

U.S. Fish and Wildlife Service
Determination for Issuing a Single Source Financial Assistance Award

Instructions: In accordance with Service policy 516 FW 6, *Issuing Discretionary Grant and Cooperative Agreement Awards without Competition*, complete this form to document the justification for issuing a single source grant or cooperative agreement award. This form must be signed by both a program representative and the employee with signature authority for the award to be issued (see 516 FW 3, *Signature Authority for Grant and Cooperative Agreement Awards*). The completed and signed form must be maintained in the official award file.

Recipient Name: Calhoun Conservation District
Project Title: Rice Creek Floodplain Restoration
Program Contact: Clark D. McCreedy

Select all criteria that apply (from 505 DM 2):

	(1) Unsolicited Proposal: The proposed award is the result of an unsolicited application that represents a unique or innovative idea, method, or approach that is not the subject of a current or planned award, but is found to be advantageous to program objectives.
✓	(2) Continuation: The activity to be funded is necessary for the satisfactory completion of, or is a continuation of, an activity we are funding and holding a competition would have a significant adverse effect on continuing or completing the activity.
	(3) Legislative Intent: The language in the applicable authorizing legislation or legislative history clearly indicates the intent of Congress to restrict the award to a particular recipient or purpose.
✓	(4) Unique Qualifications: The applicant is uniquely qualified to perform the activity based on a variety of demonstrable factors such as location; property ownership; voluntary support capacity; cost-sharing ability, if applicable; technical expertise; or other such unique qualifications.
	(5) Emergencies: Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures.

Explain below why competition for this award is not practical. As applicable, summarize the program legislative history, unique capabilities of the proposed recipient, and any cost-sharing contribution offered by the proposed recipient. Be brief and specific:

Legislative History. The Oil Pollution Act of 1990 (OPA; 33 USC. § 2701 et seq.) amended the Clean Water Act and addressed issues associated with preventing, responding to, and restoration of natural resource damages due to oil spills. A Natural Resource Damage Assessment (NRDA), conducted per the Oil Pollution Act, is the mechanism whereby Natural Resource Trustees document their effort to compensate the public for damages to natural resources. The Trustees are required by the statute to document their selection of restoration projects in a Damage Assessment and Restoration Plan (DARP). In this case, the Natural Resource Trustees acting on behalf of the public consist of representatives from the US Fish and Wildlife Service, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of the Attorney General, the Nottawaseppi Huron Band of the Potawatomi Tribe, and the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Tribe.

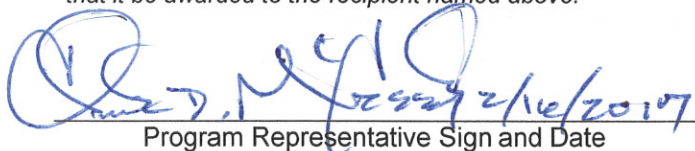
Recipient. In brief, the Trustees have conducted a merit review process, documented in the DARP, to identify restoration projects, proposed by potential recipients of restoration funding, to compensate the public for damages to natural resources related to the 2010 Enbridge Oil Spill. In this case, the Trustees have selected a restoration project proposed by the Calhoun Conservation District to compensate the public for damages to natural resources.

Restoration criteria, and evaluation of restoration projects, including the proponents of restoration projects, have been previously documented within the associated DARP: Final Damage Assessment and Restoration Plan/ Environmental Assessment for the July 25-26, 2010 Enbridge Line 6B Oil Discharges near Marshall, MI (available at <https://www.fws.gov/midwest/es/ec/nrda/MichiganEnbridge/index.html>). The merit review process for the selection of restoration projects and their associated proponents is detailed within a separate document. The criteria for selection of restoration projects and their respective proponents is available at: <https://www.fws.gov/midwest/es/ec/nrda/MichiganEnbridge/adminrecord/FactSheetEnbridgeRestoration18June2012.pdf>.

In addition to the merit review process, that is an inherent component of the NRDA process as prescribed by the Oil Pollution Act, the Restoration Plan is also subject to public review and comment under the National Environmental Policy Act of 1969 (NEPA; 42 USC § 4231 et seq.). That is, the Trustees are required to provide the public an opportunity to review the criteria they develop and the restoration projects subsequently selected. Results of the public review of the Restoration Plan and associated selection criteria used by the Trustees is documented as Appendix K to the DARP and is available at <https://www.fws.gov/midwest/es/ec/nrda/MichiganEnbridge/index.html>. Furthermore, the Department of Interior provides Solicitor review to all Trustee councils as part of the NRDA process. That is, restoration plans are not finalized without Solicitor review.

In brief and specifically, the issuance of a single source award to the Calhoun Conservation District is an outcome of the statutory merit review process conducted by the Trustees under the authority of the Oil Pollution Act, the National Environmental Policy Act, and the associated NRDA regulations. That is, it is a **Continuation** of the NRDA process. The Natural Resource Trustees, as an element of the NRDA process, have determined that the Calhoun Conservation District is uniquely qualified to implement restoration actions on behalf of the public. Those **Unique Qualifications** include existing relationships with private landowners on whose land the selected restoration project will be implemented, on-going partnerships with local and state government agencies, and a substantial body of experience working within the affected watershed on similar restoration actions.

I have determined that this project meets the requirements for a single source award and recommend that it be awarded to the recipient named above.



Program Representative Sign and Date

Clark D. McCreedy

Printed Name of Program Representative

I, as the Service employee with signature authority for this award under 516 FW 3, have reviewed this program recommendation and find that it meets the requirements for a single source award.

Authorized Signator Sign and Date

Daniel D. Lovdahl

Printed Name of Signator