



National Estuary Program (NEP) Pathogen Prevention, Reduction and Control

Pollution Identification and Correction 2014 Grant Application

**This NEP Pathogens Grant Program
Application Form is available at:**

<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish/EPAGrants/PathogensGrant.aspx>

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APPLICATION INSTRUCTIONS

Application resources

An overview of the National Estuary Program (NEP) Pathogen Grant which describes how the Pollution Identification and Correction Program fits into a multi-year investment strategy can be found at:

<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish/EPAGrants/PathogensGrant.aspx>

New terms and conditions for implementation of buffers on agricultural lands will be added to all subawards issued through the NEP Pathogen Grant. Information about this requirement is on page 12 in the section which describes federal terms and conditions.

Information about how Pollution Identification and Correction programs help achieve the shellfish initiative can be found in the Puget Sound Action Agenda:

http://www.psp.wa.gov/action_agenda_center.php

Funding program overview

The purpose of this grant is to develop and carry out comprehensive and sustainable pollution identification and correction (PIC) programs in watersheds adjacent to Puget Sound. These programs will coordinate local agencies and organizations to identify and address pathogen and nutrient pollution from a variety of nonpoint sources, including onsite sewage systems, farm animals, pets, and stormwater runoff with the goal of protecting and restoring shellfish growing areas, public recreational beaches, and water quality.

The Washington State Department of Health (DOH) and Department of Ecology (Ecology) are managing funds received from the U.S. Environmental Protection Agency (EPA) to implement the Puget Sound Action Agenda and coordinate a multi-year strategy to prevent, reduce, and control pathogens and nutrients in Puget Sound. PIC programs are recognized in the Puget Sound Action Agenda as a primary approach for restoring shellfish growing areas and protecting water quality. PIC programs help attain the Puget Sound Action Agenda ecosystem recovery targets for shellfish, onsite sewage systems, and swimming beaches.

To reach these goals, we are seeking grant applications which describe how counties and/or tribes will establish or enhance the following elements for a sustainable adaptive management program for pathogen and nutrient pollution:

- Monitoring element that can identify pollution sources and evaluate and support management efforts.
- Corrective element able to address a variety of nonpoint sources of pollution through education, technical assistance, incentives, and enforcement.
- Adequate regulatory capacity for achieving water quality standards.
- Sustainable funding to support the program after the grant ends.

Additional points are awarded for projects that are supported by local integrating organizations (LIOs).

Available funding

Total funding amount available: \$1,100,000

Maximum funding per project: \$600,000 (for multiple county/regional projects), \$500,000 for single jurisdictions. Applicants that currently have PIC awards funded through NEP can apply for additional funds to add new work areas or tasks in an existing area. The maximum total award for geographic or programmatic additions to an existing PIC implementation project is \$150,000. Applicants that have a PIC planning award may apply for the maximum amount to implement the plan. Proposals that don't receive funds during this grant cycle may be considered for future NEP awards.

If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Eligibility

County governments, tribal governments, and local integrating organizations consisting of county and tribal governments are eligible.

Eligible applicants may partner on projects with ineligible entities. The eligible applicant must be the lead agency on the application and the agreement. It is the lead agency's responsibility to ensure all project activities are completed and to collaborate and coordinate with their identified partners.

To be eligible, applicants must:

- Be ready to use the funds by Spring 2014.
- Complete the work by December 31, 2016.
- Show how the project restores and protects shellfish resources, public recreational beaches and water quality of Puget Sound.
- Conduct activities to prevent and reduce pathogen and nutrient loading to Puget Sound. All projects must result in reduced pathogen and nutrient loading. The primary focus is on pathogens.
- Focus on high-priority sources of pathogen and nutrient pollution such as onsite sewage systems and livestock (applicants may also address other sources as long as the focus is on high-priority sources).
- Conduct property inspections to assess pathogen and nutrient sources and work with landowners to correct pollution from OSS and farms.
- Conduct water quality monitoring under an Ecology-approved Quality Assurance Project Plan (QAPP) to identify pathogen sources and determine effectiveness of the project in reducing pathogens and nutrients.
- Conduct all monitoring, modeling, and data analysis under an Ecology-approved QAPP. Monitoring, modeling, and data analysis activities may not begin and will be ineligible for reimbursement until the QAPP is approved.
- Submit environmental data to Ecology's Environmental Information Management (EIM) or EPA's STORET/WQX program.
- Be consistent with:
 - *National Estuary Program Pathogen Grant Six Year Work Plan.*
<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish/EPAGrants/PathogensGrant.aspx>
 - *Agricultural Best Management Practices Funds for the Natural Estuary Program.*
 - *EPA's Term and Condition for Buffers*(page 12).
- Provide reports semi-annually and a written report at the completion of the work summarizing the results of the project.
- Read and understand requirements before applying for the grant. All NEP grants come with extensive reporting and accountability requirements.

The priority outcomes are:

- Restoration and protection of water quality in commercial, recreational, and tribal shellfish growing areas and public recreational swimming beaches.
- Prevention of disease.
- Improvement and protection of water quality.

Application submittal information

Applications must include all of the following:

- One electronic version of the application in Microsoft Word format. The applicant may submit maps and other attachments in PDF format with the electronic version. E-mail electronic version to mary.knackstedt@DOH.wa.gov.

All application material **must be received** electronically or at the Department of Ecology (Lacey headquarters office) **no later than 5:00 p.m. on February 28, 2014**. Postmarks are **not** accepted. Faxed applications will not be accepted.

U.S. Postal Mailing Address:

Department of Ecology
Water Quality Program
Financial Management Section
P.O. Box 47600
Olympia, WA 98504-7600

Overnight Mail or Hand Delivery Address:

Department of Ecology
Water Quality Program
Financial Management Section
300 Desmond Drive
Lacey, WA 98503

Contact Mary Knackstedt, 360-236-3319, e-mail mary.knackstedt@DOH.wa.gov

Grant funding cycle schedule

Application submittal deadline	February 28, 2014
Score and rank applications	February 28 – March 13, 2014
Award notification	March 13, 2014
Funding agreements signed	March - April, 2014

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Pollution Identification and Correction Programs

For Ecology Use Only:

Application No. _____

1. Background Information

PROJECT TITLE: *(Please keep the project title to five words or less.)*

APPLICANT NAME: *(Public or Tribal agency)*

APPLICANT DATA:

Federal ID No.:

APPLICANT:

Name:

Title:

Telephone Number:

E-Mail Address:

Fax Number:

Mailing Address

Agency:

Address:

City:

State:

Zip Code:

APPLICANT PROJECT MANAGER: *(The person whose name is listed here is the main contact for the project)*

Name:

Title:

Telephone Number:

E-Mail Address:

Fax Number:

Mailing Address

Agency:

Address:

City:

State:

Zip Code:

PROJECT DURATION *(Note: Projects must be completed by December 31, 2016)*

Estimated Start Date:

Estimated Completion Date:

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

GEOGRAPHIC AREA:

Where is the project area?

Please attach a map of the project area.

Provide **Latitude/Longitude coordinates in Decimal Degrees** (e.g., 45.3530/-120.4510) of your project location and the affected water body. The project location is the approximate center of where you will be working. Latitude/Longitude coordinates can be located at: <http://itouchmap.com/latlong.html>.

Location	Primary Site	Secondary Site	Tertiary Site
Project Location (Lat/Long):			
Water Body Name:			

EXECUTIVE SUMMARY

In 250 words or fewer, describe the problem to be addressed, the scope of the project, its shellfish protection/restoration, disease prevention and water quality benefits, and how the project addresses the identified problem.

1. Watershed Selected (20 points)

Scoring Guide:

Does the water body selected by the applicant have:

- Shellfish growing areas in need of protection or restoration?
- Public recreational beaches impacted by pathogens?
- Nutrient-related problems such as low dissolved oxygen levels?
- Willing partners / stakeholders?

In a half page or less, describe why the water body selected for the project is a high-priority water body.

2. Project Purpose (20 points)

Scoring Guide:

- Does the project restore or protect a shellfish growing area?
- What is the overall scope of the problem and what aspect of the problem will this project address?
- Is the purpose clear and compelling?
- Does the project help make ongoing PIC activities more effective, efficient, affordable, or sustainable?
- In addition to addressing pathogens, will the project have additional environment benefits?
- Does the project have a letter of support from the LIO? Does it align with a local near term action or is it otherwise identified as a local priority? (10 points)

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

In two pages or fewer, describe the purpose of project.

3. Scope of Work (20 points)

Scoring Guide:

- Is the project well-structured and clearly described?
- Is the project schedule reasonable and achievable?
- What is the long-range vision and what steps will improve and sustain your program?
- Is an effectiveness monitoring plan included?
- Does the project involve collaboration with other jurisdictions?

Task 1 is standard for all grant projects. Follow the format provided below for the additional tasks in your scope of work. Limit answer to four pages or fewer.

Task 1- Project Administration/Management:

Budget for Task 1: \$

Deliverables for Task 1:

Completion Date for Task 1:

Description: The recipient will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

The recipient will manage the project. Efforts will include conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the recipient's designees; Ecology; DOH; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The recipient must carry out this project in accordance with any completion dates outlined in this agreement.

The recipient will ensure this project is completed according to the details of this agreement. The recipient may elect to use its own forces or it may contract for professional services necessary to perform and complete project-related work.

Task 2- :

Budget for Task 2: \$

Deliverables for Task 2:

Completion Date for Task 2:

Description:

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Task 3- :

Budget for Task 3: \$

Deliverables for Task 3:

Completion Date for Task 3:

Description:

Task 4- :

Budget for Task 4: \$

Deliverables for Task 4:

Completion Date for Task 4:

Description:

Task 5- :

Budget for Task 5: \$

Deliverables for Task 5:

Completion Date for Task 5:

Description:

4. Proposed Budget (5 Points)

Scoring Guide:

- Complete project budget is consistent with the scope of work.
- The cost estimate process is reasonable.
- The project budget represents a good value for the work and water quality benefits achieved.

Budget examples can be found in Appendix A of *Administrative Requirements for Recipients of Ecology Grants and Loans*, "The Yellow Book," found at:

www.ecy.wa.gov/programs/wq/funding/cycles/2013/index.html.

Detailed budgets can be attached and submitted with the application.

Total Project Cost This amount represents the full cost of the project	\$
Eligible Project Cost This amount represents the portion of the project costs that are grant eligible.	\$

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Total Eligible Cost by Budget Object

Salaries:	\$	
Benefits:	\$	
Indirect costs:	\$	percentage:
Contracts:	\$	
Materials, goods, and services (list major item):	\$	
Equipment (list major items):	\$	
	\$	
	\$	
Travel:	\$	
Other (please outline):	\$	
	\$	
Total Eligible Cost:	\$	

Describe how costs were estimated. Explain how you calculated each budget item and why it is necessary for the project. Include the steps taken to ensure the accuracy of cost estimates.

Would you like your application considered for future NEP funds if you don't receive an award from current funds?

Yes:

No:

5. Programmatic Capability (15 points)

Scoring Guide:

- Capacity, expertise, and demonstrated ability to successfully carry out the project. Performance on past or active NEP projects may be considered in this score.

In a half page or less, describe the applicant's capability to conduct the project.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Project Outputs and Outcomes (20 Points)

Scoring Guide:

- What are the expected outputs and outcomes?
- How will the results/changes be measured, and how do they align with local and regional performance measures and targets for shellfish and pathogen/pollution reduction?

In one page or less, provide a description of the project's outputs and outcomes.

Outputs (Outputs are the major products and/or the substantial and completed processes that will be created to reach outcomes. They are the anticipated accomplishments funded through the grant, and they are directly under the grantee's control. The outputs occur "in order to achieve" an intended outcome. Outputs should be numeric whenever possible.)

Outcomes (Outcomes are the desired environmental changes or results that the proposed project will eventually accomplish. They follow from the outputs and identify the anticipated change that is the goal of the grant.)

6. Application Certification

I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND THAT I AM THE **LEGALLY AUTHORIZED SIGNATORY OR DESIGNEE** FOR THE SUBMITTAL OF THIS INFORMATION ON BEHALF OF THE APPLICANT AGENCY.

Name	
Title	Date

If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6502. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Federal Provisions

Below are federal provisions from the EPA National Estuary Program (NEP) Grant (PC-00J32601) to DOH that are passed through to sub-awardees. The lead organizations (LO) are striving for uniformity in these conditions in their sub-grant awards. However, in the case of local health jurisdictions federal provisions listed in the Consolidated Contracts terms and conditions may be more (but not less) stringent due to non-NEP federal programs included in the Consolidated Contract agreement.

The sub-recipient shall comply with all applicable federal, state, and local laws, rules and regulations in carrying out the terms and conditions of agreements.

SPECIAL TERMS & CONDITIONS

FEDERAL COMPLIANCE

ADDITIONAL FEDERAL (EPA) CERTIFICATIONS AND ASSURANCES

The sub-recipient shall comply with all applicable federal, State, and local laws, rules, and regulations in carrying out the terms and conditions of this Agreement.

Award Information:

Federal Agency: US Environmental Protection Agency (EPA)
CFDA Number and Title: 66.123 - Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program
Award Name and Number: DOH Puget Sound Restoration (PC-00J32601)
Award Year: 2011 -2017

Administrative Conditions:

1. Cost Principles

Sub-recipient agrees to comply with the cost principles of the below listed federal regulations are applicable as appropriate to this award.

- 2 CFR 225 (A-87) for State, Local, and Indian Tribal Governments
- 2 CFR 220 (A-21) for Educational Institutions
- 2 CFR 230 (A-122) Nonprofit Organizations
- FAR 31.2 for Commercial Organizations

An electronic copy of all the Circulars and applicable CFR's may be obtained via the OMB Home Web page at: http://www.whitehouse.gov/omb/circulars_default/

Unless otherwise indicated, the Cost Principles apply to the use of funds provided under this Agreement and In-kind matching donations. The applicability of the Cost Principles depends on the type of organization incurring the costs.

2. Audit Requirements

The sub-recipient shall fully comply with requirements of OMB Circular A-133, 'Audits of states, local governments, and non-profit organizations, if applicable.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

3. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, sub-recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Sub-recipient may search the Hotel-Motel National Master List at:

<http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

4. Recycled Paper

Institutions of Higher Education Hospitals and Non-Profit Organizations

In accordance with 40 CFR 30.16, sub-recipient agrees to use recycled paper and double-sided printing for all reports which are prepared as a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

State Agencies and Political Subdivisions

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchases of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

State and Local Institutions of Higher Education and Non-Profit Organizations

In accordance with 40 CFR 30.16, state and local institutions of higher education, hospitals, and non-profit organizations that receive direct federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

State Tribal and Local Government Recipients

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), sub-recipient agrees to use recycled paper and double sided printing for all reports which are prepared a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

5. Lobbying

Sub-recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. Sub-recipient shall include the language of this provision in award documents for all sub-awards exceeding \$100,000, and require that sub-awardees submit certification and disclosure forms accordingly.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each expenditure.

Part 30 Recipients

All contracts awarded by sub-recipient shall contain, when applicable, the anti-lobbying provisions as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, sub-recipient affirms that it is not a non-profit organization described in Section 501(c) (4) of the Internal Revenue Code of 1986; or that it is a non-profit organization described in Section 501(c) (4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

Lobbying and Litigation

Sub-recipient's chief executive officer shall ensure that no grant funds awarded under this Agreement are used to engage in lobbying of the federal government or in litigation against the United States unless authorized under existing law. Sub-recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

6. Suspension and Debarment

Sub-recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled 'Responsibilities of Participants Regarding Transaction (Doing Business with Other Persons)'. Sub-recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled 'Covered Transactions', includes a term or condition requiring compliance with Subpart C. Sub-recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Sub-recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Sub-recipient may access the Excluded Parties List System at: <http://www.epls.gov>. This term and condition supersedes EPA Form 5700-49, 'Certification Regarding Debarment, Suspension, and Other Responsibility Matters'.

7. Drug-Free Workplace Certification

Sub-recipient must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200-36.230. Additionally, in accordance with these regulations, sub-recipient organization must identify all known workplaces under its federal award; and keep this information on file during the performance of the award.

Sub-recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Sub-recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at:

http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html

8. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this Agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

9. Reimbursement Limitation

If sub-recipient expends more than the amount of federal funding in its approved budget in anticipation of receiving additional funds, it does so at its own risk. The federal government is not legally obligated to reimburse sub-recipient for costs incurred in excess of the approved budget.

10. Trafficking in Persons

The following prohibition statement applies to sub-recipient, and all sub-awardees of Sub-Recipient. Sub-recipient must include this statement in all sub-awards made to any private entity under this Agreement.

“YOU AS THE SUB-RECIPIENT, YOUR EMPLOYEES, SUB-AWARDEES UNDER THIS AWARD, AND SUB-AWARDEES’ EMPLOYEES MAY NOT ENGAGE IN SEVERE FORMS OF TRAFFICKING IN PERSONS DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; PROCURE A COMMERCIAL SEX ACT DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; OR USE FORCED LABOR IN THE PERFORMANCE OF THE AWARD OR SUB-AWARDS UNDER THIS AWARD.”

11. DUNS and CCR Requirements

Unless otherwise exempted from this requirement under 2 CFR 25.110, sub-recipient must maintain the currency of its information in the CCR until submission of its final financial report required under this award or receive the final payment, whichever is later.

Sub-recipient may not make a sub-award to any entity unless the entity has provided its DUNS number to sub-recipient.

12. FY2011 ACORN Funding Restriction

No funds provided under this Agreement may be used for sub-awards/sub-grants or contracts to the Association of Community Organizations for Reform NOW (ACORN) or any of its subsidiaries.

13. Disadvantaged Business enterprise Requirements, General Compliance

Sub-recipient agrees to comply with the requirements of EPA’s Program for Utilization of Small, Minority and Women’s Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

14. Sub-Awards

If sub-recipient makes sub-awards under this Agreement, sub-recipient is responsible for selecting its sub-awardees and, if applicable, for conducting sub-award competitions. Sub-recipient agrees to:

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

1. Establish all sub-award agreements in writing;
2. Maintain primary responsibility for ensuring successful completion of the approved project (SUB-RECIPIENT CANNOT DELEGATE OR TRANSFER THIS RESPONSIBILITY TO A SUB-AWARDEE).
3. Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133, and are not used to acquire commercial goods or services for the sub-awardee.
4. Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities;
5. Monitor the performance of sub-awardees, and ensure sub-awardees comply with all applicable regulations, statutes, and terms and conditions which flow down in the sub-award;
6. Obtain DOH's consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country; and
7. Obtain approval from DOH for any new sub-award work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

Programmatic Conditions:

1. Semi-Annual Performance Reports

Sub-recipient is required to submit performance reports every six months, unless a different reporting frequency is outlined in the Scope of Work, using the reporting tool supplied by DOH. Sub-recipient agrees to include brief information on each of the following areas:

- a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
- b) the reasons for slippages if established outputs/outcomes were not met;
- c) additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

Reporting periods are from October 1 to March 31 and April 1 to September 30. Performance reports are due to DOH 15 calendar days after the end of each reporting period.

2. Final Performance Report

In addition to the periodic performance reports, the sub-recipient will submit a final performance report to DOH within 60 calendar days after the expiration or termination of the award. The report shall be submitted to the DOH grant manager and must be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period.

3. Recognition of EPA Funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this Agreement shall contain the following statement:

“THIS PROJECT HAS BEEN FUNDED WHOLLY OR IN PART BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER ASSISTANCE AGREEMENT PC-00J32601 TO WASHINGTON DEPARTMENT OF HEALTH. THE CONTENTS OF THIS DOCUMENT DO NOT NECESSARILY REFLECT THE VIEWS AND POLICIES OF THE ENVIRONMENTAL PROTECTION AGENCY, NOR DOES MENTION OF TRADE NAMES OR COMMERCIAL PRODUCTS CONSTITUTE ENDORSEMENT OR RECOMMENDATION FOR USE.”

4. Copyrighted Material

EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for federal purposes.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

DOH acknowledges that EPA may authorize another grantee to use copyrighted works or other data developed under this Agreement as a result of: a) the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or; b) termination or expiration of this agreement.

5. Peer Review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the principal investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the DOH grant manager prior to releasing any final reports or products resulting from the funded study.

6. Quality Assurance Requirements

Acceptable Quality Assurance documentation must be submitted to the DOH within 30 days of acceptance of this agreement or another date as negotiated with the DOH grants manager. Please refer to The Department of Ecology's website at <http://www.ecy.wa.gov/programs/eap/qa/docs/NEPQAPP/index.html> for guidance and templates. Submit both the Acceptable Quality Assurance documentation to Tom Gries at tgr1461@ecy.wa.gov for review with a cc to mary.knackstedt@doh.wa.gov and blake.nelson@doh.wa.gov. No work involving direct measurements or data generation, environmental modeling; compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under an agreement until DOH or Department of Ecology has approved the quality assurance document.

7. Environmental Data and Information Technology

Sub-recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All environmental data will be required to be entered into the EPA's Storage and Retrieval data system (STORET). The best method (local or state consolidated) for reporting will be determined on a project-by-project basis between the DOH grant manager and sub-recipient. More information about STORET can be found at <http://www.epa.gov/STORET>.

8. Riparian Buffers

Planting buffers along streams and shorelines are often used in PIC programs as an effective way to manage water pollution. Buffers also maintain healthy fish habitat. To protect water quality and fish habitat, EPA has added the following new term and condition for riparian buffers to all Puget Sound National Estuary Program grants.

To be eligible for NEP implementation funding, provided directly or through a sub-award, an agricultural land owner whose property borders fresh or estuarine waters must establish and maintain a riparian buffer on all water courses on the property consistent with the National Marine Fisheries Service (NMFS) guidelines for Riparian Buffers Along Agricultural Water Courses in NW Washington and EPA's implementation guidance on the NMFS guidelines. A land owner may be excluded from meeting this requirement if the funding is used solely for removal of shoreline armoring, onsite sewage system repair or replacement, engineered dike setbacks, or culvert or tide-gate replacements that provide for fish passage at all life stages. In some cases, the NMFS recommendations are framed in terms of ranges of buffer widths

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

rather than point estimates, and expressed as probabilities of achieving desired outcomes. Local conditions and local circumstances matter, and may affect the choice of the riparian buffer most effective at achieving salmon recovery. Buffer widths may be less than specified in the table in cases where there is a scientific basis for doing so and all affected tribes in the watershed agree to deviations from the NMFS guidelines or where there are physical constraints on an individual parcel (e.g. transportation corridors, structures, naturally occurring conditions).

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

FAQs on the NMFS buffer table term and condition for Puget Sound Lead Organizations Final 12-3-2013

EPA and Puget Sound Lead Organizations, working with Puget Sound tribes, have agreed to include the attached term and condition in 2013 NEP funded sub-awards. It is expected that Lead Organizations (LO) will be working with sub-award applicants on a case by case basis to determine eligibility, exclusions and deviations from the NMFS guidelines in the spirit of this agreement. The following FAQs provide further guidance that Puget Sound LOs may consult while working with applicants.

Is state match subject to the term and condition?

No, but state agencies are encouraged to utilize the NMFS recommendations to maintain consistency and ensure resource protection on agricultural lands.

The term and condition states that to be eligible for NEP implementation funding, provided directly or through a sub-award, an agricultural land owner whose property borders fresh or estuarine waters must establish and maintain a riparian buffer on all water courses on the property consistent with the National Marine Fisheries Service (NMFS) guidelines for Riparian Buffers Along Agricultural Water Courses in NW Washington and NRCS guidance on the NMFS guidelines.

What is the definition of agricultural?

Agricultural land, for the purposes of this term and condition, includes lands that meet the definition of agricultural lands and activities in the Washington Shoreline Management Act. (RCW 90.58.065). If a parcel is zoned agricultural it will generally be considered agricultural for the purpose of implementing this term and condition. Properties zoned as rural residential and are hobby farms or nonrevenue producing farms will also be considered as agricultural land for the purpose of implementing this term and condition.

When does the recommended site assessment apply?

The buffer widths provided in the guidance on the table are default minimums designed to provide a minimum level of designated use protection and grant accountability. Grant recipients are strongly encouraged to conduct site assessments to design larger buffer widths. We also expect recipients to conduct site assessments to justify deviations described below.

Is there a process to identify alternative buffers that are different than the NMFS guidelines and EPA's implementation guidance on the NMFS guidelines?

Yes, in those instances where applicants are intending to establish riparian buffers that are larger than those called for by the NMFS guidelines and EPA's implementation guidance on the NMFS buffers, there is no need to document justification or seek approval. However, there are some situations where funding could be sought to implement buffers smaller than those proposed in the buffer table. These are:

1. **Infrastructure Limitations**—Where implementing the buffers called for by the buffer table is prevented by physical constraints, such as transportation corridors, structures, or naturally occurring conditions. In

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

this situation, the buffer implemented could be narrower at the location occupied by the road or structure, but must meet the requirements of the buffer table on the rest of the property. Or,

2. **Significant Hardship-** The landowner's property is no greater than ten acres and the landowner demonstrates that implementing the buffers called for by the buffer table would preclude reasonable use of his/her property. Reductions in buffer sizes must be supported by documentation, reviewed and approved by the LO, and agreed to by affected tribes. Or,
3. **Site Specific Science**— Site specific scientific information is available to support a different buffer that will meet water quality standards and protect salmon. For example, there may be some situations in which the site potential tree height for the site is under 100 feet. Based upon a site-specific soils or other scientific analysis conducted by a soils scientist, or other qualified scientist (e.g. wetland scientist, botanist) the applicant could propose a riparian buffer less than those called for in the buffer guidance.

Note: To be eligible for funding, hardship or science-based buffers must be no less than 35 feet wide alongside ditches or fish-bearing intertidal/estuary streams (category I and V watercourses) and no less than 50 feet wide for other fish bearing streams (categories II, III, and IV watercourses). Reductions in buffers must be supported by documentation, reviewed and approved by the LO, and agreed to by affected tribes.

The term and condition states that *buffer widths may be less than specified in the table in cases where there is a scientific basis for doing so and all affected tribes in the watershed agree to deviations from the NMFS guidelines or where there are physical constraints on an individual parcel (e.g. transportation corridors, structures, naturally occurring conditions).*

What constitutes a scientific basis?

Generally, a scientific basis means supported by (preferably local) fisheries biologists or peer reviewed research. A scientific basis for deviations from the NMFS table may be established in existing documents such as TMDL documents, local Salmon Recovery Plans, as well as supported by information collected during a site assessment.

Who determines if all affected tribes agree to deviations?

In 2012, EPA established a new process for tribes to review project work plans that Lead Organizations have selected for funding. EPA will use this process to ensure that potentially affected tribes review projects that may contain restoration projects subject to the term and condition. When possible, EPA encourages project sponsors to work with tribes prior to submitting an application for funding to ensure that any deviations are acceptable. However, often initial project work plans will be for a targeted stretch of stream with specific parcels to be identified as project sponsors recruit landowner participants. In these instances, LOs should work with project sponsors as landowners and specific properties are identified to ensure tribal approval where there are proposed projects that deviate from the NMFS table. When requested, EPA will provide assistance to Lead Organizations to identify affected tribes.

What technical assistance is available to applicants or Lead Organizations to determine buffer width and composition?

It is expected that applicants will have worked with tribes, local soils scientists, fisheries biologists, conservation districts, nonprofit organizations, consultants and others to develop an application package. As Lead

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Organizations receive applications, upon request, EPA will work to connect Lead Organizations with tribes, NMFS, NRCS, Ecology, WDFW and other restoration experts to provide technical assistance.

How was the NMFS table developed?

Please see the attached letter from the National Marine Fisheries Service that describes the table and its origins.

What resources are available to help lead organizations and applicants interpret the NMFS buffer table?

EPA has developed simplified NMFS buffer table implementation guidance that includes minimum buffer width values based on stream type. In addition, the Washington State Department of Ecology has developed a GIS based stream mapping tool that includes fish presence based on WDFW and Northwest Indian Fisheries Commission databases.

<http://waecy.maps.arcgis.com/explorer/?open=d5478a4aaf704d81bac63ffc934e1549&extent=-13922905.3138354,5784350.44593158,-13140190.1441951,6268043.96092021>

As with all EPA grants, EPA Project Officers will work with Lead Organizations as LOs develop solicitations and review applications to provide technical assistance and/or to connect LOs with NFMS, tribes, WDFW, Ecology, NRCS or other agencies/organizations if there are technical questions on buffers for a specific project.

How should lead organizations determine whether or not applications demonstrate compliance with the table term and condition?

It is expected that LOs will follow their existing agency guidelines for determining compliance with terms and conditions of grants. LOs can determine what should be included in application materials to demonstrate how the applicant would meet the term and condition. Application materials should include aerial photos, descriptions of planned riparian buffers (width and composition) and other materials used to form the basis for the planned buffers. LOs are also strongly encouraged to collect data on project implementation, including buffer width, length, and composition. In cases where project proposals include deviations from the NMFS buffer table based on science, applicants should submit documentation of agreements with tribes and fisheries biologists as well as supporting documentation of the scientific basis for the deviation with application packages.

EPA and Puget Sound lead organizations, working with Puget Sound tribes, have agreed to include a term and condition requiring use of the NMFS buffers in 2013 NEP funded sub-awards, however, other state and federal agency programs funding habitat restoration on Puget Sound waters may not require use of the NMFS buffers. What can LOs tell landowners/applicants/others on this to avoid confusion or “buffer shopping”?

The NMFS buffers represent federal fish agency recommendations to protect anadromous and ESA listed fish on agricultural lands. While other state and federal grant programs may not currently require use of the NMFS buffers, many federal and state agencies are working to align conditions to ensure consistency and resource protection. For example, NRCS Biology Technical Note 14 Wildlife Habitat Evaluation Guide is currently being updated, with the intent to provide buffer widths consistent with NMFS recommendations. Also, science on buffers is evolving through NEP funded efforts to develop consolidated riparian management recommendations over the next one to two years through the WDFW led review and development of Riparian Habitat Guidelines.

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

Interim Riparian Buffer Recommendations for Streams in Puget Sound Agricultural Landscapes (Originally proposed as federal Option 3 for the Agriculture Fish and Water (AFW) Process, March 2002)

NMFS Channel Type ⁱ	Channel Types	Habitat Functions/Composition	Buffer – Minimum Default Width ⁱⁱ
Class I Constructed ditches; fishless streams.	<ol style="list-style-type: none"> Constructed Ditches, Intermittent Streams and Ephemeral Streams that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species Perennial waters that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species 	Water quality protection; shade; sediment filtration	<ol style="list-style-type: none"> 35' 50'
Class II Fish bearing, modified natural channel, entrenched or spring fed watercourses that do not move	Modified or highly entrenched perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, large wood debris (LWD) for cover, complexity and shade	100' supporting site assessment recommended to increase buffer width
Class III Fish bearing	Unconfined perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, large wood debris (LWD) for cover, complexity and shade	100' supporting site assessment recommended to increase buffer width
Class IV. Diked, permanently fixed ⁱⁱⁱ	N/A	N/A	N/A
Class V^{iv} Fish bearing, intertidal/estuary	Perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species in intertidal and estuarine streams and channels	Site potential vegetation (salt water) sedges, shrubs, etc.	35' – 75' Supporting site assessment of adjacent land use recommended to increase buffer protections needed to meet all applicable water quality standards.

ⁱ Fish presence based on Washington's Integrated Fish Distribution database. Fish presence includes all classes of presence of anadromous or ESA listed fish. Where no fish

Pathogens Prevention, Reduction, and Control

Pollution Identification and Correction Programs

distribution data is available, fish presence must be determined by contacting local WDFW or Tribal biologist.

ⁱⁱ Buffer widths are required minimums, however, if a landowner believes that the buffers called for by the table significantly interfere with his/her ability to reasonably use their property, there is a process to identify alternative buffers that are smaller. Please see FAQs for more information.

ⁱⁱⁱ Generally, buffer vegetation is required between the watercourse and dike, based upon the criteria of the corresponding channel type. However, levee vegetation requirements are subject to U.S. Army Corps of Engineers (Corps) guidance which can be found in Engineering Technical Letter No. 1110-2-571, "Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures", as well as in the USACE Levee Owner's Manual for Non-Federal Flood Control Works.

^{iv} Estuarine channels are defined as stream channels having direct, daily tidal influence such that the vegetation is adapted to saltwater or intertidal conditions.