated, or reasonably foreseeable constraints, complex, or costly mitigation. Non-comprehensive consideration of potential constraints.
Max: 25	No known, anticipated, or reasonably foreseeable constraints, complex or costly mitigation. Comprehensive consideration of potential constraints.

V.A.3. Management Capability (20 points maximum)

Applications will be evaluated on the management capability of the applicant as determined in accordance with the “Management Capabilities” section of these guidelines. Applications that provide a complete and robust description of the applicant(s)’ past performance with Federal financial assistance and comprehensive and rigorous Implementation and Financial Plans will be given higher priority over applications that demonstrate a poor history of performance and provide vague Implementation Plans with little detail. Applications that provide a robust schedule and a clear understanding of the necessary steps in order to secure USFWS approval of the Giant Garter Snake compensatory mitigation proposal will be given higher priority over applications that do not demonstrate a clear understanding of the process and steps involved.

Management Capability of the Sponsor

Present the proposed schedule and approach for project implementation.

The applicant must demonstrate the capability and willingness to be responsible for the long-term protection, operation, and maintenance of the project into perpetuity. This demonstration must be included in the Project Report according to the FOA and submitted to Reclamation along with supporting documents.

A self-certification alone is not deemed adequate because Reclamation has a responsibility to ensure that Federal funds are prudently invested. The project sponsor(s) must demonstrate the capability to manage the project.

The project sponsor must include an implementation plan for the project that outlines the plan of action and details how the proposed work will be accomplished, including the acquisition of required permits and approvals. Table 1 shows target dates for deliverables to Reclamation. Proposals should describe a feasible timeline that may not match Table 1. The project sponsor should demonstrate their understanding of the requirements, including Reclamation and USFWS review and approval of the draft design, the components to be included in the draft design and management plan, and the applicable permits. The plan should cite factors that might accelerate or decelerate the work and reasons for

taking this approach as opposed to others. The plan should also describe unusual features of the project, such as design or technological innovations, innovative cost- and time-saving measures, or extraordinary social and community involvements required to implement the project. The implementation activities should be shown in chronological order to depict the schedule accomplishments and expected target completion dates, and the criteria to be used to evaluate the results and success of the project should be discussed.

Table 1 Schedule of Major Milestones

Task	Name	Final Due Date
1	Draft Design	June 1, 2018
1	Final Design	June 1, 2019
2	USFWS Approval of Design	Target June 1, 2019
2	Environmental Compliance and Permits	July 1, 2020
3	As-built drawings	August 1, 2022
3	Copies of any agreements, easements, or other permanent rights	August 1, 2022
4	Agreement documenting protection into perpetuity	August 1, 2022
5	Final Report	January 31, 2023

Points	Management and Financial Capability
Min: 0	Poor performance history, incomplete Implementation Plans, vague schedules
Max: 20	Demonstrated performance history, complete Implementation and Financial Plans

V.A.4. Cost Effectiveness (15 points maximum)

Applications will be evaluated based on the total cost per acre of Giant Garter Snake habitat created, restored, or protected. Costs will include all components requesting funding in the proposal, including construction, planning, design, environmental compliance, operation and maintenance and protection into perpetuity, etc. Applications with the lowest cost per acre will generally be given highest priority. Applicant(s) include the methodology utilized to come up with and support the cost per acre (are they including all costs, only O&M costs, etc.)

Cost effectiveness = cost/ acre

Points	Cost Effectiveness (\$ / habitat acre)
1	55,000
2	52,500
3	50,000
4	47,500
5	45,000
6	42,500
7	40,000
8	37,500
9	35,000
10	32,500
11	30,000
12	27,500
13	25,000
14	22,500
15	<20,000

V.A.5. Environmental Impacts (15 points maximum)

Using qualitative project information for environmental benefits to the San Joaquin River Restoration, points are assigned based on the bulleted criteria. Consider if the proposal meets one or all of the below benefits. If the proposal meets more than one or two environmental benefits listed below it should score higher. Applications will be evaluated based on, as well as the complexity and cost of any mitigation strategies. Applications with fewer and less significant negative environmental impacts will be given higher priority than applications with significant impacts:

- Project describes the number and extent of identified environmental impacts
- Proposal identifies the complexity and cost of any mitigation strategies

Points	Environmental Impacts
Min: 0	Known, anticipated, or reasonably foreseeable impacts, complex or costly mitigation.
Max: 15	No known, anticipated, or reasonably foreseeable impacts, complex or costly mitigation.

IV.D.5 Environmental and Cultural Resources Compliance

Environmental Analysis of Alternatives

Provide the environmental information on the proposal that Reclamation will need to fulfill its obligations under National Environmental Policy Act (NEPA). This includes information on the existing environment including social and cultural resources and endangered species; an assessment of the environmental impacts of the proposed project; identification of applicable Federal and State environmental requirements; and mitigation measures where appropriate. Refer to the “National Environmental Policy Act and Other Applicable Federal Environmental Statutes” listed below for further information on this subject.

NATIONAL ENVIRONMENTAL POLICY ACT / OTHER APPLICABLE FEDERAL ENVIRONMENTAL STATUTES

Introduction

A Reclamation agreement to provide construction funds for a Giant Garter Snake habitat project is a Federal action to which NEPA applies. NEPA and accompanying Council on Environmental Quality (CEQ) regulations require Reclamation to determine the environmental impacts of its proposed actions before implementing the proposed actions. NEPA compliance documentation must address potential impacts beyond those analyzed and disclosed in the Mendota Pool Bypass and Reach 2B Improvements Project EIS/R.

The Endangered Species Act (ESA), the Fish and Wildlife Coordination Act (FWCA), the National Historic Preservation Act (NHPA), and other environmental statutes, as well as cultural resources, Native American, and environmental justice requirements also apply to such funding agreements. Reclamation must determine, in consultation with the appropriate agencies, whether certain species or other resources will be affected by a specific project.

Policies

Reclamation may execute a financial assistance agreement for construction of a Giant Garter Snake habitat project prior to completion of NEPA and other environmental and cultural resource requirements, however, environmental and other associated compliance shall be completed prior to the start of ground disturbing actions related to the project. As such, notwithstanding any other provision of the financial assistance agreement, Reclamation shall not provide any construction funds to the recipient for the project, and the recipient shall not begin implementation of the assisted activity described in the financial assistance agreement, unless and until Reclamation provides written notice to the recipient that all applicable environmental and regulatory compliance analyses and clearances have been completed, and the recipient may begin implementation of the activity.

NEPA and other environmental and cultural resource requirements must be complete prior to providing funding for any ground-disturbing activities. ground-disturbing activities of a GGS habitat project are begun by the recipient before these requirements are met, the recipient assumes the risk that their action may result in no Federal funding for the project.

NEPA Responsibilities

As the lead Federal agency, Reclamation will review and approve NEPA documents prepared by the project sponsor to ensure all essential information is obtained, and the analysis is adequate to meet Reclamation standards. In addition to providing information on other requirements specified in this section, the project sponsor should answer the following questions about the project proposal, which focus on the requirements of NEPA, the ESA, and the NHPA:

Will the proposed project impact the surrounding environment (i.e., soil (dust), air, water (quality and quantity), habitat)? Explain the impacts and any steps that can be taken to minimize the impacts.

- Are there any endangered or threatened species in the project area?
- Are there wetlands inside the project boundaries? Estimate how many acres of wetlands exist, and describe any impact the project alternatives will have on the wetlands.
- If the project alternatives will affect individual features of an irrigation or other conveyance system (e.g., head gates, canals, or flumes), state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features.
- Are buildings, structures, or features in the project area listed or eligible for listing on the National Register of Historic Places?
- Are there known archeological sites in the project area?

NEPA Compliance Process

Once it has been established that there is a proposed Federal action, in this case a proposed financial assistance agreement for compensatory mitigation, Reclamation's next step is to determine relevant issues and the potential magnitude of environmental impacts beyond those already analyzed and disclosed in the Mendota Pool Reach 2B Improvements EIS/R.

Other Environmental Statutes

For all other environmental requirements not discussed in this section, Reclamation and the recipient will work closely together to identify and comply with the requirements for a proposal. Reclamation will complete any documentation needed to comply with ESA and will coordinate with the U.S. Fish and Wildlife Service in accordance with the Fish and Wildlife Coordination Act, as appropriate. Other permitting requirements, such as obtaining Clean Water Act (CWA), State, or local permits, will be the responsibility of the recipient. In a project, these actions may include, but are not limited to:

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- Identify National Pollution Discharge Elimination System (NPDES) (402), 404, or other permits required under the CWA.
- Identify affected historic sites or cultural resources under the NHPA or other cultural resource statutes, and provide adequate information for Reclamation to consult with the State Historic Preservation Officer and Advisory Council for Historic Preservation on the proposed action.
- Identify Native American or other trust resources affected.
- Consider the environmental justice implications of the proposed project.
- Consider the air quality implications of the proposed project.
- Obtain a permit with the California Department of Fish and Wildlife (DFW) if take of State-listed threatened or endangered plant or animal species may occur.
- Obtain an agreement with DFW if alteration to stream features may occur.
- Identify and coordinate with State or Federal public health requirements regarding recharge and recovery of groundwater supplies.
- Identify and coordinate with State water right petition requirements.
- Identify and coordinate with local agency regarding local plans and policies.

The recipient shall obtain Reclamation and U.S. Fish and Wildlife approval of the Giant Garter Snake compensatory mitigation proposal. The Contractor will be expected to provide USFWS with all of the information included in the "Sacramento Fish and Wildlife Office Review Criteria for Section 7 Compensation - Revised January 30, 2014", which includes a management plan. Management Plans will include reports with all the information required in the Sacramento Fish and Wildlife Office Checklist for Mitigation Site Annual and Monitoring Reports.

Identify the public health and environmental quality issues associated with the proposed project. Include Federal, State, and local public health and environmental regulatory requirements associated with the proposed project and the ability of the project to meet those requirements.

Provide an analysis of the effects of the change of the source water from its current use to the proposed groundwater recharge and/or banking use, including economic and environmental effects, and effects on downstream water rights.

Discuss any water right issues and how they would be resolved.

Discuss how the project meets other legal and institutional requirements, if any, such as contractual water supply obligations, Indian trust responsibilities, water rights settlements, regional water quality control boards, county groundwater ordinances, or other requirements not previously addressed.

Discuss known legal and institutional constraints associated with the project that may affect the ability of the project sponsor to implement the project, how the issue(s) would be resolved, and how the project would be affected if the issue(s) is not resolved.

If you have any questions, please contact your regional or area Reclamation office (see <<http://www.usbr.gov/main/offices.html>>) with questions regarding ESA compliance issues. You may contact Adam Nickels, Project Manager, at 916-978-4415 for further information.

IV.D.6 Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals. This includes land easements, Caltrans permits, Pacific Gas and Electric Company (PG&E) permits, CWA permits, CAA permits, ESA consultations, NHPA consultations, etc.

Note: Improvements to Federal facilities that are implemented through any project awarded funding through this FOA must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see Section III.H.1. Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 Code of Federal Regulations (CFR) §429, and that the development will not impact or impair project operations or efficiency.

Automated System Application for Payment Registration

All applicants must maintain an active Automated System Application for Payment (ASAP) registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active ASAP account. A screen shot of your ASAP account will suffice as verification.

System of Award Management Registration

All applicants must maintain an active System of Award Management (SAM) registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active SAM account. A screen shot of your account will suffice as verification.

Disclosure of Lobbying Activities (SF-LLL)

Please complete and sign Standard Form LLL (SF-LLL) the “Disclosure of Lobbying Activities” form. < <http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1> >

IV.D.7 Project Budget

Budget Proposal General Requirements

Include a project budget table that estimates all costs (not just costs to be borne by Reclamation). Include the value of in-kind contributions of goods and services and sources of funds provided to complete the project. The budget table must clearly delineate between Reclamation and applicant contributions.

Budget Table Format

The project budget table shall include detailed information on the categories listed below and must clearly identify all project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors. Additionally, applicants shall include a narrative description of the items included in the project budget, including the value of in-kind contributions of goods and services provided to complete the proposed project. It is strongly advised that applicants use the budget proposal format shown below on Tables 2 and 3 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 2. Sample budget proposal format

Budget item description	Computation		Quantity type (hours/days)	Total cost
	\$/Unit	Quantity		
Salaries and wages				
Employee 1				\$ -
Employee 2				\$ -
Fringe benefits				
Full-time employees				\$ -
Part-time employees				\$ -
Travel				
Trip 1				\$ -
Trip 2				\$ -
Equipment				
Item A				\$ -
Item B				\$ -
Supplies/materials				
Item A				\$ -
Item B				\$ -
Contractual/construction				
Contractor A				\$ -
Contractor B				\$ -
Other				
Reporting				\$ -
Total direct costs				\$ -
Indirect costs - ____ %				
Total project costs				\$ -

The table above is only a sample budget table format. We highly suggest you use this format, but you may submit the information in a different format which provides a detailed break-down of costs and justification for budgets presented in the SF-424A.

Construction contracts should be broken out into specific line items. You should attach a separate, detailed budget for each contract to adequately address all contractor budget items.

Budget Narrative

Submission of a budget narrative is mandatory under this FOA. An award will not be made to any applicant who fails to fully disclose this information.

The purpose of the budget narrative is to provide a discussion of, or explanation for, the cost items included in the budget proposal, the basis for each cost, and why the costs are deemed allowable, allocable and reasonable in accordance with 2 CFR 200.

The types of cost information to provide in the budget narrative are listed in the following subsections. Include the value of in-kind contributions of goods and services, and sources of funds provided to complete the proposed project. Provide supporting documentation as indicated for each item of cost.

Note: All successful applications will undergo a rigorous cost-price analysis and multi-level review prior to award of federal funding. The budget narrative's cost items will be used for this analysis. If the grant application does not contain the appropriate amount of detail and supporting documentation, the award process will be delayed, and may be cancelled.

1. Salaries and Wages

Indicate program manager and other key personnel by name and title. Other personnel may be indicated by title alone.

For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation proposed. (i.e., number of hours, days, weeks, percentage of a year, etc.)

The labor rates should identify the direct labor rate separate from the fringe rate or fringe cost for each category – no fully burdened rates will be allowed for applicant personnel.

Supporting documentation for the budgeted rates shall be submitted with the application (i.e., payroll records, or company rate sheets. Redact any Personally Identifiable Information (PII) other than employee name, rate of pay and job classification).

Provide a certification on company letterhead that rates provided are actual salaries currently paid to listed employees

Clearly identify any proposed salary increases, the effective date, and provide explanation to the basis of the increase.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

2. Fringe Benefits

Indicate rates/amounts, what costs are included in this category, and the basis of the rate computations.

Fringe costs should typically include payroll taxes such as FICA, unemployment, and workers compensation, but can also include retirement, health Insurance, and annual, sick, and holiday leave.

Fringe does not include federal income taxes, employee portion FICA, or other such costs.

Indicate whether these rates are used for application purposes only or whether they are fixed or provisional rates for billing purposes.

Federally approved rate agreements are acceptable for compliance with this cost item. Provide documentation for the fringe and overhead rates proposed and submit the supporting documents with your proposed budget and narrative.

3. Travel

Include purpose of trip, destination, number of personnel traveling, length of stay and all travel costs including airfare, per diem, lodging, airfare, and miscellaneous travel expenses.

Include the basis for rates used, i.e. GSA 2017 Per Diem Rates.

For local travel, include estimated mileage and rate of compensation, i.e. \$0.54 per mile per GSA 2016 standard mileage rates (GSA 2017 Rates have not yet been published as of the date of this FOA, but shall be used when available).

Submit supporting documents with your proposed budget and narrative (i.e., invoices, receipts, travel vouchers, etc. Redact any PII other than employee name).

4. Equipment

Itemize costs of all equipment having a value of over \$5,000 and include information as to the need for this equipment, as well as how the equipment was priced if being purchased for the agreement.

If equipment is being rented, specify the number of hours and the hourly rate.

Local rental rates are only accepted for equipment actually being rented or leased for the project.

- If equipment currently owned by the applicant is proposed for use under the proposed project, and the cost to use that equipment is being included in the budget as in-kind cost share, provide the rates and hours for each piece of equipment owned and budgeted.

- These should be ownership rates developed by the recipient for each piece of equipment.
- If these rates are not available, the U.S. Army Corp of Engineer's recommended equipment rates for the region are acceptable. (Blue book, Federal Emergency Management Agency (FEMA), and other data bases should not be used.)

Submit supporting documentation with your proposed budget and narrative.

5. Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction.

Identify how these costs were estimated (e.g., quotes, past project invoice, engineering estimates, or other methodology).

Submit supporting documentation with your proposed budget and narrative.

6. Contractual and Construction

Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task.

If applicable, use the same cost categories for each subcontractor/consultant as listed in this budget narrative (Salaries and Wages [fully burdened are allowed], Travel, Equipment, Materials and Supplies, Other).

Identify how the budgeted costs for subcontractors were determined to be fair and reasonable IAW 2 CFR 200, Subpart E, Cost Principles.

If a subrecipient, consultant, or contractor is proposed and approved at time of award, no other approvals will be required. Any changes or additions will require a request for approval.

Submit supporting documentation with your proposed budget and narrative:

- Quotes and/or past invoices to support individual items of cost
- Bid matrix and copies of bids to support competed contracts (for current proposed contracts or as support for past contract comparisons)
- Print outs from Estimating Manuals/Software for Engineer Estimates, Models, etc.

7. Environmental and Regulatory Compliance Costs

Applicants must include a line item in their budget to cover environmental compliance costs.

“Environmental compliance costs” refer to costs incurred by Reclamation or the recipient in complying with environmental regulations applicable to a grant or cooperative agreement, including costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, ESA, NHPA, and the CWA, and other regulations depending on the project. Such costs may include, but are not limited to:

- The cost incurred by Reclamation to determine the level of environmental compliance required for the project
- The cost incurred by Reclamation to review any environmental compliance documents prepared by a consultant
- The cost incurred by Reclamation, the recipient, or a consultant to prepare any necessary environmental compliance documents or reports
- The cost incurred by the recipient in acquiring any required approvals or permits, or in implementing any required mitigation measures

The amount of the line item should be based on the actual expected environmental compliance costs for the project. The minimum amount budgeted for environmental compliance should be equal to at least 1 to 2 percent of the total project costs. If the amount budgeted is less than 1 to 2 percent of the total project costs, you must include a compelling explanation of why less than 1 to 2 percent was budgeted.

Reclamation advises each applicant to coordinate with Reclamation’s environmental compliance staff prior to preparing environmental compliance analyses or documents. How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the project, if appropriate.

8. Other

Reporting: Recipients are required to report on the status of their project on a regular basis. Failure to comply with reporting requirements may result in the recipient being removed from consideration for funding under future funding opportunities. Include a line item for reporting costs (including final project

and evaluation costs), with estimated hours for compliance with reporting requirements, including final project and evaluation.

Other: Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and what it will be used for. No profit or fee will be allowed.

Please see Section VI.D for information on types and frequency of reports required.

9. Indirect Costs

Show the proposed rate, cost pool base, and proposed amount for allowable indirect costs based on the applicable cost principles in 2 CFR 200, Subpart E. It is not allowable to incorporate indirect rates within other direct cost line items.

If the applicant has separate rates for recovery of labor overhead and general and administrative costs, each rate shall be shown. The applicant should propose rates for evaluation purposes, which will be used as fixed or ceiling rates in any resulting award. Include a copy of any federally approved indirect cost rate agreement. If a federally approved indirect rate agreement is not available, provide supporting documentation for the rate. This can include a recent recommendation by a qualified certified public accountant (CPA) along with support for the rate calculation.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a de minimis rate of 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR Part 200 available at <www.ecfr.gov>.

If you do not have a federally approved indirect cost rate agreement and/or are proposing a rate greater than the de minimis 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from Interior, the National Business Center, and Indirect Cost Services, at <<https://www.doi.gov/ibc/services/finance/indirect-cost-services>>.

10. Total Costs

Indicate total amount of project costs, including the breakout of Federal and non-Federal cost-share amounts.

Budget Form

In addition to the above-described budget information, the applicant must complete an SF-424A, Budget Information—Nonconstruction Programs, or an SF-424C, Budget Information—Construction Programs.

< <http://www.grants.gov/web/grants/forms/sf-424-family.html#sortBy=1> >

IV.E Funding Restrictions

See Section III.E.3. Pre-Award Costs for restrictions on incurrence and allowability of pre-award costs.

IV.F Process Timeline & Dates

Table 3. Application / Award Process Timeline

ACTION	DATE
FOA APPLICATIONS DUE	September 8, 2017, 2:00p.m. PST
ANNOUNCEMENT AND NOTICES OF AWARD CONSIDERATION SENT	OCTOBER – NOVEMBER 2017
PRE-AWARD MEETINGS HELD (BOR & RECIPIENT)	NOT LATER THAN 7-10 DAYS AFTER AWARD CONSIDERATION LETTERS SENT
FINAL SUPPORTING DOCUMENTATION DUE	NOT LATER THAN 10 DAYS AFTER PRE-AWARD MEETING IS HELD
PREPARATION OF AGREEMENTS	November 2017 – February 2018
AGREEMENT AWARD	Mid- February 2018

Table 4. Application Document Due Dates

DOCUMENT NAME/TYPE	FINAL DUE WITH APPLICATION SUBMITTAL:	DRAFT DUE WITH APPLICATION SUBMITTAL:	FINAL DUE NLT 10 DAYS AFTER PRE-AWARD MEETING
FULL APPLICATION	X		
SF-424 (Application for Federal Assistance)		X (SIGNED)	X (FINAL)
SF-424 A or C (Budget Form)		X	X (FINAL)
SF-424 B or D (Assurances)	X		
OFFICIAL RESOLUTION		X (DRAFT)	X (FINAL)
ASAP VERIFICATION	X		
SAM VERIFICATION	X		
SF-LLL (LOBBYING FORM)	X		
BUDGET TABLE		X (DRAFT)	X (FINAL)
BUDGET NARRATIVE		X (DRAFT)	X (FINAL)
SUPPORTING BUDGET DOCUMENTATION			X (FINAL)

Section V: Application Review Information

V.A Technical Proposal: Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each of the following criteria and subcriteria in the order presented to assist in the complete and accurate evaluation of your proposal. It is suggested that applicants copy and paste this information directly into their applications). Proposals will be evaluated by a technical panel in accordance with the criteria listed below. The relative importance placed on the evaluation criteria is reflected in the points available. Total points available are 100.

Note: If the work described in your application is a phase of a larger project, please only discuss the benefits that will result directly from the work discussed in your application and that is reflected in the budget, not the overall project.

V.A.1 Giant Garter Snake Habitat Acres and Benefit (25 points maximum)

Applications will be evaluated based on their effectiveness at providing Giant Garter Snake habitat creation, protection, or restoration.

Category	Possible Points
Giant Garter Snake habitat proposed is not near the Fresno Slough or Volta Wildlife Area.	0
Giant Garter Snake habitat proposed is near the Fresno Slough or Volta Wildlife Area but not adjacent	5
Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area. Proposed project is less than 100 acres in size.	10
Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area. Proposed project is more than 100 acres in size.	15
Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area, and part of a larger project (>500 acres) than can be implemented in phases in the same area.	20
Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area, connected to other protected areas, and is part of a larger project that can be implemented in phases to create a large interconnected area of Giant Garter Snake habitat.	25
Giant Garter Snake habitat proposed is near the Fresno Slough or Volta Wildlife Area but not adjacent	0
Giant Garter Snake habitat proposed is adjacent to the Fresno Slough or Volta Wildlife Area. Proposed project is less than 100 acres in size.	5
Total	100

V.A.2 Land, Legal, Institutional, and Regulatory Constraints (25 points)

The Technical Proposal should thoroughly address, in the order presented below, each of the following categories.

Examples of constraints include: (1) encumbrances on the land that restrict Giant Garter Snake habitat designs such as unrestricted mineral access or easements through the middle of the property; (2) anticipated environmental compliance or permitting issues such as endangered species or cultural resources; 3) water rights issues such as limited water supplies for inundating land, not continuous water supplies; (4) other applicable legal, institutional, and regulatory requirements (e.g.: contractual water supply obligations, Indian trust responsibilities, water rights settlements, county groundwater ordinances, public health regulations, city ordinances).

Applications will be evaluated based on:

- Comprehensive consideration of potential constraints;
- The number and severity of identified legal, institutional, and regulatory constraints
- Complexity and cost of mitigation strategies.

Points	Legal, Institutional, Regulatory Constraints
Min: 0	Known, anticipated, or reasonably foreseeable constraints, complex, or costly mitigation. Non-comprehensive consideration of potential constraints.
Max: 25	No known, anticipated, or reasonably foreseeable constraints, complex or costly mitigation. Comprehensive consideration of potential constraints.

V.A.3. Management Capability (20 points maximum)

- Applications will be evaluated on the management capability of the applicant as determined in accordance with the “Management Capabilities” section of these guidelines. Applications that provide a complete and robust description of the applicant(s)’ past performance with Federal financial assistance and comprehensive and rigorous Implementation and Financial Plans will be given higher priority over applications that demonstrate a poor history of performance and provide vague Implementation Plans with little detail. Applications that provide a robust schedule and a clear understanding of the necessary steps in order to secure USFWS approval of the Giant Garter Snake compensatory mitigation proposal will be given higher priority over applications that do not demonstrate a clear understanding of the process and steps involved.

Points	Management and Financial Capability
Min: 0	Poor performance history, incomplete Implementation Plans, vague schedules
Max: 20	Demonstrated performance history, complete Implementation and Financial Plans

V.A.4. Cost Effectiveness (15 points maximum)

Applications will be evaluated based on the total cost per acre of Giant Garter Snake habitat created, restored, or protected. Costs will include all components requesting funding in the proposal, including construction, planning, design, environmental compliance, operation and maintenance and protection into perpetuity, etc. Applications with the lowest cost per acre will generally be given highest priority.

Cost effectiveness = cost/ acre

Points	Cost Effectiveness (\$ / habitat acre)
1	55,000
2	52,500
3	50,000
4	47,500
5	45,000
6	42,500
7	40,000
8	37,500
9	35,000
10	32,500
11	30,000
12	27,500
13	25,000
14	22,500
15	<20,000

V.A.5. Environmental Impacts (15 points maximum)

Using qualitative project information for environmental benefits to the San Joaquin River Restoration, points are assigned based on the bulleted criteria. Consider if the proposal meets one or all of the below benefits. If the proposal meets more than one or two environmental benefits listed below it should score higher. Applications will be evaluated based on, as well as the complexity and cost of any mitigation strategies. Applications with fewer and less significant negative environmental impacts will be given higher priority than applications with significant impacts:

- Project describes the number and extent of identified environmental impacts
- Proposal identifies the complexity and cost of any mitigation strategies

Points	Environmental Impacts
Min: 0	Known, anticipated, or reasonably foreseeable impacts, complex or costly mitigation.
Max: 15	No known, anticipated, or reasonably foreseeable impacts, complex or costly mitigation.

V.B Review and Selection Process

The Government reserves the right to reject any and all applications which do not meet the requirements of this FOA or which are outside the scope. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program objectives listed in Section III.B. Eligible Projects. The evaluation process will be comprised of three steps described in the following subsections.

V.B.1 First-Level Screening

All applications will be screened to ensure that they meet the following criteria:

- The application meets the requirements of the FOA package, including submission of the budget proposal, budget narrative, budget supporting documentation, project report, letter(s) of commitment, and related forms.
- The application contains a properly executed SF-424 Application for Financial Assistance and forms SF-424 A&B, non-construction project, or SF-424 C &D, construction project.
- The applicant meets the eligibility requirements stated in this document.
- The application meets the description of eligible projects in Section I.B.1., "Eligible Projects" and is within the scope.

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- The project can be completed by January 31, 2023, or sufficient project description and milestones to justify a longer period of performance.

Reclamation reserves the right to remove an application from funding consideration if it does not pass all initial screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner if possible.

V.B.2 Application Review Committee (ARC) Review

Evaluation criteria will comprise 100 points of the total evaluation weight as stated this section. An ARC, made up of experts in relevant disciplines selected from across Reclamation, will score submissions based on the evaluation criteria noted in Section V.A. Technical Proposal: Evaluation Criteria. During the ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

In addition, during this review Reclamation will address any specific concerns or questions raised by members of the ARC, and conduct a preliminary budget review.

V.B.3 Managerial Review

Management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels and to ensure that the projects meet the scope and priorities of the SJRRP. Management may also prioritize projects to ensure that multiple Objective Areas are represented among the projects selected for funding. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with previously funded projects.

V.C Pre-Award Clearances and Approvals

After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration and will forward their applications to the appropriate Reclamation regional or area office for completion of environmental compliance.

The local Reclamation office will also complete a business evaluation and determination of responsibility. During these evaluations, the Grants Officer (GO) will also consider several factors which are important, but not quantified, such as:

- Pre-award clearances, determinations, reviews, and approval
- Allowability, allocability and reasonableness of proposed costs

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- Financial strength and stability of the organization
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance
- Adequacy of personnel practices; procurement procedures; and accounting policies and procedures, as established by applicable Office of Management and Budget (OMB) circulars.

If the results of all pre-award reviews, clearances, and approvals are satisfactory, a funding award will be made once the agreement is finalized (approximately one to three months from date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

Section VI: Award Administration Information

VI.A Award Notices

Successful applicants will receive, by electronic or regular mail, a notice of award.

VI.B Award Document

If the applicant is awarded a financial assistance agreement as a result of this FOA, the proposed project and other relevant information (e.g., expected water savings) from the application will be referenced in the agreement. The agreement document must be signed by a Reclamation GO before it becomes effective.

VI.C Releasing Applications

Following awards of funding, Reclamation will post all successful applications on the Reclamation website after any redactions determined necessary by Reclamation, in consultation with the recipient.

VI.D Reporting Requirements and Distribution

If the applicant is awarded an agreement as a result of this FOA, the applicant will be required to submit the following reports during the term of the agreement.

VI.D.1 Financial Reports

Form SF-425 - Federal Financial Report must be submitted on at least a semiannual basis and with the final program performance report. The Final Financial Report is a culmination of all previous Financial Reports.

VI.D.2 Program Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement.

- Semi-annual reports, including, but not limited to, the following information:
 - A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period

- The reasons why established milestones were not met, if applicable
 - The status of milestones from the previous reporting period that were not met, if applicable
 - Whether the project is on schedule and within the original cost estimate
 - Any additional pertinent information or issues related to the status of the project.
- Final report, including, but not limited to, the following information:
 - Whether the project objectives and goals were met
 - Discussion of the amount of water conserved, if applicable, including information and/or calculations supporting that amount
 - How the project demonstrates collaboration, if applicable

Please note that final reports are public documents and will be made available on Reclamation's website.

VI.E Award Term and Condition for Recipient Integrity and Performance Matters

If the total value of the recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of a financial assistance agreement issued under this FOA, then the recipient during that period of time must maintain the information reported to SAM that is made available in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

VI.E.1 Proceedings Which Must Be Reported

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five year period; and

c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in the above paragraphs 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

VI.E.2 Reporting Procedures

Enter the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition in the SAM Entity Management area. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

VI.E.3 Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

VI.E.4 Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Section VII: Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this FOA may ***direct questions to Reclamation in writing***. Questions may be submitted to the attention of Christina Munoz, Grants Management Specialist, as follows:

By mail: Bureau of Reclamation
Mid-Pacific Region / MP-3812
Attn: Ms. Christina A. Munoz
2800 Cottage Way
Sacramento CA 95825

By email: cmunoz@usbr.gov

Section VIII: Other Information

VIII.A Overview of Environmental and Cultural Resources Compliance Requirements

Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this FOA.

Before approving expenditures for the implementation of a SJRRP Grant project, Reclamation is required to comply with applicable environmental laws. Such compliance requires the participation and cooperation of both Reclamation and SJRRP Grant recipients. This information is intended to inform applicants about the environmental compliance process associated with SJRRP Grant projects and to summarize the requirements of certain Federal environmental laws.

Reclamation addresses environmental compliance issues for SJRRP Grant applications as 1) an initial review and 2) a more detailed review of projects initially recommended for award. First, as part of the initial recommendation process, Reclamation evaluates the appropriateness of the amount budgeted for environmental compliance. Reclamation also examines the proposal to determine whether any significant environmental issues are involved in the project. Second, once a proposal has been initially recommended for funding, Reclamation undertakes a more detailed examination of environmental issues associated with the proposed project to comply with applicable law.

VIII.B.1 Review within the Application Evaluation Process

In the evaluation and selection process, Reclamation performs an initial review of the SJRRP Grant applications for potential environmental issues. At this stage, Reclamation's review is focused on whether:

- The applicant has budgeted appropriately for environmental compliance
- Any significant environmental issues (i.e., issues that would make the project infeasible) are apparent

Applicants for SJRRP Grant funding must include a line item in their budget estimating the cost of environmental compliance for their project. The amount budgeted should be based on the actual expected environmental compliance costs, but should be equal to at least 1 to 2 percent of the total project costs. If less than 1 to 2 percent is budgeted, you must provide justification. Applications will be scored based on whether the amount budgeted appears reasonable.

Environmental compliance costs that are included in your budget proposal are considered project costs and may be cost shared by the recipient and Reclamation. Any actual costs above the amount that you budgeted for must generally be paid for solely by you. If too much is budgeted for environmental compliance, any remaining funding may generally be reallocated to cover other project costs.

Environmental compliance costs have varied greatly for past projects. A minimal number of projects have incurred environmental compliance costs over the 1 to 2 percent budgeted amount. In each of those cases, the overage has been the result of issues involving historic properties, the presence of endangered species, or other compliance concerns requiring a more lengthy assessment of specific issues.

In addition to budgeting for environmental costs, the FOA requests that applicants for SJRRP Grant project funding answer a series of questions about the potential environmental impacts of their proposed project. In general, applications will not be scored lower in this first step of the environmental review based on the significance of the environmental issues involved. Rather, the information about environmental impacts is used by Reclamation primarily to determine if the you have budgeted appropriately. However, in some extreme cases, a proposal may be eliminated from further consideration at this stage if the magnitude of the environmental issues would make the project infeasible.

VIII.B.2 Review of Initially Recommended Projects

If a proposal is initially recommended for funding, a detailed analysis will be performed to determine the actual environmental impacts of the project, to agree on any mitigation measures needed, and to document environmental compliance. The recipient will then work with Reclamation to provide the information necessary for Reclamation to complete the environmental compliance work.

All awards will be made contingent on completion of environmental compliance, and the assistance agreement will describe how compliance will be carried out and how it will be paid for. SJRRP Grant funding may not be applied to construction or implementation of the project itself unless and until this second level of environmental analysis is completed to comply with all applicable environmental laws.

VIII.B.3 Overview of Relevant Environmental Laws

Following is a brief overview of NEPA, NHPA, and ESA. While these statutes are not the only environmental laws that may apply to SJRRP Grant projects, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation of a SJRRP Grant award. The descriptions below are intended to provide applicants with information about the environmental compliance issues that may apply to proposed projects and to help budget appropriately for the associated compliance costs.

National Environmental Policy Act (NEPA)

NEPA requires Federal agencies such as Reclamation to evaluate—during the decision-making process—the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund a SJRRP Grant project, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

- Compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist and to discuss potential mitigation for any potentially significant impacts. If no potentially significant effects are identified, or those identified can be mitigated, the EA process ends with the preparation of a FONSI. The EA/FONSI process can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.
- The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental effects that cannot be mitigated or a substantial controversy exists regarding the use of the resource, may require preparing an **Environmental Impact Statement (EIS)** and a **Record of Decision (ROD)**. An EIS can take months or years to complete, the process includes considerable public involvement, including mandatory public reviews of draft documents, and the costs can be substantially greater than other types of analyses. It is not anticipated that projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? or 95 percent?) The best source of information concerning the

potentially significant issues in a project area is the local Reclamation staff who have experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area Reclamation office. See <http://www.usbr.gov/main/offices.html> with questions regarding NEPA compliance issues. Applicants may contact Adam Nickels, Project Manager, at 916-978-4415 for further information.

National Historic Preservation Act (NHPA)

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the *potential to cause effects to historic properties*, before it can award a SJRRP Grant. **“Historic properties”** are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, **water delivery infrastructure that is over 50 years old** can be considered a “historic property” that is subject to review.

If a proposal is selected for initial award, SJRRP Grant recipients will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways—depending on how complex the issues are—including:

- If Reclamation determines that the project does *not* have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project *could* have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes a determination as to whether additional information is necessary; evaluation of the significance of identified cultural resources; assessment of the effect of the project on historic properties; and, if the project would have an adverse effect, evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects. A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.

Among the types of historic properties that might be affected by SJRRP Grants

are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, SJRRP Grant projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See www.usbr.gov/cultural/crmstaff.html for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance, it is possible that a cultural resources survey has already been completed.

Endangered Species Act (ESA)

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure any action it authorizes, funds, or carries out is not likely to *jeopardize the continued existence of any endangered or threatened species* or *destroy or adversely modify any designated critical habitat*.

Before Reclamation can approve funding for the implementation of a SJRRP Grant project, it is required to comply with Section 7 of the ESA.

The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the project. A general overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a “**Biological Assessment**” must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action *is not likely to adversely affect* any endangered or threatened species. If the USFWS concurs in writing, then no further consultation is required and ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a

Biological Assessment can range from days to weeks or even months. The USFWS generally respond to requests for concurrence within 30 days.

- If it is determined that the project *is likely to adversely affect* listed species, further consultation (“**formal consultation**”) with USFWS is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS, including a determination of whether the project would “**jeopardize**” listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.
- The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of categorical exclusion checklists, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff, who can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS. You are encouraged to contact your regional or area Reclamation office (see <http://www.usbr.gov/main/offices.html>) with questions regarding ESA compliance issues. Applicants may contact Adam Nickels, Project Manager, at 916-978-4415 for further information.

Programmatic Consultation with the U.S. Army Corps of Engineers
404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake
within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano,
Stanislaus, Sutter and Yolo Counties, California

Appendix A
Guidelines for Restoration and/or
Replacement of Giant Garter Snake Habitat

Replacement and Restoration Guidelines are provided together, as the two conservation measures may not be mutually exclusive. Replacement of habitat may also require restoration of some areas. Preserved habitat may additionally be improved for giant garter snake by using some of the restoration guidelines.

Reference sites

A nearby reference site should be chosen both for restoration of giant garter snake habitat and for creation of replacement habitat. The reference site will be used to determine the success of conservation efforts. For restoration of habitat, the pre-project condition may be used as a reference site if adequate documentation exists. For creation of replacement habitat or for restoration where pre-project conditions are not documented, the reference site should be nearby or adjacent and should represent high quality giant garter snake habitat.

Restoration of giant garter snake habitat

Restoration may include incorporating some of the Replacement guidelines to enhance habitat value for giant garter snake. Restoration should follow the guidelines outlined below:

1. Restoring giant garter snake habitat includes minimizing impacts of project activities to the existing habitat, including using silt fencing, designating environmentally sensitive areas, using protective mats, preventing runoff, and providing worker awareness training. Measures to minimize impacts include:
 - a. Avoid construction activities within 200 feet from the banks of giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
 - b. Construction activity within habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger. Between October 2 and April 30 contact the Service's Sacramento Fish and Wildlife Office to determine if additional measures are necessary to minimize and avoid take.
 - c. Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project area as Environmentally Sensitive Areas. This area should be avoided by all construction personnel.
 - d. Construction personnel should receive Service-approved worker environmental awareness training. This training instructs workers to recognize giant garter snakes and its habitat(s).

- e. 24-hours prior to construction activities, the project area should be surveyed for giant garter snakes. Survey of the project area should be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the Service immediately by telephone at (916) 414-6600.
 - f. Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
2. Remove all construction debris and stockpiled materials.
 3. Regrade area to preexisting contour, or a contour that would improve restoration potential of the site.
 4. Replant and hydroseed the restoration area. Recommended plantings consist of a) wetland emergents, b) low-growing cover on or adjacent to banks, and c) upland plantings/hydroseeding mix to encourage use by other wildlife. Riparian plantings are not appropriate because shading may result in lack of basking sites. Native plantings are encouraged except where non-natives will provide additional values to wildlife habitat and will not become invasive in native communities. The applicant should obtain cuttings, plantings, plugs, or seeds, from local sources wherever possible. The applicant should attempt to restore conditions similar to that of adjacent or nearby habitats.
 - a. Emergent wetland plants recommended for giant garter snake habitat are California bulrush (*Scirpus californicus*), cattail (*Typha* spp.), and water primrose (*Ludwigia peploides*). Additional wetland plantings may include common tule (*Scirpus acutus*), Baltic rush (*Juncus balticus*), or duckweed (*Lemna* spp.).
 - b. Cover species on or adjacent to the bank may include California blackberry (*Rubus vitifolius*) or wild grape (*Vitis californica*), along with the hydroseeding mix recommended below.
 - c. Upland plantings/hydroseeding mix: Disturbed soil surfaces such as levee slopes should be hydroseeded to prevent erosion. The Service recommends a mix of at least 20-40 percent native grass seeds [such as annual fescue (*Vulpia* spp.), California brome (*Bromus carinatus*), blue wildrye (*Elymus glaucus*), and needle grass (*Nassella* spp.)], 2-10 percent native forb seeds, five percent rose clover (*Trifolium hirtum*), and five percent alfalfa (*Medicago sativa*). Approximately 40-68 percent of the mixture may be non-aggressive European annual grasses [such as wild oats (*Avena sativa*), wheat (*Triticum* spp.), and barley (*Hordeum vulgare*)]. The Corps will not include aggressive non-native grasses, such as perennial ryegrass (*Lolium perenne*), cheatgrass (*Bromus tectorum*), fescue (*Festuca* spp.), giant reed (*Arundo donax*), medusa-head (*Taeniatherum caput-medusae*), or Pampas grass (*Cortaderia selloana*) in the hydroseed mix. The Corps will not include endophyte-infected grasses in the mix. Mixes of one-hundred percent native grasses and forbs may also be used, and are encouraged.

Replacement of giant garter snake habitat

Location

Replacement location should be within the same population cluster boundaries (population clusters are defined in 58 FR 54053) as the habitat lost. For example: The boundaries of the Sacramento Basin population cluster are approximately, Highway 16 to the north, Sacramento River to the west, Twin Cities Road to the south, and the Folsom Aqueduct to the east. Habitat lost within this area must also be replaced within this area.

Habitat components

Giant Garter Snake Habitat. The giant garter snake inhabits marshes, sloughs, ponds, small lakes, low gradient streams, other waterways and agricultural wetlands such as irrigation and drainage canals and rice fields, and the adjacent uplands. Essential habitat components consist of (1) adequate water during the snake's active period, (early spring through mid-fall) to provide a prey base and cover; (2) emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat; (3) upland habitat for basking, cover, and retreat sites; and (4) higher elevation uplands for cover and refuge from flood waters. For the purposes of this programmatic opinion, a basic giant garter snake habitat unit will incorporate 2.00 acres (0.81 hectares) of surrounding upland for every 1.00 acre (0.40 hectare) of aquatic habitat. The 2.00 acres (0.81 hectares) of upland also may be defined as 218 linear feet (66 meters) of bankside habitat which incorporates adjacent uplands to a width of 200 feet (61 meters) from the edge of the bank.

Replacement habitat must provide the above mentioned essential habitat components and include the following:

1. All replacement habitat must include both upland and aquatic habitat components. Upland and aquatic habitat components must be included in the replacement habitat at a ratio of 2:1 upland acres to aquatic acres
2. A semi-permanent or permanent aquatic habitat which provides water during the active period for giant garter snakes (April through October) with suitable vegetative cover present. Linear or meandering channels with slow flowing water over mud or silt substrate are preferred.
3. Upland basking and retreat sites with low growing vegetation cover adjacent to aquatic habitat, and upland retreats and flood refugia with partially buried broken concrete or animal burrows.
4. Small fish and amphibian larvae for foraging, but predatory "gamefish" (bass, *Micropterus* spp.; sunfish, *Lepomis* spp.; catfish, *Ictalurus* spp. and *Ameiurus* spp.) absent or controlled.
5. An adequate buffer (at least 200 feet) from roadways to reduce vehicular mortality.
6. Follow planting recommendation provided above under restoration guidelines.

Monitoring

Habitat restoration

Restoration of habitat should be monitored for one year following implementation. Monitoring reports documenting the restoration effort should be submitted to the Service: (1) upon completion of the restoration implementation; and (2) one year from restoration implementation.

Monitoring reports should include photodocumentation, when restoration was completed, what materials were used, plantings (if specified) and justification of any substitutions to the Service recommended guidelines. Monitoring reports should also include recommendations for remedial actions and approval from the Service, if necessary, and justification from release of any further monitoring, if requested.

Creation of replacement habitat

Replacement habitat should be monitored for 5 years following implementation. Hydrology should be monitored for the first two years after creation of wetlands. The monitoring effort should continue for three additional years to ensure success criteria are met. Monitoring reports documenting implementation of conservation measures should be submitted to the Service: (1) upon completion of wetland creation; (2) yearly for the first two years of monitoring; and (3) 5 years from implementation. Monitoring reports should include photodocumentation, when restoration was completed, what materials were used, plantings (if specified) and justification of any substitutions to the Service recommended guidelines. Monitoring reports should also include recommendations for remedial actions and approval from the Service, if necessary, and justification from release of any further monitoring, if requested.

Success criteria for replacement habitat:

1. At completion of monitoring, the cover measured on the habitat area should be 90 percent of cover measured on the reference site.
2. At completion of monitoring, the species composition measured on the habitat area should be 90 percent of that measured on the reference site.
3. At completion of monitoring, wetlands created on the site should meet Corps jurisdictional criteria.

Maintenance and management of replacement giant garter snake habitat

1. A final management plan of replacement habitat must be approved by the Service.
2. All maintenance activities should follow Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat.
3. Additional guidance includes:
 - a. Canal Maintenance - Hand clearing of canals is preferred for removal of excessive vegetation or debris. Any equipment should be operated from the bank top. Excavate from only one side of the canal during a given year. Avoid excavating the banks above the high water level. Preferably, one side of the canal should be left undisturbed indefinitely (the preferred side would be the west or north side) so that emergent vegetation and bank side cover is left in place.
 - b. Place the spoils from canal clearing in a designated location, rather than along bank tops. This will prevent burying or crushing snakes basking on the banks, or trapping snakes taking cover in burrows or bank-top soil crevices.
 - c. Vegetation control - Uplands should not be disced. Leave vegetation on levees and canal sides wherever possible. Mowing to control vegetation should take place July through September and mower blades should be raised at least six inches to avoid injuring snakes and to leave some grassy cover.

d. Traffic - Control vehicle access to avoid vehicular mortality of giant garter snakes.

4. Use a water maintenance regime that will maintain some open water to provide vegetated edge for giant garter snake to forage along.

5. Eradicate/control non-natives and invasive exotics.

Compatible uses of giant garter snake replacement habitat:

Rice farming is a compatible land use for adjacent properties.

Uses of giant garter snake replacement habitat that are incompatible with the habitat of giant garter snake, or represent threats to giant garter snakes include row cropping on uplands, orchards on uplands, OHV (off-highway vehicle) use, and combining with riparian habitat creation which requires dense cover or SRA (shaded riverine aquatic) habitat.

Endangered Species Div., Sacramento Fish & Wildlife Office, U.S. Fish & Wildlife Service