Genesee River and Genesee River Watershed Natural Resource Damage Assessment and Restoration Settlement

Notice of Funding Opportunity Number: F19AS00221

Federal Program: Department of the Interior, United States (U.S.) Fish and Wildlife Service, Ecological Services New York Field Office, Natural Resource Damage Assessment and Restoration Program

Catalog of Federal Domestic Assistance (CFDA) Number: 15.658 Natural Resource Damage Assessment, Restoration, and Implementation (NRDAR).

Authorizing Legislation: Federal Water Pollution Control Act, 33 U.S.C §§1251-1387; Oil Pollution Act, 33 U.S.C. §2701 et seq.; Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C §9601, et seq.; and Fish and Wildlife Act, 16 U.S.C §742 et seq.

Paperwork Reduction Act Statement: We are collecting this information in accordance with the authorizing legislation identified above. Your response is required to obtain or retain a benefit. We will use the information you provide to conduct a competitive review and select projects for funding and, if awarded, to evaluate performance. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. We estimate that it will take you on average about 40 hours to complete an initial application, about 3 hours to revise the terms of an award, and about 8 hours per report to prepare and submit financial and performance reports, including time to maintain records and gather information. Actual time for these activities will vary depending on program-specific requirements. You may send comments on the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

OMB Control Number: 1018-0100 (Expiration Date: 7/31/2021)

I. Program Description

The U.S. Fish and Wildlife Service's (Service) Natural Resource Damage Assessment and Restoration (NRDAR) Program's purpose is to restore natural resources and their services that have been injured by an oil discharge or hazardous substance release, for the benefit of the American people.

In 2014, the United States Department of the Interior (DOI), acting through the Service, and the State of New York, acting through the New York State Department of Environmental Conservation, collectively the Trustees, resolved a natural resource damage claim with the Responsible Parties for the Genesee River located in the City of Rochester, Monroe County, New York. The Trustees sought a monetary settlement with the Responsible Parties as compensation for the injuries to natural resources due to releases of environmental contaminants from the Eastman Kodak Company's Rochester facilities (Site) into the Genesee River. The Trustees received approximately $4.3 million to compensate for the natural resource injury.

The Trustees are soliciting for restoration project proposals from the below noted preferred restoration alternative categories. In addition to the request for restoration project proposals for funding, seven restoration projects have been identified, evaluated, incorporated into the Genesee River and Genesee River Watershed Final Restoration Plan and Environmental Assessment (Final RP/EA), and selected for funding as a single source award. More information on the seven projects, to be funded under single source awards, can be found in Section IIB, Federal Award Information, Single Source Awards.

The Trustees are required to use settlement funds to compensate for those injuries by restoring injured natural resources and supporting habitat, and/or services provided by the injured resources. The Comprehensive Environmental Response, Compensation, and Liability Act requires that before settlement monies can be used for restoration activities, that the Trustees must develop and adopt a restoration plan and provide for adequate public notice, opportunity for hearing, and consideration of all public comments. Accordingly, on June 17, 2015, the Trustees issued a Request for Restoration Project Ideas (Request) to identify potential restoration projects. The Request described the settlement, provided the format for submission of project ideas for consideration, and described the criteria and factors to be used by the Trustees in evaluating projects.

On June 19, 2016, the Trustees released a Genesee River and Genesee River Watershed Draft Restoration Plan and Environmental Assessment (RP/EA) and sought public comment. The Draft RP/EA explained the considerations and criteria for identifying and evaluating restoration alternatives followed by descriptions of the proposed and preferred restoration alternatives. The Draft RP/EA included public input in the form of restoration project ideas received prior to June 2016. The Final RP/EA was signed on March 6, 2019, and incorporates the public comments received during the July 19, 2016, through September 30, 2016, public comment period and any additional restoration project ideas received as of the finalization of the RP/EA. The Trustees preferred restoration alternative includes a suite of restoration projects from the following restoration categories: Instream and Stream Bank Enhancement/Restoration, Wetland Enhancement/Restoration, Upland Enhancement/Restoration, Avian Enhancement/Restoration, Fisheries Enhancement/Restoration, Amphibian and Reptile Enhancement/Restoration, Land Acquisition, and Natural Resource-Based Public Use Enhancement.

The Trustees are soliciting for restoration project proposals from the above noted preferred restoration alternative restoration categories. Submitted restoration project proposals will be evaluated against regulatory criteria and site-specific criteria so as to sufficiently compensate for ecological and natural resource-based public use losses. Development of monitoring plans and monitoring activities will be a requirement for all restoration project proposals. Prior to awarding of funding, respondents must ensure that the restoration project will be maintained and protected for a length of time commensurate with the funding and project purpose. The selected restoration projects will be published with a public notification period of 30 days.

Department of Interior's Secretarial Priorities:

The Secretary of the DOI developed a list of ten priorities to support both the public purpose and Service and DOI missions listed below.

1) Creating a conservation stewardship legacy second only to Teddy Roosevelt
2) Utilizing our natural resources
3) Restoring trust with our local communities
4) Ensuring sovereignty means something
5) Generating additional revenues to support DOI's and National interests
6) Protecting our people and the border
7) Striking a regulatory balance
8) Modernizing our infrastructure
9) Reorganizing for the next 100 years
10) Achieving our goals and leading our team forward

The overall goal of the NRDAR Program and this funding opportunity is to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services injured by the release of hazardous substances to the natural resources at and surrounding the Eastman Kodak Company's Rochester facilities into the Genesee River.

Secretarial priorities numbers 1, 2, 3, 4, and 10 most closely align with the scope of work being completed with the intended restoration projects identified within Final RP/EA.

1. Creating a conservation stewardship legacy second only to Teddy Roosevelt
The NRDAR Program protects and restores land for the benefit of the American people and provides increased recreational opportunities including hunting and fishing; NRDAR is able to achieve this by working closely with local conservation organizations. All projects are vetted through a Trustee technical team that evaluates projects based on the best available science and management practices.

2. Utilizing our natural resources
The NRDAR Program focuses on compensating the public for their lost or diminished use of natural resources, such as their inability to catch and eat clean fish due to fish consumption advisories. The NRDAR Program focuses on funding projects that provide access to fisheries resources as well as projects that are open to the public for other recreational opportunities.

3. Restoring trust with local communities
The NRDAR Program utilizes a 'hands on restoration' technique where we establish and maintain lasting and positive relationships with local conservation organizations, non-profit organizations, municipalities, state natural resource agencies, Nations, and local communities.

4. Ensuring sovereignty means something
The Genesee River is a significant cultural site for the Haudenosaunee. Haudenosaunee ("People of the Longhouse"), also known as the Iroquois Confederacy, is comprised of the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora Nations. The NRDAR Program prioritizes projects that provide cultural benefits and community services to the Nations.

10. Achieving our goals and leading our team forward
The scope of work being completed with the intended restoration projects are part of a suite of restoration projects selected to achieve the goals of NRDAR Program and the Final RP/EA.

II. Federal Award Information

A. Competitive Awards

Restoration projects that utilize NRDAR funding must focus on actions to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services injured by the release hazardous substances, with minor emphasis on components such as studies, surveys, or development of management plans. The Trustees' primary goal is to select restoration projects that compensate the public for natural resource injuries and associated service losses resulting from contamination in the Genesee River assessment area. As summarized in the Final RP/EA, the Trustees determined that injuries have occurred to resources that utilize stream, wetland, riparian, and upland habitat and provide ecological and/or recreational services. According to the DOI NRDAR regulations, 43 CFR § 11.82(d), the restoration projects are to address injured resources, be feasible, safe, cost-effective, consider actual and anticipated conditions, have a reasonable likelihood of success, and be consistent with applicable laws and policies. The selected restoration actions also must not conflict with the ongoing cleanup projects at the Site.

The Genesee River and Genesee River Watershed Final RP/EA DOI NRDAR regulatory criteria include:

- Resource or Service Improved: Restoration projects must focus on actions to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services (including stream, wetland, riparian, and upland habitat and ecological and/or recreational services) injured by the release hazardous substances to the Genesee River assessment area, with minor emphasis on components such as studies, surveys, or development of management plans.
- Nexus to Injury: Restoration projects that focus on actions that replace similar resources closer to the location of the injury should be given priority. Projects that have no link in watershed, geographic area, species population, or affected user group to the injured resource should not be carried further in the assessment.
- Feasibility: Projects that are not feasible or do not meet minimal legal requirements (including limitations set by the settlement) will be removed from further consideration.
- Relative Cost: For each restoration project, sufficient cost analysis should be done to provide a general estimate of cost. Match opportunities should be described. Projects that can have a greater effect through leveraging with matching funds should be noted. As the preferred restoration alternative project categories may also be supported by other Federal, State, and local funding sources, the Trustees propose to use the Genesee River NRDAR settlement funds to leverage additional funds, where possible, for all restoration projects. Cost analysis should include consideration of costs to maintain and monitor project success.
- Likelihood of Success: The likelihood of success may include a number of considerations that may vary with specific projects. Projects that use experimental or innovative techniques may have a lower likelihood of success than those that use standard techniques. The likelihood of success for each project should be described.

The Trustees will screen all proposed restoration projects against the above the DOI NRDAR regulatory criteria. Proposed restoration projects that do not satisfy the DOI NRDAR regulatory criteria of: Resource or Service Improved, Nexus to Injury, and Feasibility will not be considered further. Proposed restoration projects that do satisfy the DOI NRDAR regulatory criteria of: Resource or Service Improved, Nexus to Injury, and Feasibility will then be evaluated against the remaining DOI NRDAR regulatory criteria and the Site-Specific Criteria, as described in the Final RP/EA, and in Section VI, below.

The amount of projects funded and the amount given to individual projects will vary based on the number and merit of projects submitted and the scale and scope of benefits the projects will provide. If no acceptable proposals are received, based on the above criteria provided by the DOI NRDAR regulations, 43 CFR § 11.82(d), the Site-Specific Criteria detailed within Section VI (as provided within the Final RP/EA), modifications or additional proposals will be requested.

The type(s) of assistance instruments available under this Notice include grants and cooperative agreements. An example of a grant may include a proposal to purchase and install nesting boxes/platforms, boardwalks, or docks. An example of a cooperative agreement would be proposals to conduct habitat enhancement or restoration.

The Service will be substantially involved habitat restoration projects that qualify as a cooperative agreement under this funding opportunity. In particular, the Service will be responsible for: l) providing up to a total of funding to the recipient to complete the activities, 2) working with the recipient in development of project actions to meet goals and objectives of the Final RP/EA, 3) providing guidance and technical assistance in the development of the restoration designs and plans, to develop specific plans and identify potential concerns, 4) providing technical assistance to the recipient to complete regulatory permitting/environmental compliance, 4) reviewing and approving proposed modification to scope of work and budget, and 5) halting an activity if detailed performance specifications are not met.

B. Single Source Awards

In addition to the above request for restoration project proposals for funding, seven restoration projects have been identified, evaluated, and incorporated into the Final RP/EA. This section, related to the seven selected restoration projects, is a notice of intent to award a single source award and there is no request for proposals for the seven specific restoration projects. The Trustees screened and evaluated the seven projects against the DOI NRDAR regulatory criteria and the Site-Specific Criteria. The seven projects (Table 1) are from the following preferred restoration alternative restoration categories: Instream and Stream Bank Enhancement/Restoration, Wetland Enhancement/Restoration, Fisheries Enhancement/Restoration, and Natural Resource-Based Public Use Enhancement. Additional details on the projects can be found in the Final RP/EA.

Table 1. Preferred Restoration Alternative Projects

Restoration Project	Project Proponent	Costs up to
Genesee River Angelica Stream Bank Restoration	Center for Environmental Initiatives (CEI) and USFWS	$ 500,000
Genesee River Turning Basin Wetland Restoration	USFWS	$ 200,000
Turning Point Park Wetland Restoration	USFWS	$ 200,000
Lake Sturgeon Restoration/Habitat Restoration	USGS/USFWS	$ 250,000
Northern Pike Habitat Enhancement	NYSDEC/USFWS	$ 250,000
Fish Passage (up to 10 culverts/bridges)	NYSDEC/USFWS	$ 60,000 – $ 600,000
Lower Genesee River Access Dock in Seneca Park	NYSDEC	$ 620,000

The projects in Table 1 were proposed by the project proponents and the Trustees during Draft RP/EA development and the Request for Restoration Project Ideas. Competition in the form of proposed project screening and evaluation against the DOI NRDAR regulatory criteria and the Site-Specific Criteria was conducted, by the Trustees, during development of the Final RP/EA. As competition has previously occurred, additional competition is not practical. Funding for project implementation will go to either the project proponent or the Trustees if the Trustees determine that the Trustee implementation of the restoration project is more cost effective.

The project proponents (Table 1) and the Trustees meet the Single Source Financial Assistance Award Criteria of "Unique Qualifications." The project proponents and the Trustees are uniquely qualified to conduct the restoration projects based on their technical expertise, proximity to, and current restoration activities within the Genesee River, and longstanding partnerships in the Genesee River watershed.

III. Eligibility Information

A. Eligible Applicants

Applicants should have expertise in habitat and natural resource restoration or design of recreational amenities and ability to complete projects in a timely and cost effective way.

Eligible applicants include state, county, city or township governments, special district governments, independent school districts, public and State controlled institutions of higher education, private institutions of higher education, Native American tribal governments and organizations, nonprofit organizations, individuals, for profit organizations, and small businesses. U.S. non-profit, non-governmental organizations with 501(c)(3) Internal Revenue Status (IRS) must provide a copy of their Section 501(c)(3) status determination letter received from the IRS.

B. Cost Sharing or Matching

The Genesee River and Genesee River Watershed, New York NRDAR Trustees do not require matching funds, although the Trustees propose to use the NRDAR settlement funds to leverage additional funds, where possible, for all restoration projects.

C. Other Eligibility Criteria

Projects that utilize NRDAR funding must focus on actions to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services injured by the release of hazardous substances to the natural resources at the Genesee River and Genesee River Watershed, New York.

Unique Entity Identifier and System for Award Management (SAM.gov) Registration: This requirement does not apply to individuals applying for funds as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name) or any entity with an exception approved by the Service under 2 CFR 25.110(d). All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet and then register in SAM.gov prior to submitting a Federal award application. Federal award recipients must continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). See the "Submission Requirements" section of this document below for more information on SAM.gov registration. The Service may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the Service is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prohibition on Issuing Awards to Entities that Require Certain Internal Confidentiality Agreements: Domestic (U.S.) non-Federal entities requiring their employees or contractors to sign internal confidentiality agreements or statements that prohibit, or otherwise restrict, such employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information are not eligible to compete for or receive a Federal award. See Pub. L. 113-235, Title VII, Division E, Section 743 for more information.

Excluded Parties: The Service conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The Service cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

IV. Application Requirements

A. Requesting Paper Application Package

Those eligible and interested in applying for funds from the NRDAR Program are requested to contact the NRDAR Case Manager for a paper application package (see Section VIII. Federal Awarding Agency Contact).

B. Application Form and Content Requirements

Applicants must submit the following:

1. SF-424, Application for Federal Assistance

Applicants must submit the appropriate Standard Form (SF)-424, Application for Federal Assistance. Individuals applying as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name), must complete the SF-424, Application for Federal Assistance-Individual form. All other applicants must complete the standard SF-424, Application for Federal Assistance. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. The SF-424, Application for Federal Assistance must be complete, and signed and dated. Please note: Enter only the amount requested from this Federal program in the "Federal" funding box on the SF-424 Application form. Include any other Federal sources of funding in the "Other" box, and provide details on those Federal source(s) and funding amount(s) in the required Budget Narrative (see the "Budget Narrative" section below).

2. SF 424, Assurances

Applicants must submit the appropriate signed and dated Assurances form. Complete either the SF-424B, Assurances for Non-Construction Programs or the SF-424D, Assurances for Construction Programs, as applicable to your project. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. The SF-424 Assurances forms include a statement that some of the assurances may not be applicable to your organization and/or your project or program. Signing the required SF-424 Assurances form does not make you or your organization subject to laws that are otherwise not applicable to you or your organization. Changing, crossing out, or making notations on the form before signing has no impact on the applicability of law.

3. Project Narrative

Shall include the following:

Project Summary: briefly summarize the project, in two pages or less. Include the title of the project, geographic location, and a brief overview of the need for the project. Goal(s), objectives, specific project activities, anticipated outputs and outcomes can also be included in this section.

In the Project Narrative, include:
Statement of Need: Describe why this project is necessary (significance/value) and include supporting information. Summarize previous or on-going efforts (of you/your organization, and other organizations or individuals) that are relevant to the proposed work. Explain the

successes or failures of past efforts and how your proposed project builds on them. If you have received funding previously (from the Service or any other entity) for this specific project work or site, provide a summary of the funding, associated activities and products/outcomes.

Project Goals and Objectives: State the long-term, overarching goal(s) of the program/project and how the goals are consistent with the Trustees' restoration requirements. State the objectives of the project. Objectives are the specific outcomes to be accomplished in order to reach the stated goal(s). The project objectives must be specific, measurable, and realistic (attainable within the project's proposed project period).

Project Activities, Methods and Timetable: List the proposed project activities and describe how they relate to the stated objectives. Activities are the specific actions to be undertaken to fulfill the project objectives and reach the project goal(s). The proposed project activities narrative must be detailed enough for reviewers to make a clear connection between the activities and the proposed project costs. The narrative must provide enough detail so that reviewers are able to determine project compliance with the National Environmental Policy Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. Provide a detailed description of the method(s) to be used to carry out each activity. Provide a timetable indicating roughly when activities or project milestones are to be accomplished. Include any resulting tables, spreadsheets or flow charts within the body of the project narrative (do not include as separate attachments). The timetable should not propose specific dates but instead group activities by month for each month over the entire proposed project period.

Stakeholder Coordination/Involvement: As applicable, describe how you/your organization has coordinated with and involved other relevant organizations or individuals in planning the project, and detail if/how they will be involved in conducting project activities, disseminating project results and/or incorporating your results/products into their activities.

Project Monitoring and Evaluation: Detail the monitoring and evaluation plan for the project. Building on the stated project objectives, which must be specific and measurable, identify what you will measure (i.e., quantitative/quantifiable indicators) and how you will measure (e.g., methods, sample size, survey tools). Reference the stated project timetable (i.e., process indicators) and budget information (i.e., input indicators). Identify the products/services to be delivered and how/to whom they will be delivered (i.e., output indicators). Detail the expected direct effect(s) of the project on beneficiaries (i.e., outcome indicators). Describe the resources and organizational structure available for gathering, analyzing and reporting monitoring and evaluation data. If applicable, describe how project participants and beneficiaries will participate in monitoring and evaluation activities. Describe how findings will be fed back into decision making and project activities throughout the project period.

Description of Entities Undertaking the Project: Provide a brief description of the applicant organization and all participating entities and/or individuals. Identify which of the proposed activities each agency, organization, group, or individual is responsible for conducting or managing. Provide complete contact information for the individual within the organization that will oversee/manage the project activities on a day-to-day basis.

4. **SF-424, Budget Information**
   Applicants must submit the appropriate SF-424 Budget Information form. Complete either the SF-424A, Budget Information for Non-Construction Programs or the SF-424C, Budget Information for Construction Programs, as applicable to your project. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. Federal award recipients and subrecipients are subject to Federal award cost principles as detailed in the Service's "Financial Assistance Award Terms and Conditions". Please note: Show funds requested from this Federal program separately from any other Federal sources of funding. In the "Budget Summary" section, use the first row for funding requested from this Federal program. Use subsequent row(s) for other Federal funding. Enter each Federal program's CFDA number(s) in the corresponding fields on the form. The CFDA number(s) for this Federal program appears on the first page of this Funding Opportunity.

5. **Budget Narrative**
   In a separate narrative titled "Budget Narrative," describe and justify requested budget items and costs. Detail how the SF-424 Budget Information, Object Class Category totals were determined. For personnel salary costs, include the baseline salary figures and the estimates of time. Describe any item of cost that requires prior approval under the Federal cost principles. See 2 CFR 200.407 "Prior written approval (prior approval)" for more information. If equipment purchased previously with Federal funds is available for the project, provide a list of that equipment and identify the Federal funding source.

6. **Indirect Costs: Individuals**
   Individuals applying for and receiving funds separate from a business or non-profit organization he/she may operate are not eligible to charge indirect costs to their award. If you are an individual applying for funding, do not include any indirect costs in your proposed budget and skip the next section.

7. **Indirect Costs: Organizations**
   The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your organization's cognizant agency, the Interior Business Center will negotiate your indirect cost rate. Contact the Interior Business Center by phone 916-930-3803 or using the IBC Email Submission Form. See the IBC Website for more information.

   Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients must have prior written approval from the Service to use amounts budgeted for direct costs to satisfy cost-share or match requirements or to cover unallowable indirect costs. Recipients shall not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

   Required Indirect Cost Statement
   All organizations must include the applicable statement from the following list in their application to the Service, and attach to their application any documentation identified in the applicable statement:

We are:

☐ A U.S. state or local government entity receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. Attached is a copy of our most recently approved rate agreement/certification.

☐ A U.S. state or local government entity receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We have prepared and will retain for audit an indirect cost rate proposal and related documentation.

☐ A [insert your organization type; U.S. states and local governments, please use one of the statements above or below] that has previously negotiated or currently has an approved indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate]. [Insert either: "Attached is a copy of our most recently approved but expired rate agreement. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made." *or* "Attached is a copy of our current negotiated indirect cost rate agreement."]

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date.

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is lower than 10%. Our indirect cost rate is [insert rate; must be lower than 10%]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat indirect cost rate of [insert rate; must be lower than 10%] against [insert a clear description of the direct cost base against which your rate is charged (e.g., salaries; salaries and fringe benefits; or modified total direct costs). However, please note that your organization cannot charge indirect costs in excess of the indirect costs that would be recovered if applied against modified total direct costs as defined in 2 CFR 200.68]. We understand that we must notify the Service in writing if we establish an approved rate with our cognizant agency at any point during the award period.

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is 10% or higher. Our indirect cost rate is [insert your organization's indirect rate; must be 10% or higher]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% to be charged against modified total direct project costs as defined in 2 CFR 200.68. We understand that we must notify the Service in writing if we establish a negotiated rate with our cognizant agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and that such changes are subject to review, negotiation, and prior approval by the Service.

☐ A [insert your organization type] that is submitting this proposal for consideration under the [insert either “Cooperative Fish and Wildlife Research Unit Program” or “Cooperative Ecosystem Studies Unit Network”], which has a Department of the Interior-approved indirect cost rate cap of [insert program rate]. If we have an approved indirect cost rate with our cognizant agency, we understand that we must apply this reduced rate against the same direct cost base as identified in our approved indirect cost rate agreement. If we do not have an approved indirect cost rate with our cognizant agency, we understand that we must charge indirect costs against the modified total direct cost base defined in 2 CFR 200.68 “Modified Total Direct Cost (MTDC)”. We understand that we must request prior approval from the Service to use the 2 CFR 200 MTDC base instead of the base identified in our approved indirect cost rate agreement. We understand that Service approval of such a request will be based on: 1) a determination that our approved base is only a subset of the MTDC (such as salaries and wages); and 2) that use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR 200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.

☐ A [insert your organization type] that will charge all costs directly.

8. Conflict of Interest Disclosure

Applicants must state in their application if any actual or potential conflict of interest exists at the time of submission. Conflicts of interest include any relationship or matter that might place the recipient, including their employees and subrecipients, in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest include direct or indirect financial interests; close personal relationships; positions of trust in outside organizations; consideration of future employment arrangements with a different organization; and decision-making authority related to the proposed project. Conflicts of interest are those circumstances real or perceived that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the applicant, or the applicant’s employees or subrecipients, in matters pertaining to the proposed project. Applicants may not solicit, obtain, or use non-public information that may be of competitive interest to the entity, including information regarding the funding opportunity, evaluation, award, or administration of an award to the entity. Applicants must notify the Service in writing in their application if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal program receiving this application or who otherwise may be involved in the review and selection of their proposal. The term employee means any individual to be engaged in the performance of work pursuant to the Federal award application. Applicants may not have a former Federal employee as a key project official, or in any other substantial role for the proposed project, whose participation puts them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethic’s website at https://oge.gov/ for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the nature of the proposed project and will determine whether a significant potential conflict exists. If it does, the Service may work with the applicant determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in the rejection or disqualification of the application.

9. **Single Audit Reporting Statement**
All U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending $750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. state, local government, federally recognized Indian tribal government, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN associated with that report and state if it is available through the Federal Audit Clearinghouse website.

10. **Certification Regarding Lobbying**
Applicants requesting more than $100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than $100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

11. **Disclosure of Lobbying Activities**
Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. Applicants and recipients must complete and submit the SF-LLL, Disclosure of Lobbying Activities if the Federal share of the proposal or award is more than $100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available on the "Packages" tab of this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

12. **Overlap or Duplication of Effort Statement**
Applicants must provide a statement indicating if there is any overlap between this Federal application and any other Federal application, or funded project, in regards to activities, costs, or time commitment of key personnel. If no such overlap or duplication exists, state, "*There are no overlaps or duplication between this application and any of our other Federal applications or funded projects, including in regards to activities, costs, or time commitment of key personnel*". If any such overlap exists, provide a complete description of overlaps or duplications between this proposal and any other federally funded project or application in regards to activities, costs, and time commitment of key personnel, as applicable. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted, to whom (entity name and program), and when you anticipate being notified of their funding decision. When overlap exists, your statement must end with "*We understand that if at any time we receive funding from another source that is duplicative of the funding we are requesting from the U.S. Fish and Wildlife Service in this application, we will immediately notify the U.S. Fish and Wildlife Service point of contact identified in this Funding Opportunity in writing.*"

13. **APPLICATION CHECKLIST**

- ☐ **SF-424, Application for Federal Assistance or Application for Federal Assistance-Individual**
- ☐ **SF-424B or D, Assurances**
- ☐ **Project Narrative**
- ☐ **SF-424A or C, Budget Information**
- ☐ **Budget Narrative**
- ☐ **Indirect Cost Statement and related documentation (when applicable)**
- ☐ **Conflict of Interest Disclosure (when applicable)**
- ☐ **Single Audit Reporting Statement (when applicable)**
- ☐ **SF-LLL, Disclosure of Lobbying Activities (when applicable)**
- ☐ **Overlap or Duplication of Effort Statement**

Failure to provide complete information may cause delays, postponement, or rejection of the application.

V. Submission Requirements

A. Unique Entity Identifier and System for Award Management (SAM.gov) Registration

These requirements do not apply to any individual applying for funds as a private citizen or any entity with an exception approved by the Federal awarding agency under 2 CFR 25.110(d). All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet and provide that number in the application; complete SAM.gov registration before submitting an application; and continue to maintain an active SAM.gov registration with current information at all times when the entity has an active Federal award or application under consideration. **There is NO COST to register with Dun & Bradstreet or SAM.gov**. There are third-party vendors who will charge a fee in exchange for registering entities with Dun & Bradstreet and SAM.gov; **please be aware you can register and request help for free**.

1. **Obtain a DUNS Number**

Request a DUNS Number through the Dun & Bradstreet website. The official website address is http://fedgov.dnb.com/webform. For technical difficulties, send an email to the D&B SAM Help Desk. Please ensure that you are able to receive emails from SAMHelp@dnb.com. The Grants.gov "Obtain a DUNS Number" webpage also provides detailed instructions. Once assigned a DUNS number, your organization must maintain up-to-date information with Dun & Bradstreet. Applicants must enter their DUNS number in the "Organizational DUNS" field on the SF-424, Application for Federal Assistance form.

2. **Register with SAM**

Register on the SAM.gov website. The official website address is http://www.sam.gov. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov Register with SAM" webpage also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity's DUNS or IRS information. Foreign entities who want to receive payment directly to a U.S. bank account must enter and maintain valid, current banking information in SAM.

B. Submission Dates and Times

The Trustees request that all restoration project proposal applications be submitted by **September 30, 2019.**

C. Intergovernmental Review

Prior to application submission, U.S. state and local government applicants should visit the OMB Office of Federal Financial Management website and view the "State Point of Contact (SPOC) List" to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental Review of Federal Programs." States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency. If your state is on the list, contact the designated entity for more information on the state's prior review requirements for Federal assistance applications.

D. Funding Restrictions

1. If a proposed project fails the DOI NRDAR regulations criteria of Resource or Service Improved, Nexus to Injury, and Feasibility, as described in Section II (and below), it will no longer be considered.

   DOI NRDAR regulations criteria:
   - Resource or Service Improved: Restoration projects must focus on actions to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services (including stream, wetland, riparian, and upland habitat and ecological and/or recreational services) injured by the release hazardous substances to the Genesee River assessment area, with minor emphasis on components such as studies, surveys, or development of management plans.
   - Nexus to Injury: Restoration projects must focus on actions that replace similar resources closer to the location of the injury should be given priority. Projects that have no link in watershed, geographic area, species population, or affected user group to the injured resource should not be carried further in the assessment.
   - Feasibility: Projects that are not feasible or do not meet minimal legal requirements (including limitations set by the settlement) will be removed from further consideration.

2. Proposed restoration projects will provide natural resource benefits and services that would not otherwise be generated. That is, projects must not be otherwise required (e.g., under Federal, state, or local laws, regulations, or permits), funded, or assured of completion irrespective of NRDAR activities.

E. Submission Instructions

This program encourages applicants to submit their applications online through Grants.gov. However, applications may also be submitted electronically by email or mailed to the Federal Awarding Agency Contact, see Section VIII.

Download the Application Package linked to this Funding Opportunity on Grants.gov to begin the application process. Downloading and saving the Application Package to your computer makes the required government-wide standard forms fillable and printable. Completed applications may be submitted electronically through Grants.gov, by email, or by mail. Please select ONE of the submission options:

Follow these steps to apply through Grants.gov.

1. **Register with Grants.gov**
   Applicants must first register an account with Grants.gov and complete all steps of the registration process before they can apply through Grants.gov. Grants.gov registration requires the entity to create an account, create an account profile, and establish authorized profile roles, including the applicant's authorized representative. Registration can take three to five business days or longer, if you do not complete the required steps in a timely manner.

2. **Grants.gov Workspace Application**
   Grants.gov applicants apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each funding opportunity announcement, you can create individual instances of a workspace. To apply, the applicant will create, complete, and submit a Workspace application package for this Funding Opportunity directly on Grants.gov. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to allow time to correct any potential technical issues that may disrupt the application submission. When attaching files to the Grants.gov application, please do not assign file names longer than 20 characters, including spaces. File names longer than 20 characters will prevent your application received by Grants.gov from automatically downloading into the Service's financial assistance management system. Applicants using slow internet, such as dial-up connections, should be aware that the transmission of the application to Grants.gov takes time. Grants.gov sends either an error message or a "successfully received" message by email to the applicant's authorized representative once the transmission is complete. Please do not end the transmission process before receiving that message.

3. **Proof of Timely Submission**
   Grants.gov automatically generates an electronic date and time stamp in the system upon application receipt. Grants.gov sends an acknowledgement of receipt with the date and time stamp and a unique Grants.gov application tracking number to the authorized representative by email. This email from Grants.gov serves as your proof of timely submission.

To submit an application by e-mail:
Format all of your documents to print on Letter size (8 ½" x 11") paper. Format all pages to display and print page numbers. Scanned documents should be scanned in Letter format. Where possible, save scanned documents in .pdf format. E-mail your application to the Federal Awarding Agency Contact, see Section VIII.

The required SF 424 Application for Federal Assistance and Assurances forms and any other required standard forms MUST be signed by your organization's authorized official. The Signature and Date fields on the standard forms downloaded from Grants.gov are pre-populated with the text

"Completed by Grants.gov upon submission" or "Completed on submission to Grants.gov". Remove this text (manually or digitally) before signing the forms.

To submit an application by mail:
Number all pages of your printed application. Mail one, single-sided, unbound copy (do not staple or otherwise permanently bind pages) of your complete application to the Federal Awarding Agency Contact, see Section VIII.

The required SF 424 Application for Federal Assistance and Assurances forms and any other required standard forms MUST be signed by your organization's authorized official. The Signature and Date fields on the standard forms downloaded from Grants.gov are pre-populated with the text "Completed by Grants.gov upon submission" or "Completed on submission to Grants.gov". Remove this text (manually or digitally) before signing the forms.

VI. Application Review Information

A. Criteria

To be considered for funding, submitted project applications must meet the requirements listed within the NOFO, be screened against the DOI NRDAR regulations criteria, and evaluated against the Site-Specific Criteria described below, and as provided in the Final RP/EA.

The DOI NRDAR regulations criteria were incorporated into the Final RP/EA by the Trustees to aid in eliminating those projects that are clearly inconsistent with the requirements of the Department's NRDAR regulations. In essence, the criteria stipulate that a restoration project must comply with all applicable laws and regulations, address resources or services at least broadly connected to those injured by the release hazardous substances to the Genesee River assessment area, and be technically feasible to implement. Proposed restoration projects will be ranked on a pass/fail system in relation to the criterion of Resource or Service Improved, Nexus to Injury, and Feasibility. If a proposed project passes each criterion, it will be evaluated further. If a proposed project fails any DOI NRDAR regulations criterion of Resource or Service Improved, Nexus to Injury, and Feasibility, it will no longer be considered.

- Resource or Service Improved: Restoration projects must focus on actions to restore, rehabilitate, replace, and/or acquire the equivalent of natural resources and resource services (including stream, wetland, riparian, and upland habitat and ecological and/or recreational services) injured by the release hazardous substances to the Genesee River assessment area, with minor emphasis on components such as studies, surveys, or development of management plans.
- Nexus to Injury: Restoration projects that focus on actions that replace similar resources closer to the location of the injury should be given priority. Projects that have no link in watershed, geographic area, species population, or affected user group to the injured resource should not be carried further in the assessment.
- Feasibility: Projects that are not feasible or do not meet minimal legal requirements (including limitations set by the settlement) will be removed from further consideration.

In addition to the DOI NRDAR regulatory criteria, noted in Section II, the Trustees established the following Site-Specific Criteria to help evaluate restoration proposals and ensure that the proposed restoration projects meet the objective to replace, restore, and/or acquire the equivalent natural resources of those that were injured by the release of hazardous substances to the natural resources at the Genesee River and Genesee River Watershed, New York:

- Link to injured resources. The extent to which the alternative restores, replaces, or acquires the equivalent natural resources that were injured. Priority will be given to projects that most closely restore, replace, enhance, or protect resources identified in the preferred restoration alternative categories on page 8 of the Final RP/EA.
- Proximity to injured resources. Priority will be given to restoration projects in the Genesee River assessment area, followed by the Genesee River upstream of the assessment area, are given a higher priority over other locations within the Genesee River watershed.
- Habitat connectivity. Restoration projects result is larger individual habitat parcels rather than multiple, smaller, disconnected parcels or projects are in proximity to lands with protected status.
- Absence of contamination. Extent to which the proposed project may be affected by actual or planned remedial or response actions. Proposed projects that are likely to be enhanced or augmented by remedial/response actions may be preferred for selection, whereas proposed projects that are likely to be adversely impacted by response/remedial actions may not be preferred.
- Benefits to native species, recreational fish, protected species and sensitive or unique habitat.
- Public enjoyment or use of natural resources.
- Viability and sustainability of project.
- Part of larger local or regional restoration plan or vision.

B. Review and Selection Process

As summarized in the Final RP/EA, the Trustees developed the above specific restoration criteria to evaluate restoration projects so as to sufficiently compensate for ecological and natural resource-based public use losses. The Trustees preferred restoration alternative includes a suite of restoration projects from the following restoration categories: Instream and Stream Bank Enhancement/Restoration, Wetland Enhancement/Restoration, Upland Enhancement/Restoration, Avian Enhancement/Restoration, Fisheries Enhancement/Restoration, Amphibian and Reptile Enhancement/Restoration, Land Acquisition, and Natural Resource-Based Public Use Enhancement. All application packages will be reviewed, evaluated, and selected for implementation by the Trustees. The Trustees goal is to select restoration projects from each of the preferred restoration alternative project categories and not select projects only from one preferred restoration alternative project categories such as Wetland Enhancement/Restoration. The selected restoration projects will be published with a public notification period of 30 days.

If no acceptable restoration project proposals are received, modifications or additional proposals will be requested. If the Trustees recommend modifications to a proposed restoration project scope of work and budget, the applicant will have to submit revised SF-424 forms and narratives prior to award. Service program awards are based on final, approved applications that parallel their awards in scope and funding amount.

Prior to award, the Service will review any applicant statement regarding potential overlap or duplication between the project to be funded and any other funded or proposed project in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances, the Service may request modification to the application, other pending applications, or an active award, as needed to eliminate any duplication of effort, or the Service may choose not to fund the selected project.

The Service may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the Service is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prior to award, the Service will evaluate the risk posed by applicants as required in 2 CFR 200.205. Service programs document applicant risk evaluations using the Service's "Financial Assistance Recipient Risk Assessment" form. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently $250,000), the Service is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The Service will consider this information when completing the risk review. The Service uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 CFR 200.207 should be applied the award.

VII. Federal Award Administration

A. Federal Award Notices

Following review, applicants may be requested to revise the project scope and/or budget before an award is made. Successful applicants will receive written notice in the form of a notice of award document. Notices of award are typically sent to recipients by e-mail. If e-mail notification is unsuccessful, the documents will be sent by courier mail (e.g., FedEx, DHL or UPS). Award recipients are not required to sign/return the Notice of Award document.

Awards are based on the application submitted to and approved by the Service and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. Recipient acceptance of a Federal award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients indicate their acceptance of the Federal award by starting work, drawing down funds, or accepting the award via electronic means.

B. Award Terms and Conditions

See the Service's "Financial Assistance Award Terms and Conditions" for the administrative and national policy requirements applicable to Service awards. The "Department of the Interior (DOI) Award Provisions" attached to this Funding Opportunity also apply to Service awards (Attachment A).

Special Award Terms and Conditions:

1. Acknowledgment of Support

Please acknowledge the Genesee River and Genesee River Watershed NRDAR Trustees for supporting the project in communication.

2. Environmental Compliance Reviews

As a condition of award, the Recipient and their sub-recipient(s) and contractor(s) must not begin any potentially impactful work related to this award until the Service has notified you in writing that such work can begin. Recipients and sub-recipients of Federal grants and cooperative agreement awards must comply with the requirements of Section 106 of the National Historic Preservation Act

(NHPA), the National Environmental Policy Act (NEPA), and Section 7 of the Endangered Species Act (ESA).

C. Payments

Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the Service program. Foreign recipients receiving funds to a final destination bank outside the U.S. are required to receive payment through the U.S. Treasury's International Treasury Services (ITS) System. Foreign recipients receiving funds to a final destination bank in the U.S. are required to enter and maintain current banking details in their SAM.gov entity profile and receive payment through the Automated Clearing House network by electronic funds transfer (EFT). The Service will include recipient-specific instructions on how to request payment, including identification of any additional information required and where to submit payment requests, as applicable, in all Notices of Award.

D. Reporting Requirements

The Service will include recipient-specific reporting requirements, including the required reports, reporting frequency, and report due dates in all Notices of Award, as applicable.

1. Financial Reports

All recipients must use the SF-425, Federal Financial Report form for financial reporting. At a minimum, all recipients must submit a **final** financial report. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. See Service policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance for more information.

2. Performance Reports

Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals were not met, if appropriate; and any other pertinent information relevant to the project results. At a minimum, all recipients must submit a **final** performance report. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. See Service policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance for more information.

3. Significant Developments Reports

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

4. **Real Property Reports**
   Recipients and subrecipients are required to submit status reports on the status of real property in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Service will include recipient-specific real property reporting requirements, including the required data elements, reporting frequency, and report due dates, as applicable.

5. **Conflict of Interest Disclosures**
   Recipients must notify the Service immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the Service in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website at https://oge.gov/ for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, the Service will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the award.

6. **Other Mandatory Disclosures**
   The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the term and condition outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including suspension or debarment.

VIII. Federal Awarding Agency Contact(s)

Amy Roe
Fish & Wildlife Biologist/NRDAR Case Manager
U.S. Fish & Wildlife Service
New York Field Office
3817 Luker Rd.
Cortland, NY 13045

(607) 753-9334
amy_roe@fws.gov

Attachment A: DOI Award Provisions

I. Conflicts of Interest

(a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of lnterest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 4 3 CFR Part 18 and 31 USC 13 52.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

II. Data Availability

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

(1) The scientific data relied upon;

(2) The analysis relied upon; and

(3) The methodology, including models, used to gather and analyze data.