



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Southwest Region
Wildlife & Sport Fish Restoration Program
2800 Cottage Way, W-1729
Sacramento, California 95825-1846

In Reply Refer To:
FWS/R8/WSFR

Ms. Rachel Couch
California Coastal Conservancy
1330 Broadway, Suite 1300
Oakland, California 94612

June 6, 2012

Subject: Notice of Federal Assistance Award for **F12AP00031**

Dear Ms. Couch:

The enclosed Application for Federal Assistance, **F12AP00031, Devereux Slough Coastal Wetland Project**, is approved **effective November 1, 2011**, with a total Federal share in the amount of **\$1,000,000**. The performance period of this award is **November 1, 2011, through December 31, 2016**.

ASAP Accounting Information: Use the following information to identify your award funds at: www.asap.gov.

F12AP00031-0001-007B Coastal Wetlands \$1,000,000

Note: see condition below that only \$749,900 will be made available in ASAP until the condition is met.

Terms of Acceptance:

Per http://www.doi.gov/pam/programs/financial_assistance/TermsandConditions.cfm, acceptance of a Federal Financial award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the terms and conditions of 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 as approved by DOI and are subject to the terms and conditions incorporated either directly or by reference to the following:

- Program legislation/regulation.
- Special terms and conditions.
- Code of Federal Regulations/Regulatory Requirements, as applicable

2 CFR 25 – Central Contractor Registration and Data Universal Numbering System

2 CFR 170 – Reporting Sub-awards and Executive Compensation

2 CFR 1400 – Government wide Debarment and Suspension (Non-procurement)

2 CFR 175 – Trafficking Victims Protection Act of 2000

43 CFR 12(A) Administrative and Audit Requirements and Cost Principles for Assistance Programs

43 CFR 12(E) Buy American Requirements for Assistance Programs

43 CFR 12(C) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

43 CFR 12(F) Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profit and Commercial Organizations

43 CFR 43 Governmentwide Requirements for a Drug-Free Workplace

43 CFR 42 Governmentwide Debarment and Suspension (Nonprocurement)

43 CFR 18 New Restrictions on Lobbying

305 DM 3 Integrity of Scientific and Scholarly Activities

Interim Guidance for Financial Status and Performance Reporting, dated May 12, 2009

Special Conditions and Provisions:

- Cost accounting is required at Grant level

- Annual Federal Financial Reports (SF425) and Performance Reports will be due beginning December 29, 2012, and on that date every year until the completion of the grant. Final Reports will be due 90 days from the ending date of the grant. For further information regarding reporting requirements and sanctions please see the reporting guidance issued May 12, 2009 in the Wildlife and Sport Fish Restoration Toolkit located at:

<http://wsfrprograms.fws.gov/subpages/toolkitfiles/intgdrpt.pdf>

- The Service has reviewed this project for conditional grant approval. Funds in the amount of \$749,900 are released for a subset of project activities that must be implemented before the start of major restoration work and the completion of full environmental compliance (pre-restoration activities). Conservation measures for implementing pre-restoration activities have been prescribed by FWS for purposes of this effects evaluation and must be followed as a condition of this grant approval.

Exhibit 4: June 6, 2012 and December 22, 2014 USFWS Award Letter

- Pre-restoration activities consist of 1) land acquisition, including survey work on boundaries and celebration of acquisition; 2) design, environmental planning and permitting, including baseline studies of vegetation and wildlife surveys (biweekly observational surveys), tours (on foot or in golf carts), engineering work (off site), and research into other documents; 3) interim property management (mowing grass and weeds, trash pick-up, placement of temporary boundary fencing etc.); and 4) preparation for restoration (seed collection and propagule collection), that will not involve taking soil cores and digging.

- Conservation Measures are as follows:

1. Surveyors of the land, vegetation, and wildlife, and seed collection shall avoid treading within habitats occupied by listed plants when the plants are above ground.
2. Mowing shall occur only in areas of non-native landscape, such as golf course grounds.
3. The placement of temporary boundary fencing in the managed, non-native landscape of the golf course. T-posts only may be used and they may not encroach into areas that have not been regularly disturbed by the golf course maintenance.

- Additional environmental review will be needed before all other research and restoration or other project activities that may affect listed species or critical habitat (e.g., earth moving and planting of vegetation) are performed. This will require that the grantee submit information to the Service suitable to meet needs of the National Environmental Policy Act, Federal Endangered Species Act, Bald and Golden Eagle Protection Act, and National Historic Protection Act. The Service must review and approve such documentation before the project ground-disturbing activities can be initiated and associated remaining funds (\$250,100) can be drawn.

- The deed of the purchase land shall be encumbered to ensure that the land will be managed, in perpetuity, to maintain the coastal wetland values consistent with the goals and objectives of this grant. Evidence of such shall be included as part of the final report and the documents pertaining to the acquisition that are submitted with the final report.

- Prior to accessing funds for the fee simple purchase of the property, the following conditions must be completed:

1. A certified appraiser must conduct an appraisal that meets Federal land acquisition standards. Specifically, the appraisal must comply with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA).
2. Following the appraisal, an appraisal review is required. The appraisal review may be provided by your agency, by contract, or through agreement with another state agency. Only a certified or licensed review appraiser may conduct the review appraisal. If you do not have access to a certified or licensed review appraiser, the Wildlife and Sport Fish Restoration Program can coordinate with the Office of Valuation Services (OVS) to conduct the review appraisal for your agency. Please be aware that workload issues in the OVS may affect the timeliness of the appraisal review. At least 90- days will be required to obtain a review by the OVS.
3. Grantee must submit the appraisal and appraisal review for approval by the WSFR Program before becoming legally obligated for the purchase. Drawing of funds is subject to receipt of an acceptable appraisal and appraisal review. You will receive a written approval from the WSFR Program which will act as your approval to draw funds. Additional documents such as a Purchase Option or Agreement, Statement of Just Compensation, settlement statement, Title Report, Deed, and any

agreements related to land purchase between the grantee and any sub-grantees may also be required prior to drawing of funds.

4. The copies of all recorded closing documents listed here must be submitted to the Wildlife and Sport Fish Restoration Program with the Final Report for the Grant. The documents that are required are the recorded:

- a. Summary of land costs.
- b. Title Vesting Evidence
- c. Deed (including legal description of the property)
- d. Neighborhood and Parcel map
- e. Survey (if one is performed)
- f. Notice of Federal Participation (Notice of Grant and/or Subgrant Agreement)

Please contact me or Bart Prose at (916) 978-6152 if you have any questions.

Sincerely,

Susan K. Detwiler,
Wildlife & Sport Fish Restoration Program

cc: Sean Williamson, State Coastal Conservancy



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, W-1729
Sacramento, California 95825

In Reply Refer to:
FWS/R8/WSFR

December 22, 2014

Ms. Rachel Couch, Project Manager
California State Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, California 94612-2530
DUNS: 808322408

Subject: Notice of Amendment to Grant Award for **FBMS# F12AP00031, Amendment #1**

Dear Ms. Couch:

Your organization's application for Federal financial assistance amendment titled "[Devereux Slough Coastal Wetland Acquisition and Restoration Project \(2013 Award\)](#)" submitted to the U.S. Fish and Wildlife Service (Service) CFDA Program 15.614 is approved effective October 15, 2014. This award is amended as follows: add funds, extend grant period and change of scope.

[The project period of this award is November 1, 2011 through December 31, 2018.](#) Only allowable costs resulting from obligations incurred during the project period and any authorized pre-award costs may be charged to this award. All obligations incurred under the award must be liquidated no later than 90 calendar days after the end of the project period. You must submit a written request to the Service at r8fa_grants@fws.gov before the end of the stated project period if you need more time to liquidate all obligations.

Payments:

Your organization has completed enrollment in U.S. Treasury's Automated Standard Application for Payment (ASAP) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID (see table below). The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the subject line on letter followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

Use the information below to identify your award funds at: www.asap.gov.

Funding:

Amendment Number	ASAP Account ID	FY/Funding Title	Federal Share	% of Federal Share	State Share	% of State Share	Total Award
Original	F12AP00031-0001-007B	Coastal Wetland	1,000,000	45%	1,222,222	55%	2,222,222
Amendment #1	F12AP00031-0002-0000	Coastal Wetland	1,000,000	50%	1,000,000	50%	2,000,000
New Totals:			\$2,000,000	47%	\$2,222,222	53%	\$4,222,222

Terms of Acceptance:

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. Awards 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 Federal regulations applicable to Service awards are listed by recipient type in the **Service Financial Assistance Award Terms and Conditions** posted on the Internet at <http://www.fws.gov/grants/>. If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact our office.

Special Conditions and Provisions:

- Your organization's SAM CCR registration is set to expire on November 25, 2015. Under the terms and conditions of this award, your organization is required to maintain an active CCR registration throughout the entire approved award period.
- All provisions and conditions previously identified and listed for this grant shall remain in effect with this amendment.
- The Service has reviewed this project for conditional grant approval. Funds in the amount of \$749,900 are released for a set of approved pre-restoration activities.
- Amendment 1 combines the 2011 and 2013 grant projects into a single project with modifications to the original project boundaries. Funding for the 2013 project proposal is being added to the 2011 grant; however, no additional funds are being released under Amendment 1.
- Conditional approval for the original 2011 grant included a set of pre-restoration work activities (those that needed to be implemented before the start of major restoration work and completion of full environmental compliance) and corresponding conservation measures. The approved pre-restoration activities and conservation measures for the 2011 grant were updated along with compliance for section 7 of the Endangered Species Act (ESA) and section 106 of the National Historic Preservation Act (NHPA) on December 11, 2012. Under the present revised/combined project (Grant Amendment 1), the project shall continue to conduct only the previously approved pre-restoration activities until the time remaining restoration activities are approved to move forward, and pre-restoration activities shall continue to occur only in the previously approved geographic areas (no new areas shall be affected).
- Approved pre-restoration activities shall be limited to: 1) studies of soils, 2) studies of hydrology (placing pressure transducers on stakes in waterways), 3) studies of water quality (intermittent hand sampling or installation of data sonde on a stake in waterway, 4) baseline vegetation surveys, 5) biweekly wildlife surveys (observation only and not to include collection),

Exhibit 4: June 6, 2012 and December 22, 2014 USFWS Award Letter

6) tours (on foot or in golf carts), 7) engineering work (off site), and 8) research into other documents.

- The following conservation measures shall be implemented for the approved pre-restoration activities:

1. Personnel conducting land surveys, vegetation and wildlife studies, and seed collection will avoid entering habitats occupied by listed species, except as noted below.
2. Wading in waters of the slough will occur only to conduct activities for installing and collecting data from transducers and data sonde.
3. Project activities in potential foraging habitat for California least terns will be temporary and of short duration.
4. All project staff will avoid and will be trained to identify Ventura marsh milk-vetch, and will avoid inadvertently stepping on individual plants in access areas that span potential habitat near the slough margin.
5. For the soil testing/pilot restoration, project staff will completely avoid wet slough margin areas of the golf course where Ventura marsh milk-vetch has potential to occur, and be constrained to the soil testing/pilot restoration site within upland areas on the existing golf course approved by the Service's cultural resources staff.
6. During western snowy plover breeding season (February 1 to September 30), project staff will coordinate with the plover monitors at Coal Oil Point to ensure that no nesting plovers have been detected in the interior mudflat/salt pan areas of the lower slough. If plovers are within 200 feet of access areas, project activities will not occur in these areas unless a qualified biological monitor is present to ensure that adverse effects to the species are avoided.
7. Mowing will occur only in areas of non-native landscape, such as golf course grounds, or landscape that has routinely been mowed in the past.
8. The placement of temporary barrier fencing will occur only in the managed, non-native land area of the golf course approved by the Service's cultural resources staff.
9. Any surveys for the California red-legged frog will follow the Service's survey protocol.

- Additional environmental review and grant approval by the Service will be required before any restoration activities, other than the approved pre-restoration activities, are initiated (e.g., earth moving and planting of vegetation). This will require that CSCC submit documentation to the Service suitable to meet further needs of Federal environmental compliance, such as the National Environmental Policy Act, Federal Endangered Species Act, Bald and Golden Eagle Protection Act, and National Historic Preservation Act, including a detailed description of restoration activities, and an evaluation of potential effects. The Service shall review and approve such documentation before the additional restoration activities are initiated and associated remaining grant funds are drawn.

- The location of cultural materials or human remains below the surface can never be predicted with certainty. Therefore, ground disturbance activities, including pre-restoration activities, may uncover an unexpected discovery of cultural materials or human remains. The following procedures must be followed, as a condition of grant approval, if artifacts or human remains are discovered during the course of work conducted under the terms of the grant agreement:

1. Inadvertent or Post-Review Discoveries (36 CFR 800.13): In the event that prehistoric artifacts (e.g., arrowheads, spear points, mortars, pestles, other ground stone tools; knives, scrapers, or flakes from the manufacture of tools; fire pits; and peeled trees) or historic-period artifacts or features (e.g., fragments of tableware, ceramic vessels, glass containers, food canisters, and building remains) are found during project implementation the proponent or authorized agent shall cease work immediately within 200 feet of the find and take steps to protect the find from further damage or disruption. Then they shall contact the Service's Regional Historic Preservation Officer (RHPO) at (503) 625-4377 to report the find. No further

Exhibit 4: June 6, 2012 and December 22, 2014 USFWS Award Letter

work shall be allowed on the project until the RHPO, following Service protocols, authorizes resumption of work.

2. Inadvertent Discoveries (43 CFR 10.4): In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 feet of the find and take steps to protect the find from further damage or disruption. Then they shall contact the Service's RHPO at (503) 625-4377, local law enforcement officials, and the County Coroner to report the find. No further work shall be allowed on the project until the RHPO, following Service protocols, authorizes resumption of work.

- The deed of the purchase land shall be encumbered to ensure that the land will be managed, in perpetuity, to maintain the coastal wetland values consistent with the goals and objectives of this grant. Evidence of such shall be included as part of the final report and the documents pertaining to the acquisition that are submitted with the final report.

- Prior to accessing funds for the fee simple purchase of the property, the following conditions must be completed:

1. A certified appraiser must conduct an appraisal that meets Federal land acquisition standards. Specifically, the appraisal must comply with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA).

2. Following the appraisal, an appraisal review is required. The appraisal review may be provided by your agency, by contract, or through agreement with another state agency. Only a certified or licensed review appraiser may conduct the review appraisal. If you do not have access to a certified or licensed review appraiser, the Wildlife and Sport Fish Restoration Program can coordinate with the Office of Valuation Services (OVS) to conduct the review appraisal for your agency. Please be aware that workload issues in the OVS may affect the timeliness of the appraisal review. At least 90-days will be required to obtain a review by the OVS.

3. Grantee must submit the appraisal and appraisal review for approval by the WSFR Program before becoming legally obligated for the purchase. Drawing of funds is subject to receipt of an acceptable appraisal and appraisal review. You will receive a written approval from the WSFR Program which will act as your approval to draw funds. Additional documents such as a Purchase Option or Agreement, Statement of Just Compensation, settlement statement, Title Report, Deed, and any agreements related to land purchase between the grantee and any sub-grantees may also be required prior to drawing of funds.

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- f. Notice of Federal Participation (Notice of Grant and/or Subgrant Agreement)

Reporting Requirements:

Report Title	Report Period:	Due Date
Interim Federal Financial Report (SF-425)	11/01/2011-12/31/2014	03/31/2015
Interim Performance Report	11/01/2011-12/31/2014	03/31/2015
Interim Federal Financial Report (SF-425)	11/01/2011-12/31/2015	03/31/2016
Interim Performance Report	11/01/2011-12/31/2015	03/31/2016
Interim Federal Financial Report (SF-425)	11/01/2011-12/31/2016	03/31/2017
Interim Performance Report	11/01/2011-12/31/2016	03/31/2017
Interim Federal Financial Report (SF-425)	11/01/2011-12/31/2017	03/31/2018
Interim Performance Report	11/01/2011-12/31/2017	03/31/2018
Final Federal Financial Report (SF-425)	11/01/2011-12/31/2018	03/31/2019
Final Performance Report	11/01/2011-12/31/2018	03/31/2019

All Reports should be sent to r8fa_grants@fws.gov.

Recipients must use the Standard Form (SF) 425, *Federal Financial Report* form for all financial reporting. This form is available at http://www.whitehouse.gov/omb/grants_forms or Wildlife and Sport Fish Restoration Toolkit located at: <http://fawiki.fws.gov/display/WTK/Toolkit+Homepage>.

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. Please include the Service award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by the Service upon receipt of a written request addressed to the Service at r8fa_grants@fws.gov identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The Service may approve an additional extension if justified by a catastrophe that significantly impairs the recipient's operations. Requests for reporting due date extensions must be received by the Service no later than one day before the original reporting due date.

Indirect Costs: Indirect costs under this award are approved on the condition that the Recipient will submit an indirect cost rate proposal to their cognizant agency immediately after the award is made and no later than 90 calendar days past the award project period start date. The Recipient is not authorized to charge indirect costs under this award until the Recipient has received, and provided a copy to the Service Project Officer, an approved Negotiated Indirect Cost Rate Agreement (NICRA) from the Federal government. In the event the Recipient fails to establish an approved rate before the end of the award project period, the Service may either: 1) deobligate the Federal amount budgeted for indirect costs and, if not otherwise prohibited by legislation or regulation, allow the Recipient to use costs otherwise allocable as indirect costs to satisfy cost-sharing or matching requirements; or 2) allow the Recipient to transfer the amount otherwise allocable as indirect costs to direct costs. Service approval of such budget changes

Exhibit 4: June 6, 2012 and December 22, 2014 USFWS Award Letter will depend on the particular award circumstance. Indirect costs otherwise allocable to this award may not be shifted to another Federal award unless specifically authorized by legislation. The Recipient must comply with the approved NICRA agreement.

System for Award Management (SAM) Registration: Under the terms and conditions of this award, your organization must maintain an active SAM registration at <https://www.sam.gov/portal/public/SAM/> until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.

Project Contacts:

The Service Project Officer for this award is:	The Recipient Project Officer for this award is:
Bart Prose Phone: (916) 978-6152 Email: bart_prose@fws.gov	Rachel Couch Phone: (805) 845-8853 Email: rachel.couch@scc.ca.gov

Please contact Bart Prose with any questions. Please include the Service award number provided in the subject line of this letter in all written communications.

Thank you for your interest and efforts in supporting conservation for fish and wildlife and their habitats.

Sincerely,

Marie Strassburger, Chief
Wildlife and Sport Fish Restoration Program

Enclosure: SF424, purpose