U.S. Fish and Wildlife Service
Ecological Services – Division of Restoration and Recovery

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

Notice of Funding Opportunity

I. Description of Funding Opportunity

The U.S. Fish and Wildlife Service's 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.

Mercury releases from the former E.I. du Pont de Nemours and Company (DuPont) plant in Waynesboro, VA impacted natural resources for miles downstream, in and adjacent to the South River, South Fork Shenandoah River, and Shenandoah River. The DuPont natural resource trustees ("Trustees") are the United States Department of the Interior (DOI), represented by the Fish and Wildlife Service (Service) and the Commonwealth of Virginia. Through the Natural Resource Damage Assessment and Restoration (NRDAR) process, the Trustees developed a Restoration Plan/Environmental Assessment (RP/EA), with public input, to describe the restoration projects that will compensate for injuries to various natural resources from the mercury releases. The RP/EA was included as Appendix B of the Consent Decree lodged on December 15, 2016 and approved July 28, 2017 by the U.S. District Court for the Western District of Virginia, Harrisonburg Division. The Trustees allocated funding to different restoration project categories to fulfill the objectives of the RP/EA, which can be found at: *https://www.fws.gov/northeast/virginiafield/pdf/contaminants/dupont_waynesboro/20170414_DuPont_Waynesboro_RPEA_FINAL_signatures.pdf*

This is an announcement for issuing a single source financial assistance award to **City of Waynesboro** (Waynesboro) to improve habitat, water quality, and recreational fishing opportunities on City-owned land and additional acres through potential acquisition of adjoining property. Waynesboro will restore land adjacent South River Greenway through tree planting and establishment of meadow areas using native plant species. This project will also involve construction of urban best management practices (BMPs) to manage stormwater runoff.

This project was evaluated and selected jointly by the state and federal Trustees, is consistent with the goals of the RP/EA and restoration criteria (see link), and will benefit multiple of the same resources/wildlife that were impacted from mercury. The project will contribute to the NRDAR goal of "making the public whole", restoring resources that were impacted by mercury. The project includes partnerships with local, state, and federal organizations. The recipient is uniquely qualified to conduct this project due to site ownership, technical expertise, and longstanding partnerships in the region.

This project will achieve goals that are consistent with multiple DOI Secretarial Priorities and core priorities of the Service. Through this project, best practices will be identified to manage the city's land and water resources – through bioretention facilities and habitat restoration – adapting to changes in the environment, primarily due to urbanization [DOI Secretarial Priority 1(a)]. This project will provide greater public access through coordination with the existing Greenway and addition of trails at the project site, and will expand and improve recreational fishing opportunities that are easily accessible to the urban community [DOI Secretarial Priorities 1(f), 1(g), and a Key Initiative; and Service Priority 5: Improving Public Access to Hunting, Fishing and Outdoor Recreation]. Waynesboro is working to develop this project collaboratively with the Service, the Commonwealth of Virginia's Office of the Governor and natural resource agencies, and local or regional community groups (such as, Trout Unlimited) [DOI Secretarial Priority 3(b) and 4(b)]. Engineering firm(s) and other contractors will be hired to complete this work, generating new job opportunities and additional revenues that support national interests [DOI Secretarial Priority 5 and a Key Initiative]. This project is part of a suite of restoration projects selected to achieve the goals of NRDAR and the RP/EA [DOI Secretarial Priority 10].

Natural Resource Damage Assessment, Restoration and Implementation (CFDA 15.658) l**egal 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 and Commonwealth of Virginia v. DuPont, Civil Action No. 5:16-CV-0082 (7/28/2017), and RP/EA for the DuPont Waynesboro – South River/South Forks Shenandoah River/Shenandoah River Site.

II. Award Information
The Service Region 5 intends to make a sole source award of a cooperative agreement to Waynesboro in the amount of up to $1,217,193 (in phases). The total estimated project period is spring 2018 through December 31, 2022 and project activities include planning, design and implementation of habitat restoration and urban BMPs on land adjacent to the South River Greenway.

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 $1,217,193 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. Basic Eligibility Requirements
Eligible Applicants:
This is a notice of intent to award to single source. All potential applicants were eligible.

Federal law mandates that all entities applying for Federal financial assistance must have a valid Dun & Bradstreet Data Universal Number System (DUNS) number and have a current registration in the System for Award Management (SAM). See Title 2 of the Code of Federal Regulations (CFR), Part 25 for more information. Exemptions: The SAM registration requirement does not apply to individuals submitting an application on their own behalf and not on behalf of a company or other for-profit entity, state, local or Tribal government, academia or other type of organization.

A. DUNS Registration

Request a DUNS number at http://fedgov.dnb.com/webform. For technical difficulties, contact Dun & Bradstreet by email at: govt@dnb.com, or by calling the Government Customer Resource Center at voice phone: 866-705-5711 or TTY line: 877-807-1679 (hearing impaired customers only). Once assigned a DUNS number, entities are responsible for maintaining up-to-date information with Dun & Bradstreet.

B. Entity Registration in SAM

Register in SAM at www.sam.gov. Once registered in SAM, entities must renew and revalidate their SAM registration at least every 12 months from the date previously registered. Entities are strongly urged to revalidate their registration as often as needed to ensure that their information is up to date and in synch with changes that may have been made to DUNS and IRS information. Foreign entities who wish to be paid directly to a United States bank account must enter and maintain valid and current banking information in SAM.

Note: The official U.S. government website address for SAM is www.sam.gov. There is NO COST to register in or access SAM.gov. There are third-party vendors who charge a fee in exchange for registering entities in SAM; please be aware that you can register to do business with the U.S. government FOR FREE directly in SAM at www.sam.gov.

C. Excluded Entities

Applicant entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program. The Service conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award.

D. Cost Sharing or Matching:

Cost-sharing is not a requirement.

IV. Application Requirements

To be considered for funding under this funding opportunity, an application must contain:

A. A completed, signed and dated Standard Form (SF) 424, Application for Federal Assistance (http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1). Do not include other Federal sources of funding, requested or approved, in the total entered in the “Federal” funding box on the Application for Federal Assistance form. Enter only the amount being requested under this program in the “Federal” funding box. Include any other Federal sources of funding in the total funding entered in the “Other” box.

B. Project Summary

Waynesboro will complete a project to improve habitat and water quality through restoration of managed turf to forest and meadow habitat and construction of urban BMPs to manage stormwater runoff. The project will take place on land adjacent to the South River Greenway and includes design and construction of bio-retention facilities to treat two contiguous drainage areas that discharge to a tributary to the South River. This project will have benefit to water quality, wildlife habitat, and recreation.

C. Project Narrative

1. **Statement of Need:** Funds under this award are to be used to compensate for natural resources injured as a result of mercury released from the former DuPont facility in Waynesboro, VA. Restoration is undertaken in accordance with the natural resource damage settlement under which DuPont paid $42,069,916.78 to compensate for natural resource injuries in the South Fork Shenandoah River watershed. As part of the settlement, the Trustees identified preferred project categories, including “land protection, property acquisition and wildlife enhancements” and “projects to improve water quality and fish habitat”. Restoration should benefit the same types of wildlife and habitat that were impacted, and may include habitat improvement projects, such as riparian buffer establishment or urban BMPs to improve water quality through reducing erosion and runoff, and creation or enhancement of recreational fishing. The proposed project will treat two contiguous drainage areas within Waynesboro that discharge directly to a tributary of the South River. The drainage areas are primarily residential, and there is no stormwater treatment currently. The habitat restoration work will convert managed turf, currently managed as a warehouse and light industrial space, to forest and meadow habitat adjacent to the South River, creating new habitat for wildlife and improving recreational outings.

2. **Project Goals and Objectives:** The long-term goal of projects funded by the DuPont natural resource settlement is to improve water quality of the South River and South Fork Shenandoah River; improve, restore, and protect habitat for the same types of fish and wildlife that were impacted from mercury; and improve or create new recreational fishing opportunities. The objective of this agreement is to improve urban wildlife habitat, water quality, and recreation in the South River through restoration of land and construction of BMPs that will manage stormwater runoff. The proposed BMPs will reduce phosphorous and nitrogen load, as well as runoff and sediment to the South River. The habitat restoration will convert 3-6 acres of managed turf to forest and meadow habitat and daylight approximately 300 feet of perennial stream, currently piped to the South River. Conversion of the turf grass to habitat will have additional water quality benefits, removing phosphorous. Recreational opportunities will be improved as a result of habitat and water quality improvements, additional trail options, and access to the river.

3. **Project Activities, Methods and Timetable:**

Waynesboro will start work upon signature of the award. The project will be implemented in phases, estimated to be complete by December 31, 2022.

Phase 1 will include survey and design of the restoration project as well as initiating construction bids. Waynesboro will work with an engineering firm to complete the environmental assessment, design, and permitting for the bio-retention restoration activities on city-owned property. Simultaneously, Waynesboro will work on site acquisition (outside of this award) of 3-5 acres of adjacent property to ensure permanence of restoration efforts. The design contract with the engineering firm will include surveying, design, and environmental services for restoration activities on the newly acquired land, including habitat enhancements and spring daylighting. Phase 1 activities are expected to be complete by October 1, 2019, but may overlap Phase 2 activities if site acquisition takes longer than anticipated (i.e., design and survey activities for the newly acquired land may be ongoing when construction starts on biorention restoration – see Phase 2). Once survey and design are complete, Waynesboro will advertise for construction bids (fall of 2019). Phase 1 estimated cost: $191,093.

Phase 2 will include completing construction of the bioretention restoration project, habitat enhancements, and spring daylighting. Construction activities on city-owned property and newly acquired property will occur simultaneously if possible to reduce costs and combine efforts. Phase 2 activities are expected to be complete by December 31, 2022. Phase 2 estimated cost: $1,026,100. In order to receive Phase 2 funding, Waynesboro must provide updated restoration plans and budget based on the winning construction bid. The Service, along with the Commonwealth of Virginia Trustees, will review updated restoration plans and budget and approve those tasks that satisfy requirements of the RP/EA. If Trustee approval is granted, Phase 2 funds will be issued. If land acquisition is delayed or becomes unfeasible, Phase 2 will only include restoration activities associated with bioretention projects on city-owned land, and the Phase 2 budget will be updated appropriately.

4. Stakeholder Coordination/Involvement:

Waynesboro will work with one or more contractors to complete this project. They will be chosen after the award is made when detailed plans are being prepared to do the actual work. Letters of support for this project were received from Center for Coldwaters Restoration (CCR) and Chesapeake Bay Foundation (CBF) due to the anticipated benefits to water quality in the South River, creation of riparian habitat, and increased recreational access. Waynesboro has established relationships with local and national organizations such as Fishburne Military School located in Waynesboro, the Boy Scouts of America, and CBF. These groups have previously worked on stream clean up and volunteer tree planting projects in the City. Every effort will be made to engage these and other groups to participate in tree planting activities to reduce costs and foster community ownership of the projects when it is feasible.

The Trustees (the Service and Commonwealth of Virginia) reviewed and approved this proposal, and will continue to provide input as plans are developed.

5. **Project Monitoring and Evaluation:**
   Waynesboro will provide annual and financial interim reports to the project officer who will convey these reports to the Trustees. A monitoring plan will be developed in cooperation with the Trustees, providing measurable goals to show success. Following construction, Waynesboro will be responsible for monitoring and continued maintenance of the site. Waynesboro will accept the urban BMPs into their system and conduct inspection and maintenance activities per MS-4 (Municipal Separate Storm Sewer Systems) regulations. At a minimum, monitoring will consist of visual inspections on the condition of trees and other vegetation and the stream channel (level of erosion). Waynesboro will coordinate with existing monitoring programs (e.g., through Virginia Department of Environmental Quality (VDEQ)) and may also work with CCR to monitor stream health and recovery of target species in the restored floodplain.

6. **Description of Entities Undertaking the Project**:
   Waynesboro will manage and oversee implementation of this project. Timmons Group, on an existing retainer with the city, will be the design engineer for the BMP construction. Waynesboro will issue a Request for Proposals to hire a consultant for construction.

   Key people involved from Waynesboro include: Michael Hamp, City Manager; Trafford McRae, Stormwater Manager; Luke Juday, Director of Planning; and, Dwayne Jones, Director of Parks & Recreation.

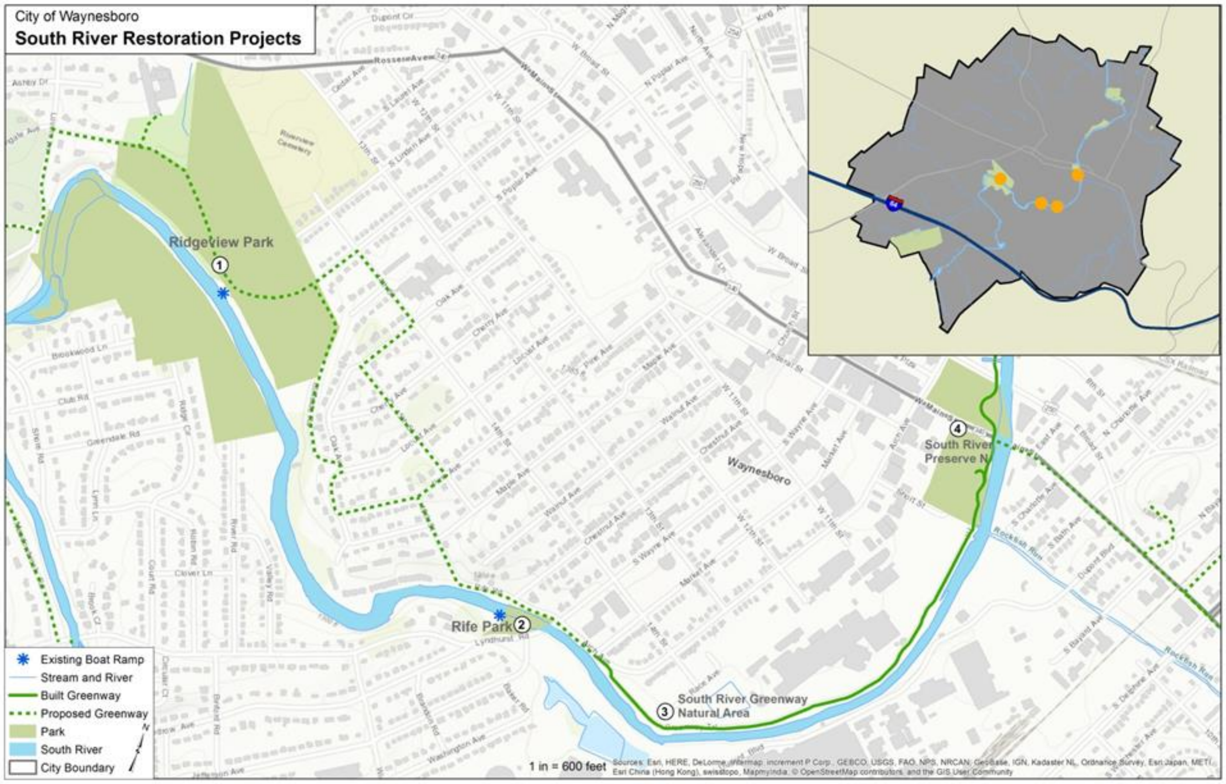
   Contact Information for Waynesboro:
   Mr. Michael G. Hamp II, City Manager
   City of Waynesboro
   503 W. Main Street, Suite 210
   Waynesboro, VA 22980
   540-942-6600
   HampMG@ci.waynesboro.va.us

   The Trustees, through the Service, will provide funding, project management, support, and oversight. The Service point of contact is:
   Anne Condon, Fish and Wildlife Biologist
   U.S. Fish and Wildlife Service, Virginia Ecological Services
   6669 Short Lane
   Gloucester, VA 23061
   804-824-2407
   anne_condon@fws.gov

7. **Sustainability:** Waynesboro will continue maintenance or monitoring as part of usual city-owned property management and stormwater maintenance. Initial conversations with VDEQ Valley Regional Office indicate that monitoring stations can be maintained. The benefits of this projects are expected to continue for many years.

8. **Literature Cited:** None

9. **Map of Project Area:** Map below shows project location within Waynesboro, see location #3 "South River Greenway Natural Area".



D. Budget Form

Waynesboro will follow the instructions outlined below for budget forms.

Complete the Budget Information for Non-Construction Programs (SF 424A) or Budget Information for Construction Programs (SF 424C) form. Use the SF 424A if your project does not include construction and the SF 424C if the project includes construction or land acquisition. The budget forms are available on the Internet at http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1. When developing your budget, keep in mind that financial assistance awards and subawards are subject to the Federal cost principles in Title 2 of the Code of Federal Regulations Part 200, as applicable to the recipient organization type. Links to the full text of the Federal cost principles are available on the Internet at http://www.ecfr.gov/.

Note on Multiple Federal Funding Sources: If the project budget includes multiple Federal funding sources, you must show the funds being requested from this Federal program on the budget form *separately* from any other requested/secured Federal sources of funding. Enter the funds being requested from this Federal program in the first row of the Budget Summary section of the form, and then enter funding related to other Federal programs in the subsequent row(s). Be sure to enter each Federal program's CFDA number in the corresponding fields on the form. The CFDA number for this Federal program appears on the first page of this funding opportunity.

E. Budget Justification

Waynesboro will follow the instructions outlined below for budget justification and indirect cost statement.

In a separate narrative titled “**Budget Justification**”, explain and justify all requested budget items/costs. Detail how the SF 424 Budget Object Class Category totals were determined and demonstrate a clear connection between costs and the proposed project activities. For personnel salary costs, include the base-line salary figures and the estimates of time (as percentages) to be directly charged to the project. Describe any item that under the applicable Federal cost principles requires the Service’s approval and estimate its cost.

If Federally-funded equipment will be used for the project, provide a list of that equipment, including the Federal funding source.

Required Indirect Cost Statement: Recipients that do not have an approved indirect cost rate cannot charge indirect costs to their Federal award. All applicants except individuals applying for funds separate from a business or non-profit organization he/she may operate must include in the budget justification narrative one of the following statements and attach to their application any required documentation identified in the applicable statement:

“We are:

1. 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. A copy of our most recently approved rate agreement/certification is attached.
2. 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 are required to prepare and retain for audit an indirect cost rate proposal and related documentation to support those costs.
3. 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: “A copy of our most recently approved but expired rate agreement is attached. 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* “A copy of our current, approved rate agreement(s) is attached.”]
4. 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]. 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.

5. 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, in the event an award is made, 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%] of [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 220.68]. We understand that we must notify the Service in writing immediately if we establish an approved rate with our cognizant agency at any point during the award period.

6. 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, in the event an award is made, 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% of modified total direct costs as defined in 2 CFR 200.68. We understand that we must notify the Service in writing immediately if we do establish an approved 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 such changes are subject to review, negotiation, and prior approval by the Service.

7. 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 the basis for direct costs will be 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 MTDC base instead of the base identified in our approved indirect cost rate agreement, and 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.

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

All applicants are hereby notified of the following:

- Recipients without an approved indirect cost rate are prohibited from charging indirect costs to a Federal award. Accepting a flat *de minimis* rate as a condition of award is an approved rate.
- Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award.
- Recipients may not charge to their Service award any indirect costs calculated against the portion of total direct project costs paid by any other Federal funding source or non-Federal partner.
- Recipients must have prior written approval from the Service to transfer unallowable indirect costs to amounts budgeted for direct costs or to satisfy cost-sharing or matching requirements under the award.
- Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Applicants who are individuals applying for 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.

For more information on indirect cost rates, see the Service's **Indirect Costs and Negotiated Indirect Cost Rate Agreements** guidance document on the Internet at https://www.fws.gov/grants/atc.html.

Negotiating an Indirect Cost Rate with the Department of the Interior: Entities that do not have a NICRA must first have an open, active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your cognizant agency, your indirect cost rate will be negotiated by the Interior Business Center (IBC). For more information, contact the IBC at:

Indirect Cost Services
Acquisition Services Directorate, Interior Business Center
U.S. Department of the Interior
650 Capitol Mall, Suite 7-400
Sacramento, CA 95814
Phone: 916-930-3803
Email: Through https://www.doi.gov/ibc/contactus/ibcfeedback web form
Internet address: https://www.doi.gov/ibc/services/finance/indirect-cost-services

F. **Single Audit Reporting Statements:** Waynesboro will follow the instructions outlined below for single audit reporting statements.

As required in Title 2 of the Code of Federal Regulations Part 200, Subpart F, 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 a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. All U.S. state, local government, federally-recognized Indian tribal government and non-profit applicants must provide a statement regarding if your organization was/was not required to submit a Single Audit report for the organization's most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website (https://harvester.census.gov/facweb/) and provide the EIN under which that report was submitted. Include these statements at the end of the Project Narrative in a section titled "**Single Audit Reporting Statements**".

G. **Assurances:** Waynesboro will follow the instructions outlined below for assurances.

Include the appropriate signed and dated Assurances form available at http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1. Use the **Assurances for Construction Programs (SF 424D)** for construction and land acquisition projects. Use the **Assurances for Non-Construction Programs (SF 424B)** for all other projects. The form includes a statement that some of the assurances may not be applicable to your organization and/or your project or program. Signing this 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.

H. **Certification and Disclosure of Lobbying Activities:** Waynesboro will follow the instructions outlined below for certification and disclosure of lobbying activities.

Under Title 31 of the United States Code, Section 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying in connection with this proposal AND the Federal share exceeds $100,000, complete and submit the **SF LLL, Disclosure of Lobbying Activities** form available at http://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

I. **Conflict of Interest Disclosures:** Waynesboro will follow the instructions outlined below for conflict of interest disclosure.

Applicants must notify the Service in writing of any actual or potential conflicts of interest that are known at the time of application or that may arise during the life of this award, in the event an award is made. Conflicts of interest include any relationship or matter which might place the recipient, the recipient's employees, or the recipient's subrecipients in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the applicant, the applicant's employees, or the applicant's future subrecipients in the matter. Applicants must notify the Service in writing in their application if any key project personnel, including subrecipient and contractor personnel, are known to be related to, married to, or have a close personal relationship with any Federal employee in or associated with the program to which you are applying for funding or who otherwise may be involved in the review and selection of the application. Upon receipt of such a notice, the Service program, in consultation with their Ethics Counselor, will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the applicant to reduce or resolve the conflict. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in the project not being select for funding.

J. Required Overlap/Duplication Statement: Waynesboro will follow the instructions outlined below for overlap/duplication statement.

Applicants must provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated projects in terms of activities, costs, or time commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application. Applicants must also state if the proposal submitted for consideration under this program is/is not in any way duplicative of any proposal that was/will be submitted for funding consideration to any other potential funding source (Federal or non-Federal). If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (entity name and program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from the Service, applicants must notify the Service point of contact for this funding opportunity immediately.

Application Checklist

- ☐ **Evidence of non-profit status**: If a non-profit organization, a copy of their Section 501(c)(3) or (4) status determination letter received from the Internal Revenue Service.
- ☐ **SF 424, Application for Federal Assistance**: A complete, signed and dated SF 424, SF 424-Mandatory, or SF 424-Individual form.
- ☐ **Project summary**
- ☐ **Project narrative**
- ☐ **Timetable**
- ☐ **Single Audit Reporting statement**: If a U.S. state, local government, federally-recognized Indian tribal government, or non-profit organization, statements regarding applicability of and compliance with Single Audit reporting requirements.

- ☐ **SF 424 budget form**: A complete SF 424A or SF 424C Budget Information form.
- ☐ **Budget justification**
- ☐ **Federally-funded equipment list**: If Federally-funded equipment will be used for the project, a list of that equipment.
- ☐ **Indirect cost statement**
- ☐ **NICRA**: When applicable, a copy of the organization's current Negotiated Indirect Cost Rate Agreement.
- ☐ **SF 424 Assurances form:** Signed and dated SF 424B or SF 424D Assurances form.
- ☐ **SF LLL form:** If applicable, completed SF-LLL Disclosure of Lobbying Activities form.
- ☐ **Conflict of Interest disclosure,** when applicable.
- ☐ **Overlap/Duplication statement**

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

V. Submission Instructions
SUBMISSION DEADLINE: N/A. This is a notice of a single source financial assistance award. This announcement is for notification purposes only.

Intergovernmental Review: Before submitting an application, U.S. state and local government applicants should visit the following website (http://www.whitehouse.gov/omb/grants_spoc/) to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental review of Federal Programs." E.O. 12372 was issued to foster the intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The E.O. allows each state to designate an entity to perform this function. The official list of designated entities is posted on the website. Contact your state's designated entity for more information on the process the state requires to be followed when applying for assistance. States that do not have a designated entity listed on the website have chosen not to participate in the review process.

VI. Application Review Information
Criteria: This is a notice of a single source financial assistance award. This announcement is for notification purposes only. This project was selected by the Trustees using the criteria outlined in the RP/EA (see Section 5.1 and link).

To be considered for funding, Waynesboro applied to an open proposal process specifically related to the DuPont NRDAR settlement funds allocated for land protection/habitat enhancement projects and projects to improve water quality and fish habitat. Land protection/habitat enhancement projects include property acquisition and protection, habitat enhancements or restoration activities, and/or recreational access improvements. Projects to improve water quality and fish habitat include agricultural BMPs and riparian buffer improvements. The Commonwealth of Virginia, through the Virginia Land Conservation Foundation (VLCF), initiated a proposal process in order to make project recommendations to the Secretary of Natural Resources, one of the Trustees in this matter. VLCF and Virginia agency staff scored the proposals using the eligibility standards and criteria outlined in the applications (see pages 14-15 for the scoring matrix/process for land protection projects and pages 10-11 for scoring matrix for water quality projects). The VLCF scoring matrix incorporated some Virginia-specific criteria and was consistent with the criteria outlined in the RP/EA.

The Service evaluated the projects against criteria outlined in Section 5.1 of the RP/EA. The site-specific requirements incorporated the restoration criteria, or "factors to consider when selecting the alternative to pursue", are specified in the DOI damage assessment regulations (43 C.F.R. § 11.82(d)(1-10)). Many of these criteria align with the DOI Priorities and Key Initiatives, as identified in Section I. There were no matching requirements for this funding.

Criteria from the RP/EA are listed below. If any of the grounds for elimination were met, the project was not considered further. Otherwise projects were ranked using the general criteria and, if applicable, acquisition-specific criteria. Ranking was completed using a qualitative system of ranking – designating the achievement of criteria as low, medium, or high. Final selection of projects was based on follow-up discussions and ranking comparison with Trustees, and, if necessary, the applicants. Several of the criteria listed below support DOI Priorities and Key Initiatives, especially DOI Priority 1(a) utilize science to identify best practices to manage land and water resources and adapt to changes in the environment; DOI Priority 3(b) expand the lines of communication with governors, state natural resource offices, fish and wildlife offices, water authorities, county commissioners, tribes, and local communities; and DOI Priority 4(b) solidify mutual interests between the U.S. and the freely associated states and territories; as well as, Key Initiatives to create jobs in the American economy and allow access to outdoor recreation opportunities.

GROUNDS FOR PROJECT ELIMINATION
1. BENEFITS OF PROJECT ARE UNLIKELY TO RESULT IN RESTORATION BENEFITS IN ADVANCE OF THE NATURAL RECOVERY PERIOD
2. PROJECT HAS SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS
3. POTENTIAL FOR SIGNIFICANT ADVERSE EFFECTS TO HUMAN HEALTH AND SAFETY
4. POTENTIAL FOR SIGNIFICANT ADVERSE SOCIOECONOMIC EFFECTS

General Criteria - All Projects
RELATIONSHIP TO THE INJURIES (giving rise to the claim for natural resource damages)
1. SIMILARITY IN ATTRIBUTES TO THE INJURED NATURAL RESOURCE, same type and quality
2. LOCATION - proximity to South River/South Fork Shenandoah River watershed
3. SCALE OF BENEFITS OF THE PROPOSED PROJECT - quality/quantity benefits provided by project (increase in acres, species, etc.) such as, geographical extent of expected benefits (i.e., how many stream miles will benefit, will it connect/increase acreages of protected lands)
LIKELIHOOD OF SUCCESS AND TECHNICAL FEASIBILITY
4. PROVEN TECHNOLOGY - can project be accomplished with available technology?
5. DOCUMENTED SUCCESS - has a similar project succeeded in the past?
6. COST EFFECTIVENESS - are costs reasonable related to expected benefits? Any cost-share?
REGULATORY AND POLICY CONSIDERATIONS

7. FEDERAL, STATE AND LOCAL LAW COMPLIANCE
8. SITE OWNERSHIP AND ACCESS - do we have permission for the project?
9. PROPOSED PROJECT IS NOT "OTHERWISE REQUIRED" - by federal, state, local laws, regulations, permits, licenses
10. CONSISTENCY WITH TRUSTEE POLICY, MANAGEMENT GOALS, AND OBJECTIVES
OTHER CRITERIA
1. CONSISTENCY WITH LOCAL, REGIONAL, AND NATIONAL RESTORATION GOALS AND INITIATIVES
2. TIME FRAME OF POTENTIAL BENEFITS
3. SELF-SUSTAINABILITY OF THE RESTORATION PROJECT
4. INTEGRATION WITH EXISTING MANAGEMENT PROGRAMS / LEVERAGE POTENTIAL
5. HABITAT CONNECTIVITY (*e.g.*, creating contiguous habitat)
6. PROXIMITY TO LANDS WITH PROTECTED STATUS.
7. BENEFITS TO PROTECTED SPECIES / SENSITIVE OR UNIQUE HABITATS
8. EDUCATION AND OUTREACH OPPORTUNITIES
9. PUBLIC USE OPPORTUNITIES
MONITORING
1. MONITORING - will there be measurable results?
Acquisition-specific
SURROUNDING LAND USE AND LAND PROTECTION STATUS
Does the parcel provide opportunity to avoid habitat fragmentation or protect a corridor?
Does surrounding land use threaten the resource value of a parcel?
Nature and likelihood of development threats
PRIORITY
Has the parcel been identified as high priority for protection in existing local/regional land-use planning docs?
TYPES AND CONDITION OF NATURAL RESOURCES BENEFITED
Is there evidence of rare species or habitat?
Are there exemplary natural communities?
Does it protect warm-water fisheries?
COST OF PROTECTION
Would this be acquisition, land transfer?
Can the parcel be protected at a fair price for size and location?
Is there opportunity for leveraging additional resources
LONG-TERM MAINTENANCE AND MANAGEMENT NEEDS
Will public access be allowed? If so, is the management and degree of public access consistent with resource protection?
What is potential for future management problems and costs?
Are there on-site resources that need to be preserved (cultural, archaeological)?

Review and Selection Process:

The review and selection process followed the process outlined above in "Criteria". To be considered for funding, Waynesboro applied to an open proposal process specifically related to the DuPont NRDAR settlement funds allocated for land protection/habitat enhancement projects and projects to improve water quality and fish habitat. The Commonwealth of Virginia, through the VLCF, initiated the proposal process in order to make project recommendations to the Secretary of Natural Resources, one of the Trustees in this matter. Applications were scored using a multi-phased review process. VLCF and Virginia agency staff scored the proposals using the eligibility standards and criteria outlined in the applications and identified the top scoring proposals. The Service evaluated the projects against site-specific restoration requirements outlined in the RP/EA (see also 43 C.F.R. § 11.82(d)(1-10)). Top ranking applications were discussed by Trustees at multiple in-person meetings and phone calls, and appropriate funding determinations were made jointly by the Trustees. Applicant past performance and likelihood of success were considered throughout this process. Multiple Virginia natural resource agencies (Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Environmental Quality) and Service staff were involved in the review process

Waynesboro is uniquely qualified to complete this work since the restoration activities will be on city-owned lands. Any land acquired and restored through this project will also be held and managed by Waynesboro. Waynesboro has the personnel and expertise to manage/complete these projects and as the landowner, to continue site maintenance. The project is similar to other projects that Waynesboro has completed related to the Total Maximum Daily Load pollutant reduction requirements. This project is closely located to the source of contamination and has multiple benefits to the resources of concern.

Prior to participating in any review or evaluation process, all staff and peer reviewers, evaluators, panel members, and advisors must sign and return to the program office point of contact the "Department of the Interior Conflict of Interest Certification" form. For a copy of this form, contact the Service point of contact identified in the Agency Contacts section below.

Prior to award, the Service reviews the selected applicant's statement regarding potential overlap or duplication in terms of activities, funding, or time commitment of key personnel and makes a determination regarding Service funding. Depending on the circumstances, modification of the application, other pending applications, or an active award may be necessary, or the Service might choose to not fund the proposed project.

Each fiscal year, for every entity receiving one or more awards in that fiscal year, the Service conducts a risk assessment based on eight risk categories. The result of this risk assessment is used to establish a monitoring plan for all awards to the entity in that fiscal year. For a copy of the Service's risk assessment form, go to https://www.fws.gov/grants/atc.html.

Prior to approving an award with a Federal funding amount that exceeds or is expected to exceed the simplified acquisition threshold, as adjusted (see 2 CFR 200.88), the Service must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS; https://www.fapiis.gov/fapiis/index.action) to determine if, at a minimum, the information found in the system for the applicant demonstrates a satisfactory record of Federal award performance and integrity and business ethics (see 2 CFR 200.205(a)(2)). The Service must also report to FAPIIS if an applicant subject to this review is found not qualified for a particular award due to its prior record of integrity or performance under Federal awards (see 2 CFR 200.212).

VII. Award Administration

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. Acceptance of an award is defined as starting work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to, and as approved by, the Service. The notice of award document will include instructions specific to each recipient on how to request payment. If applicable, the instructions will detail any additional information/forms required and where to submit payment requests. Applicants whose projects are not selected for funding will receive written notice, most often by e-mail, within 60 days of the final review decision.

Domestic Recipient Payments: Prior to award, the Service program office will contact you/your organization to either enroll in the U.S. Treasury's Automated Standard Application for Payments (ASAP) system or, if eligible, obtain approval from the Department of the Interior to be waived from using ASAP.

Transmittal of Sensitive Data: Recipients are responsible for ensuring any sensitive data being sent to the Service is protected during its transmission/delivery. The Service strongly recommends that recipients use the most secure transmission/delivery method available. The Service recommends the following digital transmission methods: secure digital faxing; encrypted emails; emailing a password protected zipped/compressed file attachment in one email followed by the password in a second email; or emailing a zipped/compressed file attachment. The Service strongly encourages recipients sending sensitive data in paper copy to use a courier mail service. Recipients may also contact their Service Project Officer and provide any sensitive data over the telephone.

Award Terms and Conditions: Acceptance of a financial assistance award (i.e., grant or cooperative agreement) from the Service carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. 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. The Service's Standard Award Terms and Conditions are available on the Internet at https://www.fws.gov/grants/atc.html. If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact the Service point of contact identified in the Agency Contacts section below.

Special Award Terms and Conditions: Any work related to planning or coordinating may be started prior to completing compliance reviews, and any work that involves disturbance to habitat or construction must not be started until all compliance reviews are complete. As a condition of award, the recipient and their subrecipient(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 subrecipients 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).

Recipient Reporting Requirements:
Financial and Performance Reports:
Final Reports: Recipients are required to submit final financial and performance reports no later than 90 calendar days after the award period of performance end date or termination date, whichever comes first. For awards lasting 12 months or less, the final reports will be the only financial and performance reports required, except in unusual circumstances or if waived.

Interim Reports: For awards that last longer than 12 months, recipients are required to submit interim financial and performance reports no less frequently than annually and no more frequently than quarterly, except in unusual circumstances or if waived. Requiring a higher frequency of reporting than annual reporting will be based on the Service's assessment of higher or other unusual circumstance. Quarterly and semiannual interim reports are due within 30 calendar days of the reporting period end date. Annual interim reports are due within 90 calendar days of the reporting period end date.

Recipients must use the Standard Form 425, Federal Financial Report for financial reporting, available on the Internet at http://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1.

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results.

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 following types of conditions become known:

- 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.
- 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.

The Service will specify in the notice of award document the reporting and reporting frequency applicable to the award.

Conflict of Interest Disclosures: Recipients are responsible for notifying the Service Project Officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the recipient, the recipient's employees, or the recipient's subrecipients in a position of conflict, real or apparent, between their responsibilities under this award and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the Recipient, the Recipient's employees, or the Recipient's subrecipients in the matter. Upon receipt of such a notice, the Service Project Officer in consultation with their Ethics Counselor will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the Recipient, the Recipient's employee(s), or the Recipient's Subrecipient(s) that could reduce or resolve the conflict. Failure to 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 this award.

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 have received 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. (See also 2 CFR Part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

2 CFR Part 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters is applicable to awards with a total Federal share of more than $500,000, except those to individuals and foreign public entities.

VIII. Agency Contacts

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