

1. DATE ISSUED MM/DD/YYYY 11/23/2016
 2. CFDA NO. 21.015
 3. ASSISTANCE TYPE Formula Grant

U.S. DEPARTMENT OF THE TREASURY
Office of the Fiscal Assistant Secretary
Office of Gulf Coast Restoration
 1500 Pennsylvania Ave., N.W.
 Washington, DC 20220-0001

1a. SUPERSEDES AWARD NOTICE dated
 except that any additions or restrictions previously imposed remain
 in effect unless specifically rescinded

4. GRANT NO. 1 RDCGR040017-01-00
 Formerly
 5. ACTION TYPE New

6. PROJECT PERIOD MM/DD/YYYY
 From 01/01/2017 Through 12/31/2018

7. BUDGET PERIOD MM/DD/YYYY
 From 01/01/2017 Through 12/31/2018

8. TITLE OF PROJECT (OR PROGRAM)
 Restoring Bay Scallops in Charlotte Harbor

9a. GRANTEE NAME AND ADDRESS
 Charlotte County Board of County Commissioners
 18500 Murdock Cir Ste 423
 Port Charlotte, FL 33948-1068

9b. GRANTEE PROJECT DIRECTOR
 Mindy Collier
 18500 Murdock Circle
 B 109 Fiscal Services
 Port Charlotte, FL 33948-1094
 Phone: 941-764-4996

10a. GRANTEE AUTHORIZING OFFICIAL
 Raymond Sandrock
 18500 MURDOCK CIRCLE STE 423
 PORT CHARLOTTE, FL 33948-1068
 Phone: 941-743-1944

10b. FEDERAL PROJECT OFFICER
 Mr. John Stutts
 1500 Pennsylvania Ave., N.W.
 Washington, DC 20220-0001
 Phone: 202-622-0239

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)	
I Financial Assistance from the Federal Awarding Agency Only	II
II Total project costs including grant funds and all other financial participation	
a. Salaries and Wages	0.00
b. Fringe Benefits	0.00
c. Total Personnel Costs	0.00
d. Equipment	0.00
e. Supplies	79,200.00
f. Travel	0.00
g. Construction	0.00
h. Other	0.00
i. Contractual	30,920.70
j. TOTAL DIRECT COSTS →	110,120.70
k. INDIRECT COSTS	3,303.62
l. TOTAL APPROVED BUDGET	113,424.32
m. Federal Share	113,424.32
n. Non-Federal Share	0.00

12. AWARD COMPUTATION	
a. Amount of Federal Financial Assistance (from item 11m)	113,424.32
b. Less Unobligated Balance From Prior Budget Periods	0.00
c. Less Cumulative Prior Award(s) This Budget Period	0.00
d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION	113,424.32
13. Total Federal Funds Awarded to Date for Project Period	113,424.32

14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project):			
YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS
a. 2		d. 5	
b. 3		e. 6	
c. 4		f. 7	

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:		b
a. DEDUCTION		
b. ADDITIONAL COSTS		
c. MATCHING		
d. OTHER RESEARCH (Add / Deduct Option)		
e. OTHER (See REMARKS)		

16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:

a. The grant program legislation
 b. The grant program regulations.
 c. This award notice including terms and conditions, if any, noted below under REMARKS.
 d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.

In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached - Yes No)
 See next page

AUTHORIZING OFFICIAL:

17. OBJ CLASS 410001	18a. VENDOR CODE 1276219	18b. EIN 596000541	19. DUNS 040223463	20. CONG. DIST. 17
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION
21. a. Direct	b. RDCGR040017	c. RDC	d. \$113,424.32	e.
22. a.	b.	c.	d.	e.
23. a.	b.	c.	d.	e.

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 4	DATE ISSUED 11/23/2016
GRANT NO. 1 RDCGR040017-01-00	

REMARKS:

This award is approved by Kristine Conrath, Authorizing Official.

Accepting this award in GrantSolutions.gov constitutes acceptance of this award and the Standard Terms and Conditions and Programmatic Terms and Conditions and Special Award Conditions. Award funds will be available to the awardee in an ASAP.gov account.

NOTICE OF AWARD (Continuation Sheet)

PAGE 3 of 4	DATE ISSUED 11/23/2016
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Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
01/01/2017	03/31/2017	Semi-Annual	04/30/2017
04/01/2017	09/30/2017	Semi-Annual	10/30/2017
10/01/2017	03/31/2018	Semi-Annual	04/30/2018
04/01/2018	09/30/2018	Semi-Annual	10/30/2018
10/01/2018	12/31/2018	Final	03/31/2019

RESTORE Act - SPECIAL AWARD CONDITIONS

1. Charlotte County agrees to receive award funds on a reimbursement payment method. Charlotte County will remain on the reimbursement payment method until it submits to Treasury evidence, satisfactory to Treasury, that it maintains policies and procedures meeting the requirements of 2 CFR § 200.305 including, but not limited to, providing reasonable assurance that (1) drawdowns of federal cash are only for immediate cash needs; and (2) payments to subrecipients are limited to immediate cash needs.
2. Within 90 days' of the project period start date of this award, Charlotte County must submit to Treasury evidence, satisfactory to Treasury, that Charlotte County maintains policies and procedures for meeting the requirements of 2 CFR § 200.331, including but not limited to the following: awarding grant funds to subrecipients, monitoring subrecipients, modifying subawards, providing training and technical assistance to subrecipients, enforcing actions for subrecipient noncompliance, and performing on-site reviews of the subrecipient's program operations.
3. Prior to its execution and within 90 days' of the project period start date of this award, Charlotte County must submit to Treasury a copy of Charlotte County's agreement with the University of Florida Institute of Food and Agricultural Services, its subrecipient, including any required permits.
4. Prior to the release of scallop larvae or juveniles, Charlotte County must submit to Treasury evidence that (1) National Marine Fisheries Service has reviewed the project and determined the project will have no potential effect on threatened or endangered species or marine mammals, and (2) Charlotte County has accepted and will fulfill any requirements identified by the National Marine Fisheries Service.
5. Prior to the execution of the initial contract to purchase scallop spawn, Charlotte County must submit to Treasury evidence, satisfactory to Treasury, that the associated procurement and contract terms comply with the RESTORE Act Standard Terms and Conditions and Program-Specific Terms and Conditions and the procurements standards in 2 CFR § 200.18—§ 200.26. The evidence submitted to Treasury must include the County's sole source documentation.
6. An ASAP Maximum Draw Limit of \$14,503.62 is in place for this award. The ASAP Maximum Draw Limit allows Charlotte County to draw funds from ASAP as necessary up to the amount budgeted for supplies and indirect costs. Charlotte County may request removal of the maximum draw limit when submitting the documentation required under Special Conditions 2, 3, 4 and 5.
7. Within 90 days' of the project period start date of this award, Charlotte County must submit to Treasury evidence, satisfactory to Treasury, that Charlotte County maintains policies and procedures for meeting the requirements of 2 CFR § 200.303, including but not limited to the following: an effective system of internal controls to provide reasonable assurance that federal awards are expended only for allowable activities and that the costs of goods and services charged to federal awards are allowable and in accordance with the applicable cost principles.

NOTICE OF AWARD (Continuation Sheet)

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RESTORE Act - FUNDING AUTHORIZATION

1.

Amount of Financial Assistance	Amount of Funding Restriction	Amount of Funding Added to the Award this Action	Amount Authorized for ASAP Account this Action	Notes
\$113,424.32	\$0.0	\$113,424.32	\$113,424.32	Initial Authorization, Maximum draw limit of \$14,503.62, per SAC #6

AWARD ATTACHMENTS

Charlotte County Board of County
Commissioners

1 RDCGR040017-01-00

1. Standard and Program Specific Terms and Conditions
2. Approved Scope of Work

RESTORE ACT
FINANCIAL ASSISTANCE STANDARD TERMS
AND CONDITIONS AND PROGRAM-SPECIFIC
TERMS AND CONDITIONS

U.S. Department of the Treasury

October 2016



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RESTORE ACT FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS AND PROGRAM-SPECIFIC TERMS AND CONDITIONS

PREFACE

The grant agreement is comprised of the following documents:

1. A Notice of Award from the Department of the Treasury (“Treasury”);
2. The RESTORE Act Financial Assistance Standard Terms and Conditions (“Standard Terms and Conditions”);
3. The RESTORE Act Financial Assistance Program-Specific Terms and Conditions (“Program-Specific Terms and Conditions”);
4. The approved application, including all documents, certifications, and assurances that are part of the approved application;
5. The approved scope of work;
6. The approved budget; and,
7. Any special terms and conditions applied by Treasury to the award (“Special Award Conditions”).

The recipient must comply, and require each of its subrecipients, contractors, and subcontractors employed in the completion of the activity, project, or program to comply with all federal statutes, federal regulations, executive orders (EOs), Office of Management and Budget (OMB) circulars, Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions of this federal financial assistance award (“Award”), as applicable, in addition to the certifications and assurances required at the time of application. This Award is subject to the laws and regulations of the United States.

Any inconsistency or conflict in Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions of this Award will be resolved according to the following order of precedence: federal laws, federal regulations, applicable notices published in the Federal Register, EOs, OMB circulars, Treasury’s Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions. Special Award Conditions may amend or take precedence over Standard Terms and Conditions and Program-Specific Terms and Conditions.

Some of these Standard Terms and Conditions contain, by reference or substance, a summary of pertinent federal statutes, federal regulations published in the Federal Register (Fed. Reg.) or Code of Federal Regulations (C.F.R.), EOs, or OMB circulars. In particular, these Standard Terms and Conditions incorporate many of the provisions contained in OMB’s Uniform Guidance for Grants and Cooperative Agreements (2 C.F.R. Part 200), which supersedes former OMB Circular A-102 (the former grants management common rule), OMB Circular A-133 (single audit requirements), and all former OMB circulars containing the cost principles for grants and cooperative agreements. To the extent that it is a summary, such a provision is not in derogation of, or an amendment to, any such statute, regulation, EO, or OMB circular. Unless a definition is provided here, definitions can be found in the RESTORE Act (Public Law No. 112-141 (July 6, 2012)), Treasury’s RESTORE Act regulations (79 Fed. Reg. 48039 (Aug. 15, 2014) and 79 Fed. Reg. 61236 (Oct. 10, 2014), codified at 31 C.F.R. Part 34)), and/or 2 C.F.R. Part 200.

A PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT

In addition to all the Standard Terms and Conditions described in Sections C through V of this document, all Treasury RESTORE Act awards made under the Direct Component include the following Program Specific Terms and Conditions in this Section A:

1. Administrative Costs

- a. Administrative costs are defined at 31 C.F.R. § 34.2.
- b. Under no circumstances may the recipient use more than three percent of the Award funds received for administrative costs. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to facilities, as defined in 2 CFR 200.414. Costs borne by subrecipients do not count toward the three percent cap.
- c. Up to 100 percent of program income may be used to pay for allowable administrative costs, subject to the three percent cap.

2. Oil Spill Liability Trust Fund

The recipient must not seek any compensation for the approved program or project from the Oil Spill Liability Trust Fund. If the recipient is authorized to make subawards, the recipient must not use Direct Component funds to make subawards to fund activities for which claims were filed with the Oil Spill Liability Trust Fund after July 6, 2012.

3. Remedies for Noncompliance

- a. If Treasury determines that the recipient has expended Direct Component funds to cover the cost of any ineligible activities, in addition to the remedies available in Section M of these Standard Terms and Conditions, Treasury will make no additional payments to the recipient from the RESTORE Trust Fund, including no payments from the RESTORE Trust Fund for activities, projects, or programs other than Direct Component activities, projects, or programs, until the recipient has either (1) deposited an amount equal to the amount expended for the ineligible activities in the RESTORE Trust Fund, or (2) Treasury has authorized the recipient to expend an equal amount from the recipient's own funds for an activity that meets the requirements of the RESTORE Act.
- b. If Treasury determines the recipient has materially violated the terms of this Award, Treasury will make no additional funds available to the recipient from any part of the Trust Fund until the recipient corrects the violation.

B PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM – NOT APPLICABLE TO THIS AWARD

STANDARD TERMS AND CONDITIONS

AWARDS UNDER DIRECT COMPONENT AND AWARDS UNDER THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM

C FINANCIAL REQUIREMENTS

1. Applicable Regulations

This Award is subject to the following federal regulations and requirements. This list is not exclusive:

- a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, Subparts A through F, and any Treasury regulations incorporating these requirements.
- b. Treasury's RESTORE Act regulations, 31 C.F.R. Part 34.
- c. Governmentwide Debarment and Suspension, 31 C.F.R. Part 19.
- d. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- e. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- f. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170.
- g. Award Term for Trafficking in Persons, 2 C.F.R. Part 175.

2. Scope of Work

The recipient must only use funds obligated and disbursed under this Award for the purpose of carrying out activities described in the attached approved scope of work. The recipient must not incur or pay any expenses under this Award for activities not related to the attached approved scope of work unless Treasury first approves an Award amendment explicitly modifying the approved scope of work to include those activities.

3. Period of Performance; Pre-award Costs

The recipient must use funds obligated and disbursed under this Award only during the period of performance specified in the Notice of Award, which is the time period during which the recipient may incur new obligations and costs to carry out the work authorized under this Award. The only exception is for costs incurred prior to the effective date of this Award, which are allowable only if:

- a. Treasury specifically authorized these costs in writing on or after the issuance date of this Award;
- b. Incurring these costs was necessary for the efficient and timely performance of the scope of work; and
- c. These costs would have been allowable if incurred after the date of the award.

4. Indirect Costs

- a. The recipient may only charge indirect costs to this Award if these costs are allowable under 2 C.F.R. Part 200, subpart E (*Cost Principles*).

- b. Indirect costs charged must be consistent with an accepted de minimis rate or the indirect cost rate agreement negotiated between the recipient and its cognizant agency (defined as the federal agency that is responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, see 2 C.F.R. § 200.19) and must be included in the recipient's budget.
- c. Unallowable direct costs are not recoverable as indirect costs.
- d. The maximum dollar amount of allocable indirect costs charged to this Award shall be the lesser of:
 - i. The line item amount for the indirect costs contained in the approved budget, including all budget revisions approved in writing by the Treasury; or,
 - ii. The total indirect costs allocable to this Award based on the indirect cost rate approved by a cognizant or oversight federal agency and applicable to the period in which the cost was incurred, provided that the rate is approved on or before the Award end date.

5. Cost Sharing and Budget Limitations

- a. The recipient is not required to contribute any matching funds.
- b. The recipient shall not request or receive additional funding beyond what was included in the approved application for the attached approved scope of work from any federal or non-federal source, without first notifying Treasury.

6. Program Income

Any program income (defined at 2 C.F.R. § 200.80) generated during the period of performance must be included in the approved budget and be used for the purposes and under the conditions of these Standard Terms and Conditions and any Special Award Conditions, i.e. solely to accomplish the approved scope of work.

7. Incurring Costs or Obligating Federal Funds Beyond the Expiration Date

The recipient must not incur costs or obligate funds under this Award for any purpose pertaining to the operation of the activity, project, or program beyond the end of the period of performance. The only costs which are authorized for a period up to 90 days following the end of the period of performance are those strictly associated with close-out activities. Close-out activities are normally limited to the preparation of final progress, financial, and required audit reports unless otherwise approved in writing by Treasury. Under extraordinary circumstances, and at Treasury's sole discretion, Treasury may approve the recipient's request for an extension of the 90-day closeout period.

8. Tax Refunds

Refunds of taxes paid under the Federal Insurance Contributions Act (FICA) and the Federal Unemployment Tax Act (FUTA) that are received by the recipient during or after the period of performance must be refunded or credited to Treasury if these taxes were paid out of RESTORE Act funds in accordance with 2 C.F.R. Part 200, subpart E (*Cost Principles*). The recipient agrees to contact Treasury immediately upon receipt of these refunds.

9. Subawards

- a. If the recipient is permitted to make subawards under this award, the recipient must execute a legally binding written agreement with the subrecipient. This agreement must incorporate all the terms and conditions of this Award, including any Special Award Conditions, and must include the information at 2 C.F.R. § 200.331. The recipient must perform all responsibilities required of a pass-through entity, as specified in 2 C.F.R. Part 200.
- b. The recipient must evaluate and document each subrecipient's risk of noncompliance with federal statutes, federal regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring strategy, as described in 2 C.F.R. § 200.331(b).
- c. The recipient must monitor the subrecipient's use of federal funds through reporting, site visits, regular contact, or other means to provide reasonable assurance that the subrecipient is administering the subaward in compliance with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions, and to ensure that performance goals are achieved.
- d. The recipient must provide training and technical assistance to the subrecipient as necessary.
- e. The recipient must, if necessary, take appropriate enforcement actions against non-compliant subrecipients.
- f. If lower tier subawards are authorized, the recipient must ensure that a subrecipient who makes a subaward applies the terms and conditions of this Award, including any Special Award Conditions, to all lower tier subawards, and that a subrecipient who makes a subaward carries out all the responsibilities of a pass-through entity described at 2 C.F.R. Part 200.
- g. The recipient must maintain written standards of conduct governing the performance of its employees involved in executing this Award and administration of subawards.
 - i. No employee, officer, or agent shall participate in the selection, award, or administration of a subaward supported by federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization in which he/she serves as an officer or which employs or is about to employ any of the parties mentioned in this section, has a financial interest or other interest in the organization selected or to be selected for a subaward.
 - ii. The officers, employees, and agents of the recipient shall neither solicit nor accept anything of monetary value from subrecipients.
 - iii. A recipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward.
 - iv. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

D RECIPIENT REPORTING AND AUDIT REQUIREMENTS

1. Financial Reports

- a. The recipient must submit a "Federal Financial Report" (SF-425) on a semi-annual basis for the periods ending March 31 and September 30 (or June 30 and December 31, if instructed by Treasury), or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 must be submitted within 90 days after the end of the period of performance. In the remarks section of each SF-425 submitted, the recipient must describe the use of all funds received.
- b. The report must be signed by an authorized certifying official who is the employee authorized by the recipient organization to submit financial data on its behalf.
- c. The recipient must submit all financial reports via <http://www.GrantSolutions.gov>, unless otherwise specified by Treasury in writing.

2. Performance Reports

- a. The recipient must submit an SF-PPR ("Performance Progress Report"), a "RESTORE Act Status of Performance Report," (standard format provided by Treasury, OMB Approval No. 1505-0250) and an updated "RESTORE Act Milestones Report," (standard format provided by Treasury, OMB Approval No. 1505-0250) on a semi-annual basis for the periods ending March 31 and September 30 (or June 30 and December 31, if instructed by Treasury), or any portion thereof, unless otherwise specified in a Special Award Condition. Reports are due no later than 30 days following the end of each reporting period, except the final report which is due 90 days following the end of the period of performance.
- b. The recipient must submit all performance reports in (a) above, via <http://www.GrantSolutions.gov>, unless otherwise specified in writing by Treasury, and the recipient must complete these reports according to the following instructions:
 - i. SF-PPR: In the "performance narrative" attachment (section B of the SF-PPR), the recipient must provide the following information:
 - a) In Section B-1:
 - 1) Summarize activities undertaken during the reporting period;
 - 2) Summarize any key accomplishments, including milestones completed for the reporting period;
 - 3) List any contracts awarded during the reporting period, along with the name of the contractor and its principal, the DUNS number of the contractor, the value of the contract, the date of award, a brief description of the services to be provided, and whether or not local preference was used in the selection of the contractor; and
 - 4) If the recipient is authorized to make subawards, list any subawards executed during the reporting period, along with the name of the entity and its principal, the DUNS number of the entity, the value of the agreement, the date of award, and a brief description of the scope of work.

- b) In Section B-2:
 - 1) Indicate if any operational, legal, regulatory, budgetary, and/or ecological risks, and/or any public controversies, have materialized. If so, indicate what mitigation strategies have been undertaken to attenuate these risks or controversies; and
 - 2) Summarize any challenges that have impeded the recipient's ability to accomplish the approved scope of work on schedule and on budget.
- c) In Section B-3:

Summarize any significant findings or events, including any data compiled, collected, or created, if applicable.
- d) In Section B-4:

Describe any activities to disseminate or publicize results of the activity, project, or program, including data and its repository and citations for publications resulting from this Award.
- e) In Section B-5:
 - 1) Describe all efforts taken to monitor contractor and/or subrecipient performance, to include site visits, during the reporting period. For subawards, indicate whether the subrecipient submitted an audit to the recipient, and if so, whether the recipient issued a management decision on any findings; and
 - 2) Describe any other activities or relevant information not already provided.
- f) In Section B-6:

Summarize the activities planned for the next reporting period.

 - ii. "RESTORE Act Status of Performance Report": Instructions are provided on the report form.
 - iii. "RESTORE Act Milestones Report": Instructions are provided on the report form.

3. Interim Reporting on Significant Developments

- a. Events may occur between the scheduled performance reporting dates that have significant impact upon the activity, project, or program. In such cases, the recipient must inform Treasury as soon as the following types of conditions become known:
 - i. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of this Award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
 - ii. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

- b. The recipient must:
 - i. Promptly provide to Treasury and the Treasury Inspector General a copy of all state or local inspector general reports, audit reports other than those prepared under the Single Audit Act, and reports of any other oversight body, if such report pertains to an award under any RESTORE Act component, including the Comprehensive Plan Component and Spill Impact Component.
 - ii. Immediately notify Treasury and the Treasury Inspector General of any indication of fraud, waste, abuse, or potentially criminal activity pertaining to grant funds.
 - iii. Promptly notify Treasury upon the selection of a contractor or subrecipient performing work under this Award, and include the name and DUNS number for the subrecipient or contractor, and the total amount of the contract or subaward.

4. Audit Requirements

The recipient is responsible for complying, and ensuring all subrecipients comply, with all audit requirements of the Single Audit Act and 2 CFR Part 200 Subpart F – Audit Requirements.

5. Operational Self-Assessment

The recipient must submit a revised *Operational Self-Assessment* form no later than June 30th of each calendar year for the duration of this Award. Only one *Operational Self-Assessment* must be submitted per recipient per year. In completing the form, the recipient must note controls or activities that have changed from its previous submission. The recipient must submit the *Operational Self-Assessment* electronically to restoreact@treasury.gov, unless otherwise specified in writing by Treasury. The form may be downloaded at <https://www.treasury.gov/services/restore-act/>.

E FINANCIAL MANAGEMENT SYSTEM AND INTERNAL CONTROL REQUIREMENTS

- 1. Recipients that are states must expend and account for Award funds in accordance with the applicable state laws and procedures for expending and accounting the states' own funds. All other recipients must expend and account for Award funds in accordance with state and local laws and procedures. In addition, all recipients' financial management systems must be sufficient to:
 - a. Permit the preparation of accurate, current, and complete SF-425, SF-PPR, Milestones Form, and Status of Performance reports, as well as reporting on subawards, if applicable, and any additional reports required by any Special Award Conditions;
 - b. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with all applicable federal, state, and local requirements, including the RESTORE Act, Treasury RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions.
 - c. Allow for the comparison of actual expenditures with the amount budgeted for each Award made to the recipient by Treasury under the RESTORE Act.

- d. Identify and track all RESTORE Act awards received and expended by the assigned grant number, which is the Universal Award ID (as provided by Treasury), the year the Award was made, the awarding agency (Treasury), and the program's CFDA title and CFDA number (21.015).
 - e. Record the source and application of funds for all activities funded by this Award, as well as all awards, authorizations, obligations, unobligated balances, assets, expenditures, program income, and interest earned on federal advances, and allow users to tie these records to source documentation such as cancelled checks, paid bills, payroll and attendance records, contract and subaward agreements, etc.
 - f. Ensure effective control over, and accountability for, all federal funds, and all property and assets acquired with federal funds. The recipient must adequately safeguard all assets and ensure that they are used solely for authorized purposes.
2. The recipient must establish written procedures to implement the requirements set forth in section H below (Award Disbursement), as well as written procedures to determine the allowability of costs in accordance with 2 C.F.R. Part 200, subpart E (*Cost Principles*) and the terms and conditions of this Award.
 3. The recipient must establish and maintain effective internal controls over this Award in a manner that provides reasonable assurance that the recipient is managing this Award in compliance with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). The recipient must evaluate and monitor its compliance, and the compliance of any subrecipients, with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program Specific Terms and Conditions, and any Special Award Conditions, and promptly remedy any identified instances of noncompliance. When and if an instance of noncompliance cannot be remedied by the recipient, the recipient must promptly report the instance of noncompliance to Treasury and the Treasury Inspector General, followed by submitting a proposed mitigation plan to Treasury.
 4. The recipient must take reasonable measures to safeguard protected personally identifiable information (PII) consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

F RECORDS RETENTION REQUIREMENTS

1. The recipient must retain all records pertinent to this Award for a period of three years, beginning on a date as described in 2 C.F.R. § 200.333. While electronic storage of records (backed up as appropriate) is preferable, the recipient has the option to store records in hardcopy (paper) format. For the purposes of this section, the term "records" includes but is not limited to:
 - a. Copies of all contracts and all documents related to a contract, including the Request for Proposal (RFP), all proposals/bids received, all meeting minutes or other documentation of the evaluation and selection of contractors, any disclosed conflicts of interest regarding a contract, all signed conflict of interest forms (if applicable), all conflict of interest and other procurement rules governing a particular contract, and any bid protests;

- b. Copies of all subawards, including the funding opportunity announcement or equivalent, all applications received, all meeting minutes or other documentation of the evaluation and selection of subrecipients, any disclosed conflicts of interest regarding a subaward, and all signed conflict of interest forms (if applicable);
 - c. All documentation of site visits, reports, audits, and other monitoring of contractors (vendors) and subrecipients (if applicable);
 - d. All financial and accounting records, including records of disbursements to contractors (vendors) and subrecipients, and documentation of the allowability of Administrative Costs charged to this Award;
 - e. All supporting documentation for the performance outcome and other information reported on the recipient's SF-425s, SF-PPRs, Milestones Forms, and Status of Performance Reports; and
 - f. Any reports, publications, and data sets from any research conducted under this Award.
- 2. If any litigation, claim, investigation, or audit relating to this Award or an activity funded with Award funds is started before the expiration of the three year period, the records must be retained until all litigation, claims, investigations, or audit findings involving the records have been resolved and final action taken.
 - 3. If the recipient is authorized to make subawards, the recipient must include in its legal agreement with the subrecipient a requirement that the subrecipient retain all records in compliance with 2 C.F.R. § 200.333.
 - 4. If the recipient is authorized to enter into contracts to complete the approved scope of work, the recipient must include in its legal agreement with the contractor a requirement that the contractor retain all records in compliance with 2 C.F.R. § 200.333.

G THE FEDERAL GOVERNMENT'S RIGHT TO INSPECT, AUDIT, AND INVESTIGATE

1. Access to Records

- a. Treasury, the Treasury Office of Inspector General, and the Government Accountability Office have the right of timely and unrestricted access to any documents, papers or other records, including electronic records, of the recipient that are pertinent to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the recipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained.
- b. If the recipient is authorized to make subawards, the recipient must include in its legal agreement or contract with the subrecipient a requirement that the subrecipient make available to Treasury, the Treasury Office of Inspector General, and the Government Accountability Office any documents, papers or other records, including electronic records, of the subrecipient, that are pertinent to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the subrecipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained (see Section F above).
- c. If the recipient is authorized to enter into contracts to complete the approved scope of work, the recipient must include in its contract a requirement that the contractor make available to Treasury, the Treasury Office of Inspector General,

and the Government Accountability Office any documents, papers or other records, including electronic records, of the contractor that are pertinent to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the contractor's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are retained (see Section F above).

2. Access to the Recipient's Sites.

The Treasury, the Treasury Office of Inspector General, and Government Accountability Office shall have the right during normal business hours to conduct announced and unannounced onsite and offsite physical visits of recipients and their subrecipients and contractors corresponding to the duration of their records retention obligation for this Award.

H AWARD DISBURSEMENT

1. Unless otherwise specified in a Special Award Condition, Treasury will make advance payments under this Award. However, if one of the following occurs, Treasury will require Award funds to be disbursed on a reimbursement basis: (1) Treasury determines that the recipient does not meet the financial management system standards (see Section E) included in these Standard Terms and Conditions, (2) Treasury determines that the recipient has not established procedures that will minimize the time elapsing between the transfer of funds and disbursement, or (3) Treasury determines that the recipient is in noncompliance with the RESTORE Act, Treasury's RESTORE Act regulations, other pertinent federal statutes, these Standard Terms and Conditions, Program Specific Terms and Conditions, and/or any Special Award Conditions, and determines that the appropriate remedy is to require payment on a reimbursement basis. If reimbursement is used, Treasury will make payment within 30 calendar days after receipt of the billing, unless Treasury determines the request to be improper, in which case payment will not be made.
2. To the extent available, the recipient must disburse funds available from program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments of Award funds.
3. Treasury will use the Department of Treasury's Automated Standard Application for Payment (ASAP) system to disburse payments of Award funds. In order to receive payments, the recipient must first enroll in ASAP.gov. Treasury creates and funds account(s) for recipients in ASAP.gov, and recipients access their account(s) online to request funds. All Award funds will be disbursed electronically using the Automated Clearing House (ACH) for next day or future day payments only. Awards paid through ASAP.gov may contain controls or withdrawal limits set by Treasury.
4. Requirements applicable to recipients that are states: Payment methods of state agencies or instrumentalities must be consistent with Treasury-State agreements under the Cash Management Improvement Act, 31 C.F.R. Part 205 "Rules and Procedures for Efficient Federal-State Funds Transfers," and Treasury Financial Manual (TFM) 4A-2000 Overall Disbursing Rules for All Federal Agencies.
5. Requirements applicable to recipients that are not states: The recipient must minimize the time between the transfer of funds from Treasury and the use of the funds by the recipient. Advance payments to the recipient must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient in carrying out the purpose of the approved activity, project, or program

The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the parish or county for direct activity, project, or program costs and the proportionate share of any allowable indirect costs. Advances should not be drawn down more than three business days before expenditure. Advanced funds not disbursed in a timely manner must be promptly returned to Treasury. The recipient must make timely payment to contractors (vendors) in accordance with the contract provisions.

6. Advances of federal funds must be deposited and maintained in United States Government-insured interest-bearing accounts whenever possible. The recipient is not required to maintain a separate depository account for receiving Award funds. If the recipient maintains a single depository account where advances are commingled with funds from other sources, the recipient must maintain on its books a separate subaccount for the Award funds. Consistent with the national goal of expanding opportunities for women-owned and minority-owned business enterprises, the recipient is encouraged to ensure fair consideration of women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).
7. The recipient must maintain advances of federal funds in interest bearing accounts, unless one of the following conditions applies:
 - a. The recipient receives less than \$120,000 in federal awards per year;
 - b. The best reasonably available interest bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances; or
 - c. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
8. On an annual basis, the recipient must remit interest earned on federal advance payments deposited in interest-bearing accounts to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$500 per year may be retained by the recipient and used for administrative costs.

I EFFECT OF A GOVERNMENT SHUTDOWN ON DISBURSEMENTS AND THE AVAILABILITY OF TREASURY PERSONNEL

In the event of a federal government shutdown, Treasury will issue guidance to the recipient concerning the expected effects on this Award.

J NOTIFICATIONS AND PRIOR APPROVALS

1. Notifications

In addition to other notifications required under these Standard Terms and Conditions, the recipient must promptly notify Treasury in writing whenever any of the following is anticipated or occurs:

- a. A vacancy or change to key personnel listed in the application.
- b. Any termination of a subaward prior to the expiration of the agreement with the subrecipient.
- c. Except for changes described in (2) below, the recipient may revise the budget without prior approval. If the recipient alters the budget, the recipient must provide a revised budget form (SF-424A or SF-424C, as applicable) to Treasury as an attachment to the SF-PPR, reflecting all budget revisions from the same

period covered by the SF-PPR. Acceptance of such budget information does not constitute Treasury's approval of the revised budget.

2. Prior Approvals

- a. The recipient must obtain prior written approval from Treasury whenever any of the following actions is anticipated:
 - i. A change in the scope or the objective of the activity, project, or program (even if there is no associated budget revision requiring prior written approval);
 - ii. A need to extend the period of performance;
 - iii. A need for additional federal funds to complete the activity, project, or program;
 - iv. The transfer of funds among direct cost categories or programs, functions, and activities if this Award exceeds the Simplified Acquisition Threshold (defined at 2 C.F.R. § 200.88) and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by Treasury;
 - v. Unless described in the application and approved in this Award, the subawarding, transferring or contracting out of any work under this Award (this provision does not apply to the acquisition of supplies, material, equipment or general support services);
 - vi. If the approved budget includes funds for both construction and non-construction, any transfer between the non-construction and construction activities; and
 - vii. Unless described in the application and approved in this Award, the inclusion of costs that require prior approval in accordance with 2 C.F.R. Part 200, Subpart E—Cost Principles.
- b. If requesting a no-cost extension to this Award, the request must be made no less than 30 days prior to the end of the period of performance for this Award. Any extension of the period of performance requires prior written approval from Treasury.

K PROPERTY

1. General Requirements

- a. The recipient must comply with the property standards at 2 C.F.R. § 200.310 through § 200.316, and RESTORE Act requirements concerning the acquisition of land and interests in land at 31 C.F.R. § 34.803.
- b. No real property or interest in real property may be acquired under this Award, unless authorized in the approved scope of work.

2. Forms Required for Disposition of Supplies and Equipment

- a. Requirements that are applicable to recipients that are states: The recipient must use, manage, and dispose of equipment acquired under this Award in accordance with state laws and procedures. If the recipient has a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the activity, project, or program and the supplies are not needed for any other federal award, the recipient must report the value and

the retention or sale of such supplies by submitting to Treasury a completed *SF-428 Tangible Personal Property Report* and *SF-428-B Final Report Form* no later than 60 days after the end of the Period of Performance.

- b. Requirements that are applicable to recipients that are not states: During the period of performance, the recipient must seek disposition instructions from Treasury for equipment acquired under this Award if the current fair market value of the equipment is greater than \$5,000 per unit. The recipient must seek disposition instructions before disposing of the equipment by submitting a completed *SF-428 Tangible Personal Property Report* and *SF-428-C Disposition Request/Report*. Not later than 60 days after the end of the period of performance, the recipient must submit to Treasury a completed *SF-428 Tangible Personal Property Report* and *SF-428-B Final Report Form* if the recipient retains any equipment with a current fair market value greater than \$5,000 per unit or a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the activity, project, or program and the supplies are not needed for any other federal award.

L AMENDMENTS AND CLOSEOUT

1. Amendments

- a. The terms of this Award may be amended with the written approval of the recipient and Treasury.
- b. Treasury reserves the right to amend the terms of this Award if required by federal law or regulation.
- c. Amendments must be requested in writing, and must include an explanation for the reason this Award should be amended.

2. Closeout

- a. Treasury will close out this Award when it determines that all applicable administrative actions and all required work of this Award have been completed.
Within 90 calendar days after the end of the period of performance, the recipient must submit any outstanding SF-PPR and Status of Performance reports, as well as the required reporting on subawards, if applicable, plus a final SF-425 report, unless the recipient requests, and Treasury approves, an extension.
- b. The recipient must liquidate all obligations incurred under this Award not later than 90 calendar days after the end of the period of performance, unless the recipient requests, and Treasury approves, an extension.
- c. The recipient must promptly refund any balances of unobligated cash that Treasury paid.
- d. Within 90 days after receipt of reports in paragraph (a) of this section, Treasury will make upward or downward adjustments to the allowable costs, and then make prompt payment to the recipient for allowable, unreimbursed costs.
- f. The closeout of this Award does not affect any of the following:
 - i. The right of Treasury to disallow costs and recover funds on the basis of a later audit or other review;

- ii. The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments; or
- iii. The recipient's obligations regarding audits, property management and disposition (if applicable), and records retention.

M REMEDIES FOR NONCOMPLIANCE

1. If Treasury determines that the recipient has failed to comply with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, or any Special Award Conditions, Treasury may take any of the following actions (in addition to the remedies in Section A.5, above, applicable to Direct Component awards):
 - a. Impose additional Special Award Conditions such as:
 - i. Allowing payment only on a reimbursement basis,
 - ii. Requiring additional reporting or more frequent submission of the SF-425, SF-PPR, or Status of Performance Report,
 - iii. Requiring additional activity, project, or program monitoring,
 - iv. Requiring the recipient or one or more of its subrecipients to obtain technical or management assistance, and/or
 - v. Establishing additional actions that require prior approval;
 - b. Temporarily withhold payments pending correction of the noncompliance;
 - c. Disallow from funding from this Award all or part of the cost of the activity or action not in compliance;
 - d. Wholly or partly suspend or terminate this Award;
 - e. Withhold additional Awards; and/or
 - f. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180.

Treasury will notify the recipient in writing of Treasury's proposed determination that an instance of noncompliance has occurred, provide details regarding the instance of noncompliance, and indicate the remedy that Treasury proposes to pursue. The recipient will then have 30 calendar days to respond and provide information and documentation contesting Treasury's proposed determination or suggesting an alternative remedy. Treasury will consider any and all information provided by the recipient and issue a final determination in writing, which will state Treasury's final findings regarding noncompliance and the remedy to be imposed.

2. In extraordinary circumstances, Treasury may require that any of the remedies above take effect immediately upon notice in writing to the recipient. In such cases, the recipient may contest Treasury's determination or suggest an alternative remedy in writing to Treasury, and Treasury will issue a final determination.
3. Instead of, or in addition to, the remedies listed above, Treasury may refer the noncompliance to the Treasury Office of Inspector General for investigation or audit. Treasury will refer all allegations of fraud, waste, or abuse to the Treasury Inspector General.
4. Treasury may terminate this Award in accordance with 2 C.F.R. § 200.339. Requests for termination by the recipient must also be in accordance with 2 C.F.R. § 200.339. Such

requests must be in writing and must include the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. If Treasury determines that the remaining portion of this Award will not accomplish the purpose of this Award, Treasury may terminate this Award in its entirety.

5. If this Award is terminated, Treasury will update or notify any relevant government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. § 417b and 31 U.S.C. § 3321 and implementing guidance at 2 C.F.R. Part 180.
6. Costs that result from obligations incurred by the recipient during a suspension or after termination are not allowable unless Treasury expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if: (1) the costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, and are not in anticipation of it; and (2) the costs would be allowable if the Award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

N DEBTS

1. Payment of Debts Owed the Federal Government

- a. Any funds paid to the recipient in excess of the amount to which the recipient is finally determined to be authorized to retain under the terms of this Award constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by the recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges (see paragraphs c, d, and e below) shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Treasury will refer any debt that is more than 180 days delinquent to Treasury's Bureau of the Fiscal Service for debt collection services.
- c. The minimum annual interest rate to be assessed on any debts is the Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm. The assessed rate shall remain fixed for the duration of the indebtedness, based on the beginning date in Treasury's written demand for payment.
- d. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law.
- e. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by Treasury.
- f. Funds for payment of a debt must not come from other federally sponsored programs. Verification that other federal funds have not been used will be made, e.g., during on-site visits and audits.

2. Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs

Pursuant to 28 U.S.C. § 3201(e), unless waived in writing by Treasury, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the federal

government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

O NON-DISCRIMINATION REQUIREMENTS

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. The recipient is required to comply with all non-discrimination requirements summarized in this section, and to ensure that all subawards contain these nondiscrimination requirements.

1. Statutory Provisions

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) prohibits discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) prohibits discrimination on the basis of sex under federally assisted education programs or activities;
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;
- d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance;
- e. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.) (“ADA”), including the ADA Amendments Act of 2008 (Public Law 110-325, “ADAAA”), prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation.
- f. Any other applicable non-discrimination law(s).

2. Regulatory Provisions

Treasury Title IX regulations, 31 Part 28, implement Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) which prohibits discrimination on the basis of sex under federally assisted education programs or activities.

3. Other Provisions

- a. Parts II and III of EO 11246 (30 Fed. Reg. 12319, 1965), “Equal Employment Opportunity,” as amended by EO 11375 (32 Fed. Reg. 14303, 1967) and 12086 (43 Fed. Reg. 46501, 1978), require federally assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of that EO and Department of Labor regulations implementing EO 11246 (41 C.F.R. § 60-1.4(b), 1991).
- b. EO 13166 (August 11, 2000), “Improving Access to Services for Persons With Limited English Proficiency,” requires federal agencies to examine the services provided, identify any need for services to those with limited English proficiency

(LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

4. Title VII Exemption for Religious Organizations

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

5. Protections for Whistleblowers

In accordance with 41 U.S.C. § 4712, neither the recipient nor any of its subrecipients, contractors (vendors), or subcontractors may discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to a person or entity listed below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant:

- a. A Member of Congress or a representative of a committee of Congress;
- b. An Inspector General;
- c. The Government Accountability Office;
- d. A Treasury employee responsible for contract or grant oversight or management;
- e. An authorized official of the Department of Justice or other law enforcement agency;
- f. A court or grand jury; and/or
- g. A management official or other employee of the recipient, subrecipient, vendor, contractor (vendor), or subcontractor who has the responsibility to investigate, discover, or address misconduct.

P REQUIREMENT TO CHECK DEBARMENT AND SUSPENSION STATUS OF SUBRECIPIENTS, CONTRACTORS, SUBCONTRACTORS AND VENDORS

1. Recipients that are authorized to enter into subawards or contracts to accomplish all or a portion of the approved scope of work must verify that a proposed subrecipient or contractor (if the contract is expected to equal or exceed \$25,000) or its principals, does not appear on the federal government's Excluded Parties List prior to executing an agreement or contract with that entity. Recipients may not enter into a subaward or contract with an entity that appears on the Excluded Parties List. The Excluded Parties List is accessible at <http://www.sam.gov>.
2. The recipient must ensure that any agreements or contracts with subrecipients or contractors (vendors) require that they verify that their contractors (for contracts expected

to equal or exceed \$25,000), subcontractors (for subcontracts expected to equal or exceed \$25,000), or principals that the subrecipients or contractors engage to accomplish the scope of work, if applicable, do not appear on the federal government's Excluded Parties List. Subrecipients and contractors may not enter into a contract or subcontract with an entity, or that entity's principals, if that entity or its principals appear on the Excluded Parties List.

3. The recipient must include a term or condition in all lower tier covered transactions (subawards, contracts, and subcontracts described in 31 C.F.R. Part 19, subpart B) that the award is subject to 31 C.F.R. Part 19.

Q DRUG FREE WORKPLACE

The recipient must comply with the provisions of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Sec. 5153, as amended by Public Law 105-85, Div. A, Title VIII, Sec. 809, as codified at 41 U.S.C. § 8102), and Treasury implementing regulations at 31 C.F.R. Part 20, which require that the recipient take steps to provide a drug-free workplace.

R LOBBYING RESTRICTIONS

1. Statutory Provisions

The recipient must comply with the provisions of 31 U.S.C. § 1352 and regulations at 31 C.F.R. Part 21. These provisions generally prohibit the use of federal funds for lobbying the Executive or Legislative Branches of the federal government in connection with this Award, and require the disclosure of the use of non-federal funds for lobbying.

2. Disclosure of Lobbying Activities

The recipient receiving in excess of \$100,000 in federal funding must disclose lobbying activities by submitting a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-federal funds for lobbying. The Form SF-LLL must be submitted within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed.

The recipient must include a statement in all subawards, contracts, and subcontracts exceeding \$100,000 in federal funds, that the subaward, contract, or subcontract is subject to 31 U.S.C § 1352. The recipient must further require the subrecipient, contractor, or subcontractor to submit a completed "Disclosure of Lobbying Activities" (Form SF-LLL) regarding the use of non-federal funds for lobbying. The Form SF-LLL must be submitted within 15 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Form SF-LLL must be submitted from subcontractor to contractor, and lower tier subrecipient to subrecipient, until received by the recipient.

The recipient must submit the Forms SF-LLL, including those received from subrecipients, contractors, and subcontractors, to Treasury within 30 days following the end of the calendar period.

S PROCUREMENT

1. The recipient must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental

Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

2. When the recipient makes a subaward to a subrecipient that is authorized to enter into contracts for the purpose of completing the subaward scope of work, the recipient must require the subrecipient to comply with the requirements contained in this section.
3. Requirements applicable to recipients that are states: When executing procurement actions under this Award, the recipient must follow the same policies and procedures it uses for procurements from its non-federal funds. The recipient must ensure that every purchase order or other contract contains any clauses required by federal statutes and EOs and their implementing regulations, including all of the provisions listed in Appendix II to 2 C.F.R. Part 200—*Contract Provisions for Non-Federal Entity Contracts under Federal Awards*, as well as any other provisions required by law or regulations.
4. Requirements applicable to recipients that are not states: The recipient must follow all procurement requirements set forth in 2 C.F.R. §§ 200.318, 200.319, 200.320, 200.321, 200.323, and 200.324. In addition, all contracts executed by the recipient to accomplish the approved scope of work must contain any clauses required by federal statutes and EOs and their implementing regulations, including all of the provisions listed in Appendix II to 2 C.F.R. Part 200—*Contract Provisions for Non-Federal Entity Contracts under Federal Awards*.
5. The recipient, subrecipient, contractor, and/or subcontractor must not sub-grant or sub-contract any part of the approved project to any agency or employee of Treasury and/or other federal department, agency, or instrumentality without the prior written approval of Treasury. Treasury will forward all requests to Treasury's Office of General Counsel for review before making a decision. Treasury will notify the recipient in writing of the final determination.

T RESEARCH INVOLVING HUMAN SUBJECTS

1. No research involving human subjects is permitted under this Award unless expressly authorized by a special award condition, or otherwise in writing by Treasury.
2. Federal policy defines a human subject as a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.
3. The recipient must maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the recipient must submit appropriate documentation to Treasury for approval by the appropriate Treasury officials. This documentation may include:
 - a. Documentation establishing approval of the project by an institutional review board (IRB) approved for federal-wide use under Department of Health and Human Services guidelines;
 - b. Documentation to support an exemption for the project;
 - c. Documentation to support deferral for an exemption or IRB review; or

- d. Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form.
4. No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by Treasury.

U ENVIRONMENTAL REQUIREMENTS

The recipient must comply with all environmental standards, and provide information requested by Treasury relating to compliance with environmental standards, including but not limited to the following federal statutes and EOs. If the recipient is permitted to make any subawards, the recipient must include all of the environmental statutes, regulations, and executive orders listed below in any agreement or contract with a subrecipient, and require the subrecipient to comply with all of these and to notify the recipient if the subrecipient becomes aware of any impact on the environment that was not noted in the recipient's approved application package:

1. National Historic Preservation Act, as amended (54 U.S.C. 300101 et seq.) and Archeological and Historic Preservation Act, as amended (54 U.S.C. 312501 et seq.)
2. The National Environmental Policy Act of 1969, as amended (42 U.S.C. §§ 4321 et seq.)
3. Clean Air Act, as amended (42 U.S.C. §§ 7401 et seq.), Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.), and EO 11738
4. The Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4002 et seq.)
5. The Endangered Species Act of 1973, as amended, (16 U.S.C. § 1531 et seq.)
6. The Coastal Zone Management Act, as amended, (16 U.S.C. § 1451 et seq.)
7. The Coastal Barriers Resources Act, as amended, (16 U.S.C. § 3501 et seq.)
8. The Wild and Scenic Rivers Act, as amended, (16 U.S.C. §§ 1271 et seq.)
9. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. §§ 300f-j)
10. The Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. §§ 6901 et seq.)
11. The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (42 U.S.C. § 9601 et seq.) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 note)
12. Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. §1801)
13. Marine Mammal Protection Act, as amended (16 U.S.C § 31)
14. Migratory Bird Treaty Act, as amended (16 U.S.C. § 703-712)
15. Responsibilities of Federal Agencies to Protect Migratory Birds, EO 13186
16. Bald and Golden Eagle Protection Act, as amended (16 U.S.C. § 668-668d)
17. Marine Protection, Research and Sanctuaries Act (33 U.S.C. § 1401-1445 and 16 U.S.C. § 1431—1445)
18. National Marine Sanctuaries Act, as amended (16 U.S.C. § 1431 et seq.)
19. Rivers and Harbors Act of 1899 (33 U.S.C § 407)
20. Environmental Justice in Minority Populations and Low Income Populations, EO 12898, as amended

21. Floodplain Management, EO 11988, as amended by EO 13690 and, Protection of Wetlands, EO 11990, May 24, 1977, as amended by EO 12608
22. Farmland Protection Policy Act, as amended (7 U.S.C. § 4201 et. seq.)
23. Coral Reef Protection, EO 13089
24. Invasive Species, EO 13112
25. Responsibilities of Federal Agencies to Protect Migratory Birds, EO 13186
26. Preparing the United States for the Impacts of Climate Change, EO 13653, as amended

V MISCELLANEOUS REQUIREMENTS AND PROVISIONS

The recipient must comply with all miscellaneous requirements and provisions described in this section and, when applicable, require its subrecipients, contractors, and subcontractors to comply. This list is not exclusive:

1. Prohibition Against Assignment by the Recipient

Notwithstanding any other provision of this Award, the recipient must not transfer, pledge, mortgage, or otherwise assign this Award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of Treasury.

2. Disclaimer Provisions

- a. The United States expressly disclaims any and all responsibility or liability to the recipient or third persons for the actions of the recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this Award or any other losses resulting in any way from the performance of this Award or any subaward, contract, or subcontract under this Award.
- b. The acceptance of this Award by the recipient does not in any way constitute an agency relationship between the United States and the recipient.

3. Prohibited and Criminal Activities

- a. The Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3812), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the federal government for money (including money representing grants, loans or other benefits).
- b. False Statements, as amended (18 U.S.C. §1001) provides that whoever makes or presents any materially false, fictitious, or fraudulent statements to the United States shall be subject to imprisonment of not more than five years.
- c. False Claims, as amended (18 U.S.C. § 287) provides that whoever makes or presents a false, fictitious, or fraudulent claim against or to the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided in 18 U.S.C. § 287.
- d. False Claims Act, as amended (31 U.S.C. 3729 et seq.), provides that suits under this act can be brought by the federal government, or a person on behalf of the federal government, for false claims under federal assistance programs.

- e. Copeland “Anti-Kickback” Act, as amended (18 U.S.C. § 874 and 40 U.S.C. § 276c), prohibits a person or organization engaged in a federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract. The Copeland “Anti-Kickback” Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

4. Political Activities

The recipient must comply, as applicable, with provisions of the Hatch Act, as amended (5 U.S.C. §§1501-1508 and 7321-7326) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

5. American-Made Equipment and Products

The recipient is hereby notified that it is encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

6. Increasing Seat Belt Use in the United States

Pursuant to EO 13043, the recipient should encourage its employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented or personally owned vehicles.

7. Minority Serving Institutions (MSIs) Initiative

Pursuant to EOs 13555, 13270, as amended, and 13532, as amended, Treasury is strongly committed to broadening the participation of MSIs in its financial assistance programs. Treasury’s goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the nation’s capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from federal financial assistance programs. Treasury encourages recipients to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website (see <http://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>).

8. Research Misconduct

Treasury adopts, and applies to Awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the EO of the President’s Office of Science and Technology Policy on December 6, 2000 (65 Fed. Reg. 76260 (2000)). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Recipients that conduct research funded by Treasury must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Recipients also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Award funds expended on an activity that is determined to be invalid or unreliable because of research misconduct may result in appropriate enforcement action under the Award, up to and including Award termination and possible suspension or debarment. Treasury requires that any allegation that contains sufficient information to proceed with

an inquiry be submitted to Treasury, which will also notify the Treasury Office of Inspector General of such allegation. Once the recipient has investigated the allegation, it will submit its findings to Treasury. Treasury may accept the recipient's findings or proceed with its own investigation; Treasury shall inform the recipient of the Treasury's final determination.

9. Care and Use of Live Vertebrate Animals

Recipients must comply with the Laboratory Animal Welfare Act of 1966 (Public Law 89-544), as amended, (7 U.S.C. §§ 2131 et seq.) (animal acquisition, transport, care, handling, and use in projects), and implementing regulations, 9 C.F.R. Parts 1, 2, and 3; the Endangered Species Act, as amended, (16 U.S.C. §§ 1531 et seq.); Marine Mammal Protection Act, as amended, (16 U.S.C. §§ 1361 et seq.) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Nonindigenous Aquatic Nuisance Prevention and Control Act, as amended, (16 U.S.C. §§ 4701 et seq.) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by federal financial assistance.

10. The Trafficking Victims Protection Act of 2000, as amended, (22 U.S.C. § 7104(g)), and the implementing regulations at 2 C.F.R. Part 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this Award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that this Award is in effect;
 - ii. Procure a commercial sex act during the period of time that this Award is in effect; or
 - iii. Use forced labor in the performance of this Award or subawards under this Award.
2. We as the federal awarding agency may unilaterally terminate this Award, without penalty, if you or a subrecipient that is a private entity —
 - i. Is determined to have violated a prohibition in paragraph a.1 of this Section V.10; or
 - ii. Has an employee who is determined by the agency official authorized to terminate this Award to have violated a prohibition in paragraph a.1 of this Section V.10 through conduct that is either—
 - A. Associated with performance under this Award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 31 C.F.R. part 19.

- b. *Provision applicable to a recipient other than a private entity.* We as the federal awarding agency may unilaterally terminate this Award, without penalty, if a subrecipient that is a private entity—
1. Is determined to have violated an applicable prohibition in paragraph a.1 of this Section V.10; or
 2. Has an employee who is determined by the agency official authorized to terminate this Award to have violated an applicable prohibition in paragraph a.1 of this Section V.10 through conduct that is either—
 - i. Associated with performance under this Award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 31 C.F.R. part 19.
- c. *Provisions applicable to any recipient.*
1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this Section V.10.
 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this Section V.10:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Award.
 3. You must include the requirements of paragraph a.1 of this Section V.10 in any subaward you make to a private entity.
- d. *Definitions.* For purposes of this award term:
1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Award; or
 - ii. Another person engaged in the performance of the project or program under this Award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 3. “Private entity”:
 - i. means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. § 175.25.
 - ii. includes:

- A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. § 175.25(b).
- B. A for-profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

11. The Federal Funding Accountability and Transparency Act of 2006, as amended, (Pub. L. No. 109-282, 31 USC § 6101 note)

- a. The award term at Appendix A of 2 C.F.R. Part 170 is hereby incorporated by reference.
- b. The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires information on federal awards to be made available to the public via a single, searchable website. This information is available at www.USASpending.gov. The FFATA Subaward Reporting System (FSRS) is the reporting tool federal prime awardees (*i.e.*, prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime grant awardees will report against sub-grants awarded. The subaward information entered in FSRS will then be displayed at <http://www.USASpending.gov>.
- c. Recipients of RESTORE Act funding are subject to FFATA subaward reporting requirements as outlined in the OMB guidance on FFATA issued August 27, 2010. The recipient is required to file a FFATA subaward report by the end of the month following the month in which the recipient makes any subaward greater than or equal to \$25,000. This includes any action that brings the cumulative total award to \$25,000 or more. This report must be filed electronically at <http://www.fsr.gov>.
- d. The recipient must report total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, by the end of the month following the month in which this Award is made, and annually thereafter if—
 - i. The total federal funding authorized to date under this Award is \$25,000 or more; and
 - ii. In the preceding fiscal year, the recipient received—
 - 1) 80 percent or more of annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to FFATA, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - 2) \$25,000,000 or more in annual gross revenues from federal procurement financial contracts (and subcontracts) and federal financial assistance subject to FFATA, as defined at 2 C.F.R. 170.320 (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S.

Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

- e. The recipient must report on the total compensation of its subrecipients' five most highly compensated executives, as required by FFATA, and must include provisions in every executed contract or agreement with affected subrecipients requiring the subrecipient to provide all information necessary for the recipient to report on subrecipient executive compensation. The recipient must report on subrecipient executive compensation by the end of the month following the month during which the recipient makes the subaward.
- f. The recipient must keep its information current in SAM (System for Award Management, which is the successor to the Central Contractor Registry, (CCR)) at least until submission of the final SF-425 or receipt of the final Award payment, whichever is later. This requires that the recipient review and update the information at least annually after the initial registration, and more frequently if required by changes in the recipient's information. SAM is the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).
- g. If the recipient is authorized to make subawards under this Award, the recipient must notify potential subrecipients that the recipient may not make a subaward to any entity unless that entity has provided its Data Universal Numbering System (DUNS) number to the recipient. A DUNS number is the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

12. Recipient Integrity and Performance Matters (80 FR 43301, July 22, 2015) Reporting of Matters Related to Recipient Integrity and Performance

a. General Reporting Requirement

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph b. of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

b. Proceedings About Which The Recipient Must Report

The recipient must submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five year period; and
- iii. Is one of the following:

- 1) A criminal proceeding that resulted in a conviction, as defined in paragraph e. of this award term and condition;
- 2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- 3) An administrative proceeding, as defined in paragraph e. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- 4) Any other criminal, civil, or administrative proceeding if:
 - a) It could have led to an outcome described in paragraph b.iii. 1), 2), or 3) of this award term and condition;
 - b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

c. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph b of this award term and condition. The recipient does not need to submit the information a second time under assistance awards that the recipient received if they already provided the information through SAM because they were required to do so under Federal procurement contracts that they were awarded.

d. Reporting Frequency

During any period of time when the recipient is subject to the requirement in paragraph 1 of this award term and condition, the recipient must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that they have not reported previously or affirm that there is new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

e. Definitions

For purposes of this award term and condition:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of

competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

- iii. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
- b. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
- c. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

13. Publications and Signage

Any publications (except scientific articles or papers appearing in scientific, technical, or professional journals) or signage produced with funds from this Award, or informing the public about the activities funded in whole or in part by this Award, must clearly display the following language: “This project was paid for [in part] with federal funding from the Department of the Treasury under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act).” Publications (except scientific articles or papers appearing in scientific, technical, or professional journals) produced with funds from this Award must display the following additional language: “The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Department of the Treasury.”

14. Homeland Security Presidential Directive 12

If the performance of this Award requires the recipient’s personnel to have routine access to Treasury-controlled facilities and/or Treasury-controlled information systems (for purpose of this term “routine access” is defined as more than 180 days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, Treasury will conduct a check with U.S. Citizenship and Immigration Services’ (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that he or she is eligible for employment within the United States. Any items or services delivered under this Award must comply with Treasury personal identity verification procedures that implement Homeland Security Presidential Directive 12, “Policy for a Common Identification Standard for Federal Employees and Contractors”, FIPS PUB 201, as amended, and OMB Memorandum M-05-24, as amended. The recipient must ensure that its subrecipients and contractors (at all tiers) performing work under this Award comply with the requirements contained in this Section V.14. Treasury may delay final payment under this Award if the subrecipient or contractor fails to comply with the requirements listed in the section below. The recipient must insert the following term in all subawards and contracts when the subrecipient or contractor is required to have routine physical access to a Treasury-controlled facility or routine access to a Treasury-controlled information system:

- a. The subrecipient or contractor must comply with Treasury personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication, FIPS PUB 140-2, as amended, for all employees under this subaward or contract who require routine physical access to a federally controlled facility or routine access to a federally controlled information system.

- b. The subrecipient or contractor must account for all forms of government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor must return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by Treasury:
 - i. When no longer needed for subaward or contract performance;
 - ii. Upon completion of the subrecipient or contractor employee's employment;
 - iii. Upon subaward or contract completion or termination.

15. Foreign Travel

- a. The recipient may not use funds from this Award for travel outside of the United States unless Treasury provides prior written approval.
- b. The recipient must comply with the provisions of the Fly America Act, as amended, (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131— 301-10.143.
- c. The Fly America Act requires that federal travelers and others performing U.S. Government-financed air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.
- d. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website <http://www.gsa.gov/portal/content/103191>. Information on the Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website <http://www.state.gov/e/eeb/tra/>.
- e. If a foreign air carrier is anticipated to be used for any portion of travel funded under this Award, the recipient must receive prior approval from the Treasury. When requesting such approval, the recipient must provide a justification in accordance with guidance provided by 41 C.F.R. § 301-10.142, which requires the recipient to provide Treasury with the following: name; dates of travel; origin and destination of travel; detailed itinerary of travel; name of the air carrier and flight number for each leg of the trip; and a statement explaining why the recipient meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the recipient must provide Treasury with a copy of the agreement or a citation to the official agreement available on the GSA website. Treasury shall make the final determination and notify the recipient in writing. Failure to adhere to the provisions of the Fly America Act will result in the recipient not being reimbursed for any transportation costs for which the recipient improperly used a foreign air carrier.

16. Export Control

- a. This clause applies to the extent that this Award involves access to export-controlled items.
- b. In performing this financial assistance Award, the recipient may gain access to items subject to export control (export-controlled items) under the Export Administration Regulations (EAR) issued by the Department of Commerce (DOC). The recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled items, including the EAR's deemed exports and re-exports provisions. The recipient shall establish and maintain effective export compliance procedures throughout performance of the Award. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled items, including by foreign nationals.
- c. Definitions:
 - i. Export-controlled items. Items (commodities, software, or technology), that are subject to the EAR (15 C.F.R. §§ 730—774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application.
 - ii. Deemed Export/Re-export. The EAR defines a deemed export as a release of export-controlled items (specifically, technology or source code) to a foreign national in the U.S. Such release is "deemed" to be an export to the home country of the foreign national. 15 C.F.R. § 734.2(b)(2)(ii). A release may take the form of visual inspection, oral exchange of information, or the application abroad of knowledge or technical experience acquired in the United States. If such a release occurs abroad, it is considered a deemed re-export to the foreign national's home country. Licenses from DOC may be required for deemed exports or re-exports.
- d. The recipient shall control access to all export-controlled items that it possesses or that comes into its possession in performance of this Award, to ensure that access to, or release of, such items are restricted, or licensed, as required by applicable federal statutes, EOs, and/or regulations, including the EAR.
- e. To the extent the recipient wishes to provide foreign nationals with access to export-controlled items, the recipient shall be responsible for obtaining any necessary licenses, including licenses required under the EAR for deemed exports or deemed re-exports.
- f. Nothing in the terms of this Award is intended to change, supersede, or waive the requirements of applicable federal statutes, EOs, and/or regulations.
- g. Compliance with this Section V.15 will not satisfy any legal obligations the recipient may have regarding items that may be subject to export controls administered by other agencies such as the Department of State, which has jurisdiction over exports of munitions items subject to the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120—130), including releases of such items to foreign nationals.
- h. The recipient shall include this clause, including this paragraph (i), in all lower tier transactions (subawards, contracts, and subcontracts) under this Award that may involve access to export-controlled items.

SUPPLEMENTAL STANDARD TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT FOR ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY – NOT APPLICABLE TO THIS AWARD

RESTORE Act Direct Component Financial Assistance Application
Department of the Treasury

OMB Approval No. 1505-0250

Directions: Complete one of these forms for <u>EACH</u> proposed activity for which the applicant is requesting Direct Component funds.			
GENERAL INFORMATION:			
Applicant Name:	Charlotte County Florida		
Name and Contact Information of the Person to be contacted on matters concerning this application (POC):	POC Name: Mindy Collier POC Title: RESTORE Act Coordinator POC Email: Mindy.Collier@charlottecountyfl.gov POC Phone: 941-764-4520		
Activity Number and Proposed Activity Name (from multiyear plan):	2015-007 Restoring Bay Scallops in Charlotte Harbor		
A. STATUTORY QUESTIONS			
1. Qualifying eligible activity: Please check the primary eligible activity in the first column and then all other eligible activities that apply in the second column by placing an 'X' in the column in the row corresponding to the qualifying eligible activity. *This information will assist Treasury when it prepares reports that describe how grantees use Direct Component funds to address their eligible activities.	Select Primary Activity	Select All Others That Apply	Qualifying Eligible Activity
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast Region
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Mitigation of damage to fish, wildlife and natural resources
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Workforce development and job creation
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Infrastructure projects benefitting the economy or ecological resources, including port infrastructure
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Coastal flood protection and related infrastructure
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Planning assistance
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Promotion of tourism in the Gulf Coast Region, including recreational fishing
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Promotion of the consumption of seafood harvested from the Gulf Coast Region

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0250. Comments concerning the time required to complete this information collection, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information, should be directed to the Department of the Treasury, RESTORE Act Program, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

<p>2. Was this proposed activity included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after July 6, 2012?</p> <p>If "Yes," this activity is not eligible for a Direct Component grant.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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<p>3. Location</p> <p>(a) Please provide the actual address for the activity (street address, municipality(ies), county/parish, state, zip code). (If there is no street number, provide the nearest intersection or note boundaries on provided map.) If there is more than one location for the activity, attach a list of the additional locations (street address, municipality(ies), county/parish, state, zip code).</p>	<p>Street address:</p> <p>Municipality(ies):</p> <p>County/parish: Charlotte County</p> <p>State: Florida</p> <p>Zip code: 33980</p>
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(b) Applicants must demonstrate that the proposed activity will be carried out in the Gulf Coast Region. An activity is carried out in the Gulf Coast Region when, in the reasonable judgment of the entity applying to Treasury for a grant, each severable part of the activity is primarily designed to restore or protect that geographic area. [Directions: Please describe how the proposed activity will be carried out in the Gulf Coast Region. Please limit the response to no more than two pages. In addition, applicant must attach a map that includes the location that the activity is primarily designed to restore or protect.]

Restoring Bay Scallops is a project located in adjacent water within 25 miles of the Gulf Coast of Florida and covered under Florida's Coastal Management program as defined by section 304 of the Coastal Zone Management Act of 1972. Bay scallops were once abundant in Southwest Florida Gulf of Mexico waters and supported a mainly commercial fishery. By the mid-1960's bay scallop populations in Southwest Florida had collapsed (Geiger, 2015, Arnold et al. 2005). Written records of recreational scalloping are sparse to non-existent, though the tradition must have been strong; concern for dwindling state-wide resources prompted the Florida Fish and Wildlife Conservation Commission (FWC) to develop a scallop monitoring program in the early 1990's (Geiger 2015). From the mid-1990s, when monitoring began in Pine Island Sound, until the early 2000s bay scallops were virtually non-existent. In the 1st 11-years of monitoring, the population was always classified as collapsed (< 0.01 scallops per m2) and there was never a single stable patch detected (>0.1 scallops per m2) (Geiger 2015). Scientists are not sure what caused the disappearance but degraded water quality, overharvesting, and loss of seagrass habitat are suspected. In 1994 scallop harvesting was prohibited throughout much of the state, including Southwest Florida. In the last decade improvements to water quality and seagrass acreage combined with a reduction in harvest pressure have led to limited natural recruitment of bay scallops in Southwest Florida estuaries. The first big rebound in bay scallop populations in Pine Island Sound occurred in 2005, two years after a restoration project took place in the same location. The success of this restoration has led scientists and citizens to hope one day bay scallops may return to sustainable levels. As a result increased monitoring efforts and a few small scale projects aimed at restoring bay scallop populations have been initiated throughout Southwest Florida.

B. DISCUSSION OF SPECIFIC ACTIVITY

IF APPLICABLE, PLEASE FOLLOW SPECIFIC DIRECTIONS FOR NON-FEDERAL SHARE OF ANOTHER FEDERALLY FUNDED ACTIVITY and ACTIVITIES APPROVED PRIOR TO JULY 6, 2012 in the application guidance

1. Proposed Activity Description

[Directions: Describe the scope of work for the proposed activity. Please limit the response to no more than 5 pages. If the applicant is proposing a program, rather than a project or activity, the applicant must provide specific tasks regarding the program's activities and operations. The applicant must specify whether all program activities will be carried out by the program personnel described in B7. If not, the applicant must specify whether the program will require contracts or subawards to accomplish the proposed scope of work. If using contracts, the applicant must provide details in B3. If subawards, the applicant must provide details in B4. The applicant should contact RESTOREAct@treasury.gov for further guidance prior to combining several small projects or activities into a single program. Treasury will require programmatic reporting on all subawards, and will require the applicant to apply the relevant provisions of the Terms and Conditions to every subrecipient (subawardee).]

Currently all bay scallop monitoring and restoration efforts in Charlotte County waters have been conducted by the County's University of Florida/IFAS Sea Grant Extension program. This proposed project will build upon and enhance those efforts by allowing for intense restoration in areas that through previous monitoring and limited restoration have proven suitable for bay scallop populations to occur. Proposed activities will provide direct benefits to bay scallops in the estuary, and it will also enhance quality of life in the community. Charlotte County citizens will be involved in a science-based conservation effort and awareness of local natural resource restoration will be enhanced.

We propose three strategies: larval release, volunteer cages, staff-managed cages. Proposed approaches 1 and 3 have both been utilized with success in the past and are supported by Best Available Science. Tracking released settlement competent bay scallop larvae through their life cycle has generated evidence that this restoration technique can contribute to significant increases in the subsequent year-class (Arnold 2008). Larval releases similar in scale and methodology to those proposed for this project were attributed to measured levels of population recovery in both Pine Island Sound and Boca Ciega Bay (Leverone et al 2010). Aggregating adult scallops in cages anchored within seagrass beds as proposed in approach 3 increases the potential for fertilization of released gametes. Large-scale restoration efforts conducted by the state of Florida in 1998, 1999, and 2000 employed this methodology to deploy thousands of restoration stock scallops in caged spawning aggregations in Crystal River/Homosassa, Anclote Estuary, and Tampa Bay (Wilbur et al. 2005). Although resource-intensive, this restoration strategy successfully increased larval supply to the larger population (Arnold et al. 2005). Partially as a result of active restoration programs, the recreational bay scallop fishery was reopened between the Suwannee and Weeki Wachee Rivers in 2002, bringing an estimated economic impact of over \$1.6 million to Citrus County in 2003 (Stevens et al. UF/IFAS EDIS # FE493). Scallop populations in this zone still support recreational harvest at present (~ 2.1 million in 2014 dollars, even without considering the rapid growth in the scalloping industry there (Geiger 2015)). Approach 2 is a restoration strategy which could serve as a less resource intensive surrogate for anchored cages. In addition to demonstrated dedication to the project, volunteers currently participating in the scallop cage program in Charlotte Harbor have been selected for a location

subject to good water quality with suitable seagrass habitat in close proximity. Logistics of dock-suspended cage culture provide a method for aggregating adult scallops while reducing costly and time consuming permitting, maintenance, and monitoring requirements. A summary of current bay scallop efforts in Charlotte County follows. It should be noted that these same types of monitoring and restoration efforts are occurring in Sarasota Bay to the north and Pine Island Sound to the south. Larger regional bay scallop restoration efforts have a history of performing better over time because interconnected populations tend to be less vulnerable to episodic events such as red tide or heavy rainfall (Staugler 2009).

Bay Scallop Spat Recruitment Monitoring (Ongoing since 2008) – Key to monitoring the status and trends of recruiting bay scallops is ongoing recruitment (or spat) monitoring. Larval bay scallops are pelagic for 10-14 days after which time they settle to the bottom where they attach to seagrass blades (Geiger et al. 2010). Recruitment monitoring (Methods) measures the number of larvae settling out of the water column at select locations (Arnold et al. 1998). Spat recruitment monitoring is conducted from St. Andrew’s Bay to Pine Island Sound using standardized methods. In Charlotte County recruitment is monitored monthly at five stations. Recruitment collectors are constructed from citrus bags stiffened with a sheet of Vexar (3.2 mm mesh) attached to a half cinder block that serves as an anchor. The citrus bag is held vertically in the water column by a small float and provides substrate for spat to settle on. A crab-trap buoy tied to the collector serves as a visual surface float. Volunteer Under Dock Cage Restoration (2010, 2011, 2012 & 2014) – Trained volunteers who live and have docks on Lemon Bay (in Charlotte County), Gasparilla Sound and Coral Creek hang wire cages containing bay scallops from their docks where the scallops grow and then spawn. The goals of this project are to increase the recruiting bay scallop population in local waters, and identify suitable areas for additional restoration by determining survival and growth rates of caged animals at different sites over time. Seven to ten volunteers participate annually. Volunteers receive scallops when they are about 10 mm in size. Bi-weekly, they pull the cages and clean the scallops and cages of fouling organisms. Monthly they record survival and shell height information.

Great Bay Scallop Search (Annual since 2009) – The Great Bay Scallop Search is a resource-monitoring program where volunteers snorkel, looking for scallops in select areas within Gasparilla Sound and lower Lemon Bay. The purpose of this program is to monitor and document the geographic distribution and trends over time of bay scallops in our local waters. Annually up to 40 boats and 150 snorkelers are recruited. Trained volunteers monitor bay wide conditions using standardized transect monitoring procedures that allow for year to year comparisons. These methods represent a slightly modified version of those completed by the FWC on statewide basis.

Larval and Juvenile Releases (2013 & early 2014) – Approximately 12 million commercial hatchery spawned bay scallop larvae have been released at five locations in Charlotte County (two in Lemon Bay and three in Gasparilla Sound) and approximately 30,000 hatchery spawned juvenile bay scallops that were locally raised to various sizes (~2 mm – 30 mm) were released into local waters at 15 sites.

Monitoring of the larval releases mentioned above was done via recruitment collectors deployed at four locations surrounding each release site. A six month post release targeted dive survey was

conducted at all larvae and juvenile release sites. Early results were positive with recruitment found at three of five larval release sites and the post release dive survey found 12% greater bay scallop abundance at the restoration sites than background conditions. Background conditions were considered to be the results of the Great Bay Scallop Search which was designed as a random sampling effort and not to target restoration sites.

RESTORE Funding Scope of Work – We propose to capitalize on our existing efforts and volunteer network to conduct two years of higher intensity larval and juvenile bay scallop restoration. We will contract for up to eight hatchery spawns with the State’s authorized commercial hatchery Bay Shellfish Co. and conduct restoration using three approaches.

Approach (1): The majority of all hatchery spawned animals will be released as larvae 10 days post spawn. At 10 days, larvae are ready to settle out of the water column (Greenwalt-Boswell, et al. 2007; Lu and Blake 1997). The free floating larval stage is a time of high natural mortality, so by culturing animals through this stage we increase their chance of survival to settlement in targeted locations. Ideally, these locations foster patches of increased density which would allow those animals that survive to sexual maturity to spawn with greater success and thereby contribute to future generations (Leverone et al. 2010). Larvae released into construction booms in a 2003 Pine Island Sound restoration resulted in a considerable increase in bay wide bay scallop abundance two years later (Leverone et al. 2010). Preliminary results of larvae free released into Charlotte County waters in 2013 were also favorable and follow up monitoring is planned (Staugler unpublished). Approach (1) will result in the successful controlled release of 4-16 million bay scallop larvae using - 4 spawns (between Sept. 2016-Mar. 2017). Approach (1) will repeat in year two of the project.

Approach (2): A subset of each spawn will be raised by the hatchery to a size of .5-1mm, after which time they will be transported to trained volunteers who will raise them in various size mesh bags inside wire cages from their docks. Volunteers will clean scallop bags at least twice weekly and sort scallops into larger mesh bags every two weeks. Volunteer hours needed to complete Approach (2) is an estimated 5 hours/week. Once the scallops reach sizes of 10 mm to 30 mm they will be released into the estuary at targeted sites. The target is to release 10,000 juvenile bay scallops through Approach (2). This is a slightly modified version of the juvenile releases that took place in Charlotte County in 2013 and in Sarasota Bay by Mote Marine Laboratory also during 2013. The proposed project will increase cost effectiveness by capitalizing on our network of volunteers to grow scallops at their docks rather than relying on commercial hatchery rearing or establishing a local grow out nursery, both of which are considerably more expensive undertakings. Approach (2) will result in successful controlled release of bay scallop juveniles between Oct. 2016-Apr. 2017. Approach (2) will repeat in year two of the project.

Approach (3): At a single restoration site bay scallops from Approach 2 will be planted in cages anchored in the seagrass and maintained and monitored over time. This method was employed for three consecutive years in the late 1990s in large-scale using thousands of caged animals to form spawning aggregations in Crystal River/Homosassa, Anclote Estuary, and Tampa Bay (Wilbur et al. 2005). Although resource-intensive, this restoration strategy successfully increased larval supply to the larger population (Geiger 2015, Arnold et al. 2005). Because this method is very labor intensive and not nearly as cost effective as the other methods we propose only the one site.

GPS location of all restoration activities will be captured for follow-up monitoring. Our restoration efforts will be focused at a few discrete locations with multiple releases occurring over the course of the project in order to establish dense patches of spawning stock. Bay scallops possess both male and female sexual organs. Eggs and sperm are released sequentially to avoid self-fertilization and once released may be viable for only minutes to hours. Because of this bay scallop spawning success is dependent upon the density of the spawning stock (Arnold et al. 2005).

Larval release site monitoring will be carried out via recruitment collectors deployed at four locations surrounding each release site. A six month post release targeted dive survey will be conducted at all larvae and juvenile restoration sites (Approaches 1 and 2) and compared to background conditions (Great Bay Scallop Search) to quantify changes in scallop abundance. Bay scallops are an annual crop (Geiger et al. 2010) whose larval stages disperse based on currents. Due to these life history characteristics, post-six months restoration monitoring will focus on estuary wide abundance. To accomplish this we will supplement the volunteer search data with additional dive surveys to get an enhanced picture of bay scallop status in the estuaries. Concurrent with this project we also hope to secure funding to conduct perennial DNA sequencing. This addition to our project would allow us to determine conclusively if our restoration animals are contributing to the wild stock population.

2. Budget Justification [OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at 78 Fed. Reg. 78,590 (December 26, 2013)- Subpart E, Cost Principles]

[Directions: Explain how the overall budget supports the proposed scope of work. Provide specific justification for all that apply:

- personnel and fringe (see B7 Key Personnel);
- travel including the number of trips and estimated cost per trip;
- all equipment greater than \$5,000;
- supplies including a list of major types of supplies;
- contractual costs;
- construction costs; and
- administrative costs not to exceed 3% of the total award amount (attach a copy of the negotiated indirect cost agreement, if applicable).

If other federal or non-federal funds will be used to complete the activity, provide an explanation and total funds by type:

- other RESTORE Act funds,
- other federal funds,
- other state or local funds,
- other private funds.]

Personnel and Fringe:

Non-federal resources will be used for recipient monitoring and overall project management. County staff involved in the project include the RESTORE Act Coordinator and Fiscal Services as described in B7.

Supplies: \$11,200

Recruitment Collectors, Cages and related supplies for volunteers, buckets and bubblers for larval and juvenile transport and monitoring supplies. A full breakdown of these supplies is provided under Additional information.

Contractual Costs:

Charlotte County will purchase scallop spawns through a Florida Certified (Department of Agriculture Division of Aquaculture) commercial hatchery 8 times over the 2 year project period at \$8,500/spawn for a total of \$68,000.

The University of Florida Institute of Food and Agricultural Sciences (IFAS) will provide educational and technical oversight of the project through a subrecipient agreement with Charlotte County. The subrecipient agreement will be for \$30,920.70. A letter from the University of Florida Division of Sponsored Research is included in Additional Information. The "Period of Support" on the letter was dated at the time Charlotte County first began developing the Multiyear Implementation Plan for Direct Component funding.

Administrative/Indirect Cost: \$3,303.62

Other Third Party Contribution: \$90,153

This contribution consists of a cash match of \$1,500 from Martin Mann, volunteer time and boat use over the 2 years of the project, the cost of the FWC-SAL annual permit, UF Facility in-kind match and Florida Sea Grant match. See attached Budget Match Expanded Additional Information.

3. The Applicant's Selection and Oversight of Contractors, if applicable

[Directions: Indicate if the applicant plans to contract out any work proposed in this application. If so, describe the applicant's contracting strategy, schedule, and plan to effectively monitor and manage contractor performance, by addressing ALL of the following:

- The nature of the work to be contracted out, and the expected number of contracts to be awarded;
- The applicant's written procurement procedures, the extent to which these comply with procurement standards applying to federal grants, including requirements for competitive selection and cost analysis;
- The applicant's written conflicts of interest/standards of conduct policy;
- The applicant's non-discrimination policy;
- The expected timeline for issuing an RFP and making contract awards;
- The applicant's plan for monitoring contractor performance and compliance with applicable contract provisions; and
- If a contractor already has been selected, provide the name and DUNS number of the contractor.]

As indicated in the FWC-SAL permit, scallop spawn will need to be purchased through contract with a sole source vendor (Bay Shellfish Co.) through the procurement process described on page 23 of the Charlotte County Purchasing Manual - adopted 5/13/2016. It is anticipated that there will be 2 annual contracts/purchase orders with Bay Shellfish Co. The DUNS number for Bay Shellfish Co. is 612988209.

Charlotte County will contract with Bay Shellfish Company for bay scallop larvae and juveniles to be used for the project. This will be the only contractor. The procurement method will be sole source due to the limited availability of bay scallop larvae and juveniles in the Southeastern United States. Bay Shellfish Company is the only shellfish grower in the State of Florida that has bay scallop larvae and juveniles.

Charlotte County has utilized Bay Shellfish Company in the past and will monitor contractor performance through continuous inspection of the quality of larvae and juveniles, the delivery time period per transaction and overall responsiveness of the contractor as it relates to any issues or concerns that may arise over quality control.

4. The Applicant's Selection and Oversight of Subrecipients and Inclusion of Special Provisions relating to Subawards, if applicable.

[Directions: Indicate if the applicant plans to issue subawards for activities proposed in this application. If so, the applicant must provide ALL of the following:

- A narrative of how they selected or they plan to select any subrecipient, if applicable;
- The means by which the applicant will assess each subrecipient's level of risk and monitor each subrecipient's progress, including any required reports; and
- If a subrecipient already has been selected, provide the name and DUNS number of the subrecipient. Treasury will require programmatic reporting on all subawards, and will require the applicant to apply the relevant provisions of the Terms and Conditions to every subrecipient.]

Charlotte County will enter into a sub award agreement with the University of Florida Institute of Food and Agricultural Services (DUNS 969663814) to implement the objectives of the project. As indicated in B1, the County's University of Florida Institute of Food and Agricultural Services (IFAS) Sea Grant program has been conducting all the bay scallop monitoring and restoration efforts in Charlotte County waters. This project expands and significantly increases the bay scallop restoration activities. Charlotte County and the University of Florida have partnered together for county extension services through a Memorandum of Understanding since 1983 and are active participants in the Florida Sea Grant program through NOAA. All grant requirements placed upon the County will flow-down to IFAS and Charlotte County will ensure subaward compliance with the prime grant provisions.

Through the subaward, IFAS will do the following activities:

1. An OPS technician will be hired through UF to assist Staugler and Patterson with tasks related to bay scallop restoration and outreach efforts in Charlotte County. Duties of this individual will include coordination with the private shellfish hatchery for acquisition of scallop larvae, fieldwork related to larval release and subsequent monitoring, data collection/curation, and outreach efforts to Charlotte County citizens regarding bay scallop restoration in their estuary and specifically to waterfront property owners maintaining bay scallops in hanging dock cages.
2. Co-PI Dr. Josh Patterson will devote a total of 14 days per year to extension efforts related to Charlotte County bay scallop restoration efforts. This work will include supervision of the OPS technician as well as hands-on extension activities with Charlotte County citizens.
3. A University of Florida vessel will be utilized for bay scallop larval release efforts and subsequent monitoring. This shallow draft vessel is powered by a 115hp Yamaha motor and equipped with a jack plate for safe operation in shallow water without damaging seagrass beds. The UF hourly rate for 24' vessels is \$90/hour. This rate covers fuel as well as vessel and trailer maintenance.

All grant requirements placed upon the County will flow-down to IFAS and Charlotte County will ensure subaward compliance with the prime grant provisions.

1. The RESTORE Act Coordinator will advise IFAS of requirements (including but not limited to financial and non-financial reporting) imposed on them by federal laws, regulations of the flow-down provisions of the prime contract or grant agreement, and any supplemental County requirements imposed depending on a level of risk determination by the County.
2. The RESTORE Act Coordinator, along with applicable County grant-related service personnel, will monitor the subrecipients' use of grant funds and issue a written report summarizing the results and any corrective actions needed.
3. The subaward will be monitored through the following activities.
 - b. Routine receipt and review of technical performance/progress reports
 - c. Routine review of expenses-to-budget
 - d. Periodic on-site visits, or regular contact, if necessary
 - e. The option to perform "audits" if necessary
 - f. Review of Super Circular audit reports filed by IFAS and any audit findings
 - g. Review of corrective actions cited by IFAS in response to their audit findings.

5. Public Input for this Proposed Activity

[Directions: This question provides an opportunity for the applicant to elaborate on its brief discussion of public input regarding this activity in the multiyear plan narrative. Please include additional information regarding public input specific to this activity if applicable.]

Bay Scallop restoration started in Southwest Florida in 2008 and annually the public is invited to join in on the "Annual Great Bay Scallop Search". A poster is provided in "Additional Information Upload" which describes this annual event.

6. Best Available Science

[Directions: Only answer this question if the proposed activity is designed to protect or restore natural resources (may apply to any of the eligible activities in Sec 34.201 of the regulations if the activity will protect or restore natural resources). If the activity is not designed to protect or restore natural resources, simply indicate 'Not Applicable.' Please limit the answer to no more than 5 pages.]

The RESTORE Act requires activities designed to protect or restore natural resources to be based on the 'best available science,' which is defined in the Act as science that '(a) maximizes the quality, objectivity, and integrity of information, including statistical information; (b) uses peer-reviewed and publicly available data, and (c) clearly documents risks and uncertainties in the scientific basis for such projects.'

The applicant proposing an activity designed to protect or restore natural resources must explain their determination that the project is based on the 'best available science.' In addressing the three-pronged test for 'best available science, the applicant must cite peer-reviewed, objective, methodologically sound literature sources that support the conclusion that the proposed scope of work is an effective way to achieve the stated objectives, when available.

For each literature source cited, the applicant must provide sufficient citations including:

- The title
- The journal in which the literature source appeared, if applicable
- The publication date
- The author(s)

The applicant must provide:

- A summary of the peer-reviewed information that justifies the proposed objectives, including methods used for the proposed activity. If peer-reviewed literature sources are unavailable, the applicant must explicitly state this and provide a brief explanation of what alternative scientific information sources were used. If the applicant relied on publicly available data, the applicant must cite the source of the data, the date of collection, and the size of the data set. Whenever possible, the applicant should use publicly available data such as from the U.S. Census Bureau, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and other federal agencies. The applicant must provide a link to the publicly available data source used.)
- A summary of the literature sources' conclusions and any uncertainties or risks in the scientific basis that would apply to the proposed activity, including any that were identified by the public or by a Gulf Coast Ecosystem Restoration Council member.
- A summary of how, if the information supporting the proposed activity does not directly pertain to the Gulf Coast Region, the applicant's methods reasonably support and are adaptable to that geographic area.
- A summary of an evaluation of uncertainties and risks in achieving the project's best available science objectives over the longer term; e.g., is there an uncertainty or risk that in 5-10 years the project/program will be obsolete or not function as planned given projections of sea level rise or other environmental change such as in freshwater inflows to estuaries?

Literature on the Best Available Science is cited throughout this application, specifically in the methods to be used described in B1. As previously mentioned, two bay scallop restoration success stories in Florida are supported by Best Available Science. In summary, tracking released settlement competent bay scallop larvae through their life cycle has generated evidence that this restoration technique can contribute to significant increases in the subsequent years.

Long term uncertainties for bay scallop restoration center on the fact that success is dependent upon suitable environmental conditions for scallop larvae to settle, mature, and spawn. Because bay scallop restoration efforts and especially releases of competent larvae are punctuated events, short-term environmental perturbations such as red tides and freshwater inflows can negatively affect restoration. Due to the widespread Collapsed status of bay scallop populations and low observed recruitment in southwest Florida, restoration efforts designed to increase numbers of settlement competent larvae over suitable seagrass habitat offer improved chances for population recovery despite uncertainties related to environmental conditions.

The proposed restoration areas have suitable water quality and seagrass habitat to support successful bay scallop restoration efforts. The following documents provided in Additional Information detail the extent of seagrass cover in Charlotte County.

Florida Seagrass Integrated Mapping and Monitoring Program Report

Charlotte County Government Seagrass Bed Map

Bay scallop larval releases will take place only in areas mapped as having stable, continuous seagrass beds. In addition, presence of suitable habitat will be verified for each specific location by project coordinators prior to each larval release.

Water quality data for Charlotte Harbor are publicly available through the Charlotte Harbor National Estuary Program (CHNEP) Charlotte Harbor WaterAtlas, which maintains water quality

records for dozens of stations throughout the estuary. Variables reported at multiple depths in the water column for each station include salinity, pH, dissolved oxygen, phosphorus, turbidity, and total organic carbon. Because it has a large watershed relative to surface water area, some water quality parameters in Charlotte Harbor can be variable. However, the watershed is not highly urbanized and conditions supporting bay scallops generally prevail (Charlotte Harbor Seven-County Watershed Report - located in Additional Information). As a testament to coastal water quality conditions in Charlotte County, the Florida Department of Agriculture and Consumer Services (FDACS) permits shellfish aquaculture for human consumption on certain sovereignty submerged lands within the county boundaries. These areas are part of just a handful of regions permitted in the state Florida Shellfish Harvesting Areas. Due to the presence of these aquaculture lease sites, FDACS operates a rigorous water quality monitoring program and will close leases to harvest if adverse water quality conditions are detected. Persistence of viable shellfish aquaculture operations in Charlotte County waters is an illustration of the fundamentally good water quality in the region.

This project will build on the lessons learned in earlier restoration efforts both by the applicant and others within and outside of Florida. Two bay scallop restoration success stories in Florida are supported by Best Available Science. Tracking released settlement competent bay scallop larvae through their life cycle has generated evidence that this restoration technique can contribute to significant increases in the subsequent year-class (Arnold 2008). Larval releases similar in scale and methodology to those proposed for this project were attributed to measured levels of population recovery in both Pine Island Sound and Boca Ciega Bay (Leverone et al 2010). Aggregating adult scallops in cages anchored within seagrass beds as proposed in approach 3 increases the potential for fertilization of released gametes. Large-scale restoration efforts conducted by the state of Florida in 1998, 1999, and 2000 employed this methodology to deploy thousands of restoration stock scallops in caged spawning aggregations in Crystal River/Homosassa, Anclote Estuary, and Tampa Bay (Wilbur et al. 2005). Although resource-intensive, this restoration strategy successfully increased larval supply to the larger population (Arnold et al. 2005). Partially as a result of active restoration programs, the recreational bay scallop fishery was reopened between the Suwannee and Weeki Wachee Rivers in 2002, bringing an estimated economic impact of over \$1.6 million to Citrus County in 2003 (Stevens et al. UF/IFAS EDIS # FE493). Scallop populations in this zone still support recreational harvest at present (~ 2.1 million in 2014 dollars, even without considering the rapid growth in the scalloping industry there (Geiger 2015)).

Leverone et al. 2010 achieved a 2 magnitude increase in bay scallop abundance two years post restoration in Pine Island Sound using larval releases. Both containment and free releases were used. Stocking densities is an area of uncertainty when using larvae for restoration (Geiger 2015). Leverone et al. used between 500,000 – 1.2 million larvae in containments and between 1.3 million - 4 million in free release. In Charlotte Harbor we have used 2.5 million in containment, and between 2 million – 5 million in free release. Locally our best recruitment to date has been obtained using 2-3 million larvae in free release within Gasparilla Sound (unpublished). We have also learned from our previous years of volunteer cage fostering that bay scallops tend to handle stress of relocation better when they are smaller sized and when the water is cooler. We anticipate hatchery spawns to coincide with peak spawning in the natural stock, which for our area would typically occur in late fall to early winter (Stephenson 2016). Stocking densities for cage planting

was determined by Arnold et al., 2005 to be 200 individuals per cage except in Tampa Bay in which a stocking density of 100 individuals per cage was used. We anticipate Charlotte Harbor to act most like Tampa Bay due to its close proximity and the fact that both are semi-enclosed bay systems. As such we will initiate stocking at 100 individuals per cage, but will monitor closely in case adjustments are needed. Arnold et al., 2010 also determined that scallops planted in cages on legs (inside or outside of seagrass) had a higher survival rate than cages planted directly on the substrate within seagrass beds. This same study also determined that bay scallops planted on legs outside of seagrass beds were generally larger throughout the study than in any other treatment, and scallops planted directly on substrate within seagrass were generally smaller than those in any other treatment.

Outside of Florida, Tettelbach, et al., 2015 conducted intensive bay scallop restoration for 6 years and documented greater than 200 and up to 331 times increase in abundance. This study determined bay scallop resurgence was not due to increases in SAV. The authors concluded that bay scallop survival may have been enhanced by lower than historic levels of predators but that the dramatic increase in larval supply was driven by restoration efforts. Dr. Tettelbach is no stranger Southwest Florida. He was a guest speaker at a 2014 Southwest Florida Bay Scallop Workshop organized by the applicant in Terra Verde, FL and attended by 33 professionals working on various aspects of bay scallop research, restoration, or education in the region. The 2014 workshop resulted in the establishment of a SWFL Bay Scallop Working Group, comprised of resource managers and research scientists involved in bay scallop monitoring and/or restoration from Tampa Bay to Pine Island Sound.

It has been hypothesized that Tampa Bay to our north (Arnold 2005) and Pine Island Sound to our south (Geiger 2015) historically acted as a source of bay scallop larvae for the west coast of Florida. Both of these locations have seen an increase in bay scallop populations over the past two decades although populations have fluctuated widely from year to year. In 2014, the primary investigator initiated a Southwest Florida Bay Scallop Working Group, comprised of resource managers and research scientists involved in bay scallop monitoring and/or restoration from Tampa Bay to Pine Island Sound. The intent of the working group is to discuss and coordinate restoration and monitoring activities in the region recognizing that in order to achieve sustainable bay scallop populations in southwest Florida, the region must recover together as a whole. The group meets at least annually and as needed in between. Restoration efforts have been ongoing in Tampa Bay, Sarasota Bay, Charlotte Harbor, and Pine Island Sound for several years now.

Data on Florida's bay scallop populations are made publicly available by FWC's Fish and Wildlife Research Institute (FWRI) in the form of annual reports. Most recently, the 2015 annual report was released in April 2016 and can be accessed at the following URL:

<http://myfwc.com/media/2144988/2015-annual-report-public.pdf>

Adult bay scallop abundance was surveyed by counting scallops within a 2 meter width along a 300 meter transect line. A total of 170 stations were surveyed gulf-wide in 2015 via underwater surveys, 82 in areas open to recreational harvest and 88 in closed areas. Charlotte Harbor was not included as a study site, however data from the Great Bay Scallop Search are made publicly available by Charlotte County University of Florida/IFAS Sea Grant Extension. In areas open to recreational scallop harvest, the same transect lines are sampled by FWC following fishery closure. During 2015, scallops were observed at 146 of 170 stations survey. This represented an

increase from the summer of 2014. A wide distribution can help when an area is impacted by localized episodic events; however, low densities across a wide scale will result in decreased fertilization, and result in the production of fewer larvae. In addition to adult abundance, juvenile scallop recruitment was monitored using “spat collectors” similar to those previously described and proposed for this study. Juvenile recruitment was monitored at eight study sites from St. Andrew Bay to Pine Island Sound.

Summer 2015 sampling resulted in a stock status classified as Vulnerable with only the Franklin-Wakulla site having a Stable bay scallop population. Bay scallop populations in study sites from Tampa Bay southward were all classified as Collapsed, with very low numbers of animals present. Results of the Great Bay Scallop Search in Charlotte Harbor corroborate these findings. Two simultaneous red tides impacted closed areas in both the Panhandle and Southwest regions in late 2015. High cell counts were recorded from September through December in the Panhandle and from October to February 2016 in the Southwest. The blooms coincided with the scallop spawning and larval settlement and resulted in very depressed juvenile recruitment in those study sites.

Bay scallop collection, spawning, and release activities are conducted under approved Florida Fish and Wildlife Conservation Commission Marine Special Activity Licenses (SAL) <http://myfwc.com/license/saltwater/special-activities/>. All collection and spawning activities are conducted under an approved SAL held by the hatchery, and all release activities are conducted under an approved SAL held by the applicant. The bay scallop activities covered by these SALs are consistent with the bay scallop efforts by the FWC, those supported by the Southwest Florida Regional Bay Scallop Working Group and the Charlotte Harbor National Estuary Program Comprehensive Conservation Management Plan. The broodstock holding and spawning facilities consists of broodstock in hatchery in isolated containers along with spawning wet table. Rearing facilities include many individual containers with their own highly filtered water and food supply.

- Collection - Because of annual variability in specific desired collection location, FWC recommendations are followed with regards to area of the west Florida shelf for broodstock collection based on findings of Bert et al. 2014. Accepted geographic boundaries for natural stocks of bay scallops per FWC molluscan fisheries staff is Palm Beach County, FL to Chandeleur, AL. Genetically we'd use scallops from south and east of Cape San Blas - per guidance from FWC molluscan fisheries staff. Collection is by hand with scallops collected over the broadest possible area, density dependent.
- Spawning - The hatchery makes no genetic changes, nor does it pick for specific traits outside of what occurs normally regarding growth and survival under culture conditions. The hatchery eliminates self-fertilization and allows for the largest genetic mix. Rearing from larval stages and beyond is done in the hatchery with controlled conditions, filtered water, isolated tanks and cultured algae.
- Release - 30-100 million larvae will be produced under hatchery approved SAL. A subset of 30,000 scallops to be grown to 1 mm shell height in the hatchery and transferred to volunteer cage culture program. Volunteers will grow scallops in mesh bags from 1mm to 10mm shell height for release and planted cage culture. Planted cage culture procedures will follow Arnold et al. (2005). Volunteers will retain a subset of 50 scallops to document growth and survival.

Theft and vandalism of planted scallop cages is certainly of concern. We will attempt to minimize the risk of theft using a multi-pronged approach. Our primary targeted area for restoration is located within close proximity of a State permitted hard clam aquaculture lease site. This area is highly visible and regularly visited by clam farmers and state regulators. We also have consistently good support from local law enforcement. We will notify them when the cages are planted and provide them with deployment location. Finally, with new available side scan technology we can anchor the cages without the need for a surface float. Should we experience theft or vandalism, we will not re-anchor in the same location.

Bay scallop fostering programs, where citizen scientists grow scallops in cages at their docks and regularly document growth and survival information has been used successfully in southwest Florida since 2008 see Ott et al., 2014 <http://www.chnep.org/Events/Summit2014/Ott.pdf>. Although we are not aware of a program where bay scallops are raised by volunteers for eventual release at restoration sites, this approach is well established for oyster restoration (Rossi-Snook, et al. 2010; Reynolds et al. 2005; Hamilton et al. 2005).

Regarding the monitoring of environmental conditions, Charlotte County will primarily rely on existing monitoring programs to determine optimal release conditions. Red tide and other HAB information is readily available through weekly updates provided by FWRI <http://myfwc.com/research/redtide/statewide/>. Other water quality monitoring data is collected monthly by a variety of organizations (see: Staugler 2015 - [http://charlotte.ifas.ufl.edu/seagrant/publications/EAS_070615_004_WaterQuality%20\(3\).pdf](http://charlotte.ifas.ufl.edu/seagrant/publications/EAS_070615_004_WaterQuality%20(3).pdf), and made publically accessible through the CHNEP Water Atlas. Prior to release however, we will collect water quality data using a YSI and if needed we will acclimate restoration animals by mixing holding water with ambient water until conditions in holding tanks match ambient conditions to the best of our ability.

Charlotte County receives weekly red tide updates via email from FWC-FWRI and is also in regular contact with Division of Aquaculture scientists who are co-located in the same building as the applicant. The Division of Aquaculture is responsible for shellfish harvesting openings and closures and have access to red tide results on a daily basis. Red tide blooms can and have occurred every month of the year but most ~70% occur during late summer and fall (August – February). There is a likelihood of a red tide bloom occurring over the course of the restoration project. We will try to mitigate the impacts of red tide by monitoring the red tide updates prior to a spawn and release, and if needed moving our release to a suitable area outside of impact. Red tide monitoring data collected over the last several years have shown that Bull and Turtle bays have not experienced high cell counts even when surrounding waters have. For this reason an existing permitted lease site in Bull Bay has been proposed as a suitable relay site to the Division of Aquaculture by the hard clam industry.

The inability to conclusively determine the origin of animals found post-restoration has been a definite limitation of bay scallop restoration efforts. We do not believe that any references or publicly available information exist linking restocking efforts with increases in stock abundance through genetics. However, a concurrent and complimentary project – funded by Florida Sea Grant – will develop and test genetic parentage analysis using broodstock, larvae, and juveniles from a RESTORE funded scallop spawn. This project should allow determination of genetic

effective population size for one larval release as well as verify the parentage and hatchery origin of juvenile scallops from spat collectors around the release site. In collaboration with geneticists at the University of Florida, we have already started creating a useful multiplex microsatellite system for bay scallop parentage analysis in Florida Gulf of Mexico populations. We have verified the ability to obtain adequate DNA from bay scallop larvae, and dozens of microsatellites from the literature have been screened for amplification and polymorphism in our population. The next step is to run a pilot parentage analysis test using broodstock, larvae, and juveniles from a restoration spawn. Should these efforts prove successful, a new tool to test the genetic diversity and success of bay scallop stock enhancement efforts be available thanks in large part to RESTORE funding.

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7. Key personnel

[Directions: Identify key applicant staff who will undertake and complete the activities. Specify the position titles, duties, and responsibilities of each key individual.]

Charlotte County Administrator, Raymond Sandrock, is the designated authority to sign the grant application and award. Charlotte County will enter into a sub award agreement with the University of Florida in compliance with 2 CFR 200.330-331 for project implementation. University of Florida Co-Investigators Elizabeth (Betty) Staugler, Sea Grant Agent II and Dr. Joshua Patterson, Assistant Professor - Restoration Aquaculture, will provide the technical expertise and be responsible for the overall project operations. Pam Kirchner, Financial Manager, Charlotte County Fiscal Services is the "Authorizing Official" within the Automated Standard Application For Payments (ASAP) system. Mindy Collier, RESTORE Act Coordinator, is responsible for monitoring subrecipient performance and ensuring accurate financial records and accounting for allowable project expenditures. Ms. Collier will also coordinate communications between Treasury and the Charlotte County for all projects funded under the Direct Component and monitor the activities of the subrecipient to ensure compliance with Federal statutes, regulations and the terms and conditions of the subaward agreement.

Brief Bios on Key Personnel.

Elizabeth (Betty) Staugler is a Sea Grant Agent II under the University of Florida/IFAS and the Florida Sea Grant program funded under NOAA. Ms. Staugler has an Master of Science Degree in Marine and Ecological Science from Florida Gulf Coast University and has over 17 years of experience working with the marine environment of Charlotte Harbor

Dr. Joshua Patterson has a B.S. in Biology from George Mason University (2006), an M.S. in Aquaculture/Aquatic Sciences from Kentucky State University (2010), and a Ph.D. in Renewable Natural Resources from Louisiana State University (2014). Dr. Patterson’s past work has focused on marine, estuarine and freshwater systems, resulting in publications in a wide range of referred scientific journals. He has presented the results of his research to scientists and stakeholders and local, state, national, and international conferences. During his career at the University of Florida, Dr. Patterson hopes to conduct targeted research to increase the success of bay scallop restoration efforts. He will also participate in statewide extension activities to educate Floridians about the importance of estuarine health, including bay scallops and the seagrasses they depend on.

Mindy Collier is the RESTORE Act Coordinator for Charlotte County and the staff liaison to the Charlotte County RESTORE Act Advisory Board. She has over 30 years of experience of managing grant contracts and will provide additional oversight in monitoring the performance of all project grants awarded under the RESTORE Act. Mindy will be responsible for submitting the status of performance reports to the Department of Treasury.

8. Consistency with the Applicant’s Multiyear Implementation Plan

[Directions: Discuss how the proposed activity is consistent with the applicant’s multiyear plan on file with Treasury, including the specific objectives and outcomes applicant will use to evaluate the activity. The specific objectives will be included in the periodically submitted *Status of Performance Report*.]

Restoring Bay Scallops is a project design around best available science(BAS) that meets the following primary eligible activity as specified by the RESTORE Act: Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast Region. The goal of the project is to increase the number of bay scallops in Charlotte Harbor through significantly increasing the scale of bay scallop restoration efforts in Charlotte Harbor. The objective is to increase the number of bay scallops in Charlotte Harbor through controlled releases of bay scallop larvae and juveniles during two annual spawning cycles with six month post release targeted dive surveys to quantify changes in scallop abundance. Direct component funds will be used for scallop spawns (4), cage culture and supplies, monitoring supplies, and labor. The \$3,303.62 difference between the project budget in the multiyear implemantion plan and application is indirect cost associated with the project. The scope of work for the direct component funding has not changed. Charlotte County did not feel

that the focus of the project changed based on the addition of the indirect cost or that the additional cost was a material modification to the plan per 31 CFR 34.303 and therefore did not revised the MYIP. The remaining project costs are comprised of in-kind volunteer time, genetic validation of scallop parentage and project oversight.

9. Possible Material Risks to Implement and Maintain the Proposed Activity

[Directions: Please list the possible material risks, e.g., operational, legal, regulatory, budgetary or ecological risks, with a brief discussion of mitigation strategies that the applicant may need to address in order to implement and/or maintain the proposed activity.]

Risk	Mitigation Strategy
Harmful algal blooms or Red Tide	Monitor cell counts and postpone a release or move the location of release until the red tide is gone.
Abnormal weather events that effect the salinity of the water or winds that might carry larvae to undesirable areas.	Participate in a bay scallop working group from Tampa Bay to Pine Island to plan logistics in the case of red tide or abnormal weather events.

10. Title Issues, Land Acquisition, and Permits

[Directions: Answer the following items concerning land acquisition, construction, and permits.]

a. Permits

Does the proposed activity require any federal, state, or local permits? For potential federal permits needed, see: <http://www.permits.performance.gov/permit-inventory>

Yes No

If yes, list local, state, tribal, or federal permits required for this project and the status of the permits:

[If the permits have not been obtained, and the applicant is seeking the permits, work may not begin or land may not be purchased until the permits have been issued and received by the applicant.]

Florida Fish and Wildlife Conservation Special Activity License (SAL). Charlotte County currently holds approved SAL-14-1390-SCR however all SALs must be renewed annually. The SAL specifies authorized personnel, approved release methods and locations, notification of field activities protocol, and follow-up reporting requirements.

b. Land acquisition activities

Will land or interest in land be acquired? Yes No If yes, answer questions i-vii:

i. What are the legal rights that will be acquired?

Fee title Easement Other (please explain)

ii. If an easement, what is the life of the document?

iii. What entity will hold title to the land?

iv. What is the total acreage of the proposed property to be acquired (easement or fee title)?

v. Has the applicant obtained a recent, independent appraisal of the property? Yes No
If yes, attach a copy of the appraisal.

vi. Has the applicant obtained a title opinion or certificate? Yes No
If yes, attach a copy of the title opinion or certificate.

vii. Attach a signed statement from the seller(s) that he/she is a willing seller and has not been coerced into selling or conveying the property interest.

c. Relocation Assistance

Will the proposed project cause the displacement of any persons, businesses, or farm operations? Yes No

If yes, explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.