

RECLAMATION

Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	BOR-MP-16-N026
Project Title	Salmon Conservation and Research Interim Facility, Operations and Maintenance
Recipient	California Department of Fish & Wildlife (CDFW)
Principal Investigator / Program Manager	Brian Erlandsen
Anticipated Federal Amount	\$1,896,461.63
Cost Share	\$0.00
Total Anticipated Award Amount	\$1,896,461.63
New Award or Continuation?	Continuation
Anticipated Period of Performance	Date of Execution through December 31, 2017
Award Instrument	Cooperative Agreement
Statutory Authority	Public Law 111-11, San Joaquin River Restoration Settlement, Title X, Part I; Section 10002, Section 10004(b)(1); Stipulation of Settlement CIV NO. S-88-1658-LKK/GGH (San Joaquin River Restoration Settlement)—Paragraph 14(a)
CFDA # and Title	15.555 – San Joaquin River Restoration Program (SJRRP)
Single Source Justification Criteria Cited	(2) Continuation & (4) Unique Qualifications
Reclamation Point of Contact	Adam Nickels/Christina Muñoz

OVERVIEW

In 2006, the Department of the Interior entered into the San Joaquin River Settlement (Settlement) in *NRDC et al., v. Kirk Rodgers et al.* The Settlement terms and conditions mandate a combination of channel and structural improvements along the San Joaquin River below Friant Dam, releases of additional water from Friant Dam, the reintroduction of spring and/or fall-run Chinook salmon, and the reduction or avoidance of water supply impacts to the Friant Division long-term contractors that may result from increased releases (termed as the Settlement's Interim and Restoration flows).

Per Paragraph 14 of the Settlement, the restoration goal is to reintroduce spring-run and fall-run Chinook salmon to the San Joaquin River between the Friant Dam and the confluence with the Merced River. In accordance with Paragraph 14, the United States Fish & Wildlife (USFWS) submitted a complete permit application to the National Marine Fisheries Service (NMFS) for reintroduction of spring-run Chinook salmon. On October 11, 2012, NMFS issued Section 10(a)(1)(A) Permit 14868. This permit authorizes USFWS to collect, transport, rear, handle, and tag individuals to establish a broodstock of spring-run at the Interim Facility and the future San Joaquin Research and Conservation Facility located on the grounds of the existing San Joaquin Fish Hatchery in Friant, California. No other rearing facilities are authorized in the permit.

The Fisheries Management Workgroup of the San Joaquin River Restoration Program (SJRRP) has determined that development of a captive rearing program is critical to the long-term success of restoring spring-run Chinook salmon to the San Joaquin River. Accordingly, the SJRRP proposes the development of the San Joaquin River Salmon Conservation and Research Facility (Conservation Facility), to be located at the site of the San Joaquin Fish Hatchery (Friant, California). A pilot-scale Interim Facility will precede the Conservation Facility to provide experience and training for rearing Chinook salmon through adulthood, and provide a surrogate while the full-scale Conservation Facility is constructed. The facility will be guided by a multi-agency technical team that will provide direction for operation and assure compliance with the SJRRP's Hatchery and Genetic Management Plan. An annual report of hatchery activities and future direction will be provided to the facility's technical team and to National Oceanic and Atmospheric Administration (NOAA) Fisheries to assure compliance with the SJRRP's 10(a)(1)(A) Federal Enhancement of Species Permit.

The objectives of the project are to: (1) Develop and maintain a genetically diverse brood stock of spring and potentially fall run Chinook to support the restoration of Chinook salmon to self-sustaining levels; (2) produce targets set by the SJRRP to the maximum extent practicable given the limitations of tank space and water supply at the Interim Facility, until the full-scale Conservation Facility becomes operational; (3) produce juvenile spring-run and fall-run Chinook, with an emphasis on spring-run Chinook production, to support the restoration of Chinook salmon runs to self-sustaining levels; (4) support and provide research needs associated with restoring spring and/or fall run Chinook populations to self-sustaining levels.

RECIPIENT INVOLVEMENT

The California Department of Fish and Wildlife agrees to:

- Coordination and cooperation with Reclamation to complete the environmental compliance and permitting activities for the Project.
- Obtain any additional state and local permits and/or approvals that may be required for the Project.
- Completion of California Environmental Quality Act (CEQA) and other State and local environmental compliance requirements.
- Provide all staff and facilities necessary to achieve the objectives outlined in the statement of work of the Agreement.
- Coordination with the Conservation Subgroup and Hatchery Technical Team pursuant to the recommendations of the Fish Management Work Group (FMWG), to establish the annual and out-year production targets for the Conservation Hatchery.
- When making payment request for reimbursement, will provide documentation summarizing the total expenditures for the project and the amount requested.

RECLAMATION INVOLVEMENT

Substantial involvement on the part Reclamation is anticipated for the successful completion of the objectives to be funded by this award. In particular, Reclamation will be responsible for the following:

- Ensuring through funding operations and maintenance and by providing input on Salmon Conservation and Research Interim Facility (SCARF) management activities, the annual production numbers of brood stock and juvenile spring and/or fall-run Chinook, including size and timing of release for juvenile Chinook salmon, follow the process already established by the SJRRP through technical guidance of the FMWG.
- Complete the following environmental compliance and permitting activities: National Environmental Policy Act; Endangered Species Act, and National Historic Preservation Act.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

- (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;
- (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;
- (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;
- (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;
- (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(2) CONTINUATION & (4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

Since 2013, CDFW has worked with Reclamation conducting captive broodstock experiments and monitoring the results at the Interim Facility using fall run Chinook salmon. CDFW is uniquely qualified to carry out these particular tasks of the operations and maintenance of the Salmon Conservation and Research Interim Facility as the developer and owner of the facility. An Endangered Species Act, Section 10(a)(1)(A) permit for US Fish and Wildlife Service has been approved by the National Marine Fisheries Service that allows CDFW to collect, transport, and propagate spring-run Chinook salmon at the Interim Facility. CDFW has many years of experience conducting captive broodstock experiments and monitoring the results at the Interim Facility using fall run Chinook salmon, operates similar conservation facilities in California and is currently conducting various active research projects on the San Joaquin River. It would be impractical for the government to work with cooperators who are not intimately familiar with the Interim Facility operations, maintenance, and captive broodstock experiments.

STATUTORY AUTHORITY

Public Law 111-11, San Joaquin River Restoration Settlement, Title X, Part I; Section 10002, Section 10004(b)(1); Stipulation of Settlement CIV NO. S-88-1658-LKK/GGH—Paragraph 14(a)

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary and is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

STIPULATION OF SETTLEMENT CIV NO. S-88-1658 – LKK/GGH—PARAGRAPH 14(A)

Paragraph 14: *The Parties acknowledge that spring run and fall run Chinook Salmon have been largely extirpated from the San Joaquin River upstream of the confluence with the Merced River. Accordingly, the Restoration Goal of this Settlement shall include the reintroduction of spring run and fall run Chinook salmon to the San Joaquin River between Friant Dam and the confluence with the Merced River by December 31, 2012, consistent with all applicable law. The Parties agree that the following steps shall be taken in furtherance of the goal of reintroducing salmonids to the San Joaquin River.*

Paragraph 14(a): *The Secretary, through the FWS, and in consultation with the Secretary of Commerce, the DFG, and the Restoration Administrator, shall ensure that spring and fall run Chinook salmon are reintroduced at the earliest practical date after commencement of sufficient flows and the issuance of all necessary permits. In the event that competition, inadequate spatial or temporal segregation or other factors determined to be beyond the control of the Parties make achieving the Restoration Goal for both spring run and fall run Chinook salmon feasible, the priority shall be given to restoring self-sustaining populations of wild spring run Chinook salmon. The FWS shall submit a completed permit application to the NMFS for the reintroduction of spring run Chinook salmon as soon as practical but no later than September 30, 2010. The NMFS shall issue a decision on the permit application for the reintroduction of spring run Chinook salmon as expeditiously as possible, but no later than April 30 2012. The Parties anticipate that NMFS will provide exemption for incidental take as appropriate part of a biological opinion or opinions addressing implementation of the Settlement. The Parties anticipate that NMFS will also address incidental take issues as appropriate through the other authorities available under the ESA, including Section 4(d) rules and the public processes required for Section 10 permits.*