Tidal Wetland Restoration and Native Plant Establishment

Notice of Funding Opportunity Number: F19AS00232

Federal Program: Department of the Interior, United States (U.S.) Fish and Wildlife Service, Natural Resource Damage Assessment, Restoration and Implementation

Catalog of Federal Domestic Assistance (CFDA) Number: 15.658

Authorizing Legislation: The U.S. Fish and Wildlife Service's (FWS) 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. Natural Resource Damage Assessment, Restoration and Implementation (CFDA 15.658) legal authorities: the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended (42 U.S.C. §§ 9601, et seq.); the Oil Pollution Act (OPA) (33 U.S.C. §§ 2701, et seq.); the Federal Water Pollution Control Act or Clean Water Act (CWA), as amended (33 U.S.C. §§ 1251, et seq.); and, Consent Decree, United States v. Sunoco, Inc. and Sun Pipe Line Company, Civil Action No. 5:16-CV-0082 (7/2005), and RP/EA for the Sunoco Oil Spill and Publicker Superfund site.

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 (FWS) 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.

This is a notice of intent to award to a single source. There is no full announcement associated with this notice and this is not a request for competitive proposals.

On or about February 2, 2000, a subsurface pipeline owned by Sun Pipeline Company and operated by Sunoco, Inc. (R&M) ruptured at a mitered joint, releasing 191,982 gallons of crude oil into a freshwater wetland impoundment and its adjoining shoreline within the JHNWR. The FWS determined that natural resource injuries associated with the spill and its clean-up included injured wetland and upland habitats, lost visitor use, reduced public perception, and the degradation of a service road. Sunoco funded the Natural Resource Damage Assessment (NRDA) primary restoration activities which included restoring: 1) oiled wetland, riparian, and upland habitat; 2) the service road and adjacent habitat; and 3) an upland meadow injured by clean-up action.

The FWS, acting as Natural Resource Trustee, determined that there were injuries to trust resources (migratory birds and anadromous fish) at the Publicker site. Surface soils at the Publicker site were seriously contaminated by toxic organic chemicals and heavy metals. Ducks had been reported to use the drainage ditches on site, which were known to contain highly contaminated sediments. Clear pathways existed from the surface soils to the Delaware River, via overland runoff and the storm sewer system. Contaminants were assumed to have reached the Delaware River at concentrations sufficient to harm anadromous fish that may use the slips as nursery or foraging areas. The FWS settlement position for this site indicated that the best way to restore resources injured as a result of the hazardous substance releases was to create or restore freshwater tidal wetlands along the Delaware River. These areas serve as vital breeding, nesting, feeding and resting habitats for many species of migratory birds in the area and serve as nursery areas for anadromous fish.

Given the similarities in injuries and proximity for the Sunoco Oil Spill and the Publicker Superfund site, the FWS has combined these funds to implement a joint restoration project at the JHNWR. This is an announcement for issuing a single source financial assistance award in phases to **Friends of Heinz Refuge** (FOHR) to: reshape the two existing ponds, excavate the connecting trench, reduce the slopes of the banks, remove invasive plant species, and establish and maintain a variety of native shrubs, grasses, and forbs to improve habitat for birds and pollinators.

This project is consistent with the goals and restoration criteria of the RP/EA and will benefit the same natural resources that were impacted from the oil spill and Superfund site. The project includes partnerships with local, state, and federal organizations, as well as non-profit organizations. The recipient is uniquely qualified to conduct this project due to their technical expertise and longstanding partnerships with the refuge and local community.

This project will achieve goals that are consistent with multiple DOI Secretarial Priorities (SP) and core priorities of the Service (FP). Through this project, a tidal wetland will be modified to provide habitat for fish and wildlife affected by oil spill. The FOHR will enhance a contiguous, 10-acre, tidal wetland by reconnecting two separate ponds and adjusting the slopes to provide shallow fish spawning and rearing habitat and turtle habitat. This project will improve recreational fishing opportunities by improving fish spawning and rearing habitat [SP1(f) and FP5]. Once constructed, the periphery and surrounding upland will be planted with native shrubs, grasses, and forbs to create bird and pollinator habitat. Invasive plants will be controlled in the surrounding area assisting with the vegetation maintenance backlog. The FOHR is working to develop this project collaboratively with the Service and local or regional community groups [SP3(a&b) and FP 8] with secondary objectives of increasing water storage capacity [SP1(d)] and controlling invasive species [SP8(c)(2) and FP4]. This project is part of a suite of restoration projects selected to achieve the goals of the Natural Resource Damage Assessment and Restoration (NRDAR) program and the Restoration Plan and NRDAR settlement [SP10].

II. Federal Award Information

The Service Region 5 intends to make a single source award of a cooperative agreement to the FOHR in the amount of up to $262,500. The total estimated project period including the phased planting is fall 2019 through spring 2024 (5 years) which will be funded in three phases. The project includes reshaping the two existing ponds, excavating the connecting tidal trenches, reducing the slopes of the banks, removing invasive plant species, and establishing a variety of native shrubs, grasses, and forbs for to improve habitat for birds and pollinators.

The Service will be substantially involved in the project under this funding opportunity. In particular, the Service will be responsible for: l) providing up to a total of $262,500 to the recipient to complete the activities, 2) working with the recipient in development of project actions to meet goals and objectives of the RP/EA and NRDAR settlement, 3) providing guidance and technical assistance in the development of the designs and plans, if needed or requested, 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.

III. Eligibility Information

A. Eligible Applicants

This is a notice of intent to award to single source. All potential applicants were eligible. The Friends of Heinz Refuge (FOHR) group is uniquely qualified. The FOHR is the local, non-profit formed to provide assistance and community input to the John Heinz NWR. This group represents local interests while being familiar with the ecology and function of the refuge wetlands. Some members have a unique knowledge of the first attempted restoration. They have members with engineering expertise that can advise the refuge on design and contractor qualifications. They have the capacity to provide volunteer crews for the vegetation planting and long term monitoring portions of the project.

B. Cost Sharing or Matching

Cost sharing is not required.

C. Other Eligibility Criteria

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

Standard Form (SF) 424, Application for Federal Assistance is available by request at 814-234-4090 x7450 or online at (http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1).

B. Application Form and Content Requirements

The Project Narrative (described below) must be accompanied by Standard Form (SF) 424 Application for Federal Assistance, the appropriate SF-424 Assurances form and the appropriate SF-424 Budget form. The application package will appear on the Grants.gov Funding Opportunity posting under the "Packages" tab. 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**

   - **Project title:** Tidal Wetland Restoration and Native Plant Establishment

   - **Project Summary**: The FOHR will complete the project working with non-governmental partners and the local community to reshape the two existing ponds, excavate the connecting tidal trenches, reduce the slopes of the banks, remove invasive plant species, and establish a variety of native shrubs, grasses, and forbs for to improve habitat for birds and pollinators.

   - **Statement of Need**: Funds under this award are to be used to compensate for natural resources injured as a result of crude oil spilled from a Sunoco pipeline onto the refuge and multiple contaminants released from the former Publicker facility in Philadelphia, PA into the section of the Delaware River immediately upstream from the refuge. Restoration is undertaken in accordance with the natural resource damage settlement under which Sunoco paid $865,000 to compensate for natural resource injuries in the refuge and Publicker paid $537,000 for injures in the Delaware River. The primary goal of the USFWS, acting as Trustee, is to select a restoration alternative that compensates for injuries to trust resources (Federal lands and migratory bird habitat) as a result of the oil spill at JHNWR; and for injuries to trust resources (migratory birds and anadromous fish) as a result of the release of hazardous substances at Publicker. We identified the following as desirable characteristics for potential restoration projects: the restored habitat should provide similar services as that impacted by the release of oil and hazardous substances; the project should be located on the JHNWR; and the project should coincide with the primary goals of the JHNWR Master Plan (USFWS 1983). This proposed restoration site is located between Darby Creek and Interstate 95 (I-95) just southwest of the impoundment. The site was identified for restoration in the Tinicum National Environmental Center Master Plan (USFWS 1983).

- **Goals and objectives**: The restoration of this area would fully compensate for injuries to trust resources by restoring habitat for migratory birds and anadromous fish, injured by the release of oil and contaminants at the JHNWR and Publicker site. The newly restored freshwater tidal wetlands at this site would provide feeding, nesting, and brood rearing habitats for waterfowl and other migratory birds, and would provide spawning and nursery habitats for anadromous fish and nesting and rearing habitat for resident turtles. This project will also provide funds to ensure that shrub, grass, and forb plantings are successfully established using a phased planted strategy. This approach will ensure that maintenance costs for the refuge are minimal and reduce maintenance backlogs for the refuge.

- **Activities, Methods, and Timetable**: The FOHR will start work upon signature of the award and continue the project in three segments spanning five years.

  Segment 1 (2019) will include historical review and other environmental compliance review, property appraisals, survey, and design of the restoration project as well as initiating construction bids and selecting the construction contractor(s). FOHR with FWS assistance, will complete environmental reviews and apply for relevant permits. FOHR will be responsible for conducting outreach to community leaders on need and existing opportunities. FOHR will solicit bids from contractors necessary to complete the design. FOHR and FWS will jointly select the design contractor and review the construction design and vegetation plan. FOHR will solicit construction bids and work with FWS to select the construction contractor(s). Segment 1 estimated cost: $52,000

  Segment 2 (2020) will include construction activities to complete the tidal wetland restoration design and planting of the site to create wetland and terrestrial habitat for fish and wildlife. In order to proceed with Phase 2, FOHR must provide the final design plan and the budget based on the winning construction bid. FOHR in concert with FWS will oversee the contractor's construction work on the wetland and appropriate placement and grading of excess soils. FOHR, FWS, and/or a contractor will install seeds according to the phased vegetation plan. Depending on construction completion, permanent seeding may be delayed until the next suitable season if temporary seeding is performed immediately. Segment 2 estimated cost: $202,500

  Segment 3 (2021-2024) covers the phased planting of the plants to comply with the vegetation plan. FOHR in conjunction with refuge staff will perform site preparations and plantings on years 2 and 4. During pre-planting preparations, any dead vegetation or areas of poor germination/survival from the previous planting will be addressed. Any areas being infiltrated with invasive plant species will be controlled to maintain no more than 1% of invasive plants prior to the next planting. Planting reports will be prepared in years 3 (Interim) and 5 (Final). Segment 3 estimated cost: $8,000

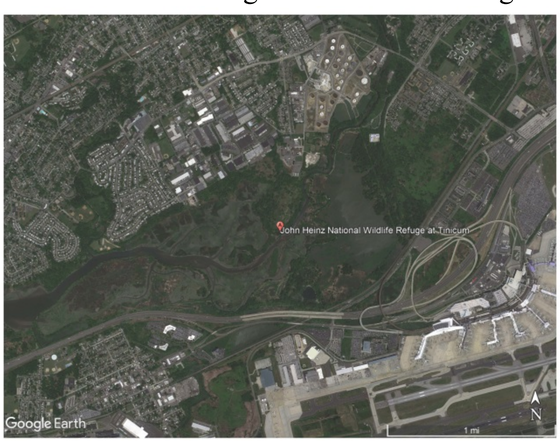
- **Compliance requirements**: Recipients and sub-recipients of Federal grants and cooperative agreement awards must comply with the requirements of the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA).

- **Description of stakeholder coordination or involvement**: The FOHR will work closely with the Service, the Pennsylvania Fish and Boat Commission (PFBC), other community groups, and contractors. The PFBC is responsible for the Redbelly Turtle (*Pseudemys rubriventris*), a state-listed threatened species, which inhabits the refuge. FOHR will need to communicate the potential benefits, including reduced flood risk, associated with the wetland expansion. One or more contractors will be involved in implementation of the restoration. They will be chosen after the award is made when detailed plans are being prepared to do the actual work.

- **Required project monitoring and evaluation plan, including description of assessment tools to be used:** The FOHR will provide progress and financial interim reports to the project officer. The FOHR will develop a plan with measurable goals in cooperation with the Service. The planting from each year will inform the next year's activities.

- **Information on key project personnel**: Key people involved from the FOHR include Jaclyn Rhoads (President), Ron Miller (Vice President, and Jennifer Rule.

- **Map of Project Area:** Aerial on left shows location of refuge north of Philadelphia airport, while aerial on right shows the area targeted for tidal wetland restoration



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**
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)**

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 submission deadline is June 30, 2019.

C. Funding Restrictions

FWS will not reimburse pre-Federal award costs.]

D. Submission Instructions

This program encourages applicants to submit their applications online through Grants.gov. 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.

VI. Application Review Information

This is a notice of intent to award to single source. Therefore, criteria and selection process are not applicable.

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

This is a notice of intent to award to single source. Therefore, an award notice is not applicable.

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" guidance for more information).

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)

Kathleen Patnode
NRDAR Biologist
Pennsylvania Field Office
814-234-4090 x7450 (voice mail only)
kathleen_patnode@fws.gov

Mariana Bergerson
Deputy Refuge Manager
John Heinz National Wildlife Refuge at Tinicum
215-365-3118 x3202
mariana_bergerson@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.