

RESOLUTION NO.: 34—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

2/3 MAJORITY – 24 VOTES

1 The Land Conservation Department (LCD) was awarded a federal financial
2 assistance award from the U.S. Fish and Wildlife Service for Riparian Habitat
3 Enhancement and Restoration in the Lower Fox River Basin (Grant No.
4 F23AP01490-00) in the amount of \$273,250 for the time period of July 1, 2023
5 through July 1, 2026. These funds will be used to expand riparian habitat
6 enhancement and stream restoration projects to improve habitat and water quality
7 in the Mud Creek, Plum Creek, Kankapot Creek, Apple Creek, and Duck Creek
8 watersheds in the Lower Fox Basin. These funds will be used in conjunction with
9 the current initiatives within these watershed areas (used as match along with
10 other current resources, no additional match would need to be budgeted at this
11 time). This request is for approval to accept and expend the Natural Resource
12 Damage Assessment (NRDA) funds and approval of the corresponding budget
13 adjustments.

14
15 NOW THEREFORE, the following resolution is presented by the Agriculture, Extension
16 Education, Zoning & Land Conservation Committee to the County Board.

17 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize and
18 approve the Land Conservation Department to accept and expend a federal financial assistance
19 award from the U.S. Fish and Wildlife Service for Riparian Habitat Enhancement & Restoration
20 in the Lower Fox River Basin in the amount of \$273,250 for the time period of July 1, 2023 through
21 July 1, 2026, with said funds to be used to expand riparian habitat enhancement and stream
22 restoration projects to improve habitat and water quality in the Mud Creek, Plum Creek, Kankapot
23 Creek, Apple Creek, and Duck Creek watersheds in the Lower Fox Basin, as noted on the attached
24 Notice of Award which by reference is made a part hereof, and

25 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does
26 authorize and approve of increasing the following line items in the Land Conservation Grants
27 budget: Intergovernmental Revenues by \$273,250; Purchased Services by \$206,250;

28 Salaries by \$42,857; Fringe Benefits by \$17,143; Supplies by \$5,000; Travel/Training by \$2,000,
29 as noted on the attached fiscal note which by reference is made a part hereof, and

30 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a
31 copy of this resolution to the Outagamie County Land Conservation Director and the Outagamie
32 County Finance Director.

33 Dated this ____ day of July 2023

34
35 Duly and officially adopted by the County Board on: _____
36

37
38 Signed: _____
39 Board Chairperson County Clerk
40

41
42 Approved: _____ Vetoed: _____
43

44
45 Signed: _____
46 County Executive

OUTAGAMIE COUNTY FISCAL NOTE

INTRODUCTION: This form must be attached to any resolution or ordinance which contains a spending or revenue proposal. The form should be completed by an individual within the department initiating the resolution or ordinance with assistance from the Financial Services Department. Contact the Finance Director (1675), Controller (1674) or Staff Accountant (1681) for assistance. Once completed, forward a copy of the form to the Financial Services Department for their review. Financial Services will forward a reviewed copy of the fiscal note to Legislative Services.

1. **Subject:** Accept and expend US Fish and Wildlife Service Fox River Natural Resource Damage Assessment Funds

2. **Description:** This section must be completed for all fiscal notes. Briefly and concisely describe the request. State assumptions used and discuss any current year and long-term fiscal impacts. (A separate attachment can be used)

The Land Conservation Department (LCD) was awarded a federal financial assistance award from the U.S. Fish and Wildlife Service for Riparian Habitat Enhancement & Restoration in the Lower Fox River Basin (Grant No. F23AP01490-00) in the amount of **\$273,250** for the time period of July 1, 2023 through July 1, 2026. These funds will be used to expand riparian habitat enhancement and stream restoration projects to improve habitat and water quality in the Mud Creek, Plum Creek, Kankapot Creek, Apple Creek, and Duck Creek watersheds in the Lower Fox Basin. These funds will be used in conjunction with the current initiatives within these watershed areas (used as match along with other current resources, no additional match would need to be budgeted at this time). This request is for approval to accept and expend the Natural Resource Damage Assessment (NRDA) funds.

LCD is requesting approval to accept and expend these funds along with approval for a budget adjustment which includes an increase in Purchased Services in the amount of **\$206,250**, Supplies in the amount of **\$5,000**, Travel/Training in the amount of **\$2,000** and an increase in salary/fringe in the amount of **\$60,000**. The aforementioned expenses are offset with a corresponding increase in Intergovernmental Revenues in the amount of **\$273,250**. This proposed adjustment is budget neutral, requiring no county funding.

Current Year Budget Impact (Check one or more of the following boxes)

Revenues Expenses (Cost) None

- 3. Is the specific cost or revenue included in the current year's budget? yes () no () partially ()
- 4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item? yes () no () n/a ()
- 5. Is the proposal to accept additional revenues only? yes () no ()
- 6. Does this request modify/adjust the current year budget? yes () no ()
If no, skip to question 8 below.
- 7. Detail current year budget changes. Please list cost center name, line item, account number and either the increase or decrease amount. (Please note that all budget adjustments must balance. For example, an increase in an expenditure account must be offset by a decrease in another expenditure account or the contingency fund or an increase in a revenue account or other funding sources such as fund balance applied.)

Land Conservation Grants	Intergovernmental Revenues	2100400.4225.20	273,250
Land Conservation Grants	Purchased Services	2100400.5500	206,250
Land Conservation Grants	Salaries	2100400.5100	42,857
Land Conservation Grants	Fringe Benefits	2100400.5200	17,143
Land Conservation Grants	Supplies	2100400.5400	5,000
Land Conservation Grants	Travel/Training	2100400.5300	2,000

Annual and Long-Term Impact

8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue? yes () no ()

9. What is the anticipated annual and/or long-term cost or revenue impact? Annual Cost -
Annual Revenue -

Fiscal Note Prepared by: Greg Baneck

For Financial Services purposes only

Reviewed By: Kent Ritchie

If expenditures are recorded in the financial system at a level of detail lower than the level 6 as shown above, indicate the specific account numbers and amounts below:

1. DATE ISSUED MM/DD/YYYY 06/14/2023
 1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

2. CFDA NO. 15.858 - Natural Resource Damage Assessment and Restoration

3. ASSISTANCE TYPE Project Grant

4. GRANT NO. F23AP01490-00
 Originating MCA #
 4a. FAIN F23AP01490

5. TYPE OF AWARD Other
 5a. ACTION TYPE New

6. PROJECT PERIOD MM/DD/YYYY
 From 07/01/2023 Through 07/01/2026

7. BUDGET PERIOD MM/DD/YYYY
 From 07/01/2023 Through 07/01/2026

8. TITLE OF PROJECT (OR PROGRAM)
 Riparian Habitat Enhancement and Restoration in Lower Fox River Basin

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)
 Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C §9601 et seq.)

9a. GRANTEE NAME AND ADDRESS
 County of Outagamie
 320 S Walnut St
 Appleton, WI, 54911-5916

9b. GRANTEE PROJECT DIRECTOR
 Mr. Jeremy Freund
 3365 W. Brewster St.
 APPLETON, WI, 54914
 Phone: 920.574.6965

10a. GRANTEE AUTHORIZING OFFICIAL
 Mr. Jeremy Freund
 3365 W. Brewster St.
 APPLETON, WI, 54914
 Phone: 920.574.6965

10b. FEDERAL PROJECT OFFICER
 Ms. Trina Soyk
 2661 Scoll Tower Drive
 New Franken, WI, 54229
 Phone: 920-858-1737

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from Item 11a)	\$ 273,250.00
II Total project costs including grant funds and all other financial participation		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	\$ 273,250.00
		13. Total Federal Funds Awarded to Date for Project Period	\$ 273,250.00
14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project):			
		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:		e	
i. DEDUCTION			
ii. ADDITIONAL COSTS			
iii. MATCHING			
iv. OTHER RESEARCH (Add / Deduct Option)			
v. OTHER (SEE REMARKS)			
16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDOING 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 cost 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 grantees which funds are drawn or otherwise obtained from the grant payment system.			

REMARKS Other Terms and Conditions Attached Yes No

a. No program income.

APPROVED AS TO FORM:

Dawn T. Shaha
 Dawn T. Shaha
 Deputy Corporation Counsel
 Outagamie County
 Date Approved: 6.28.23

GRANTS MANAGEMENT OFFICIAL:
 Kandi Williams, Grants Management Officer
 5275 Leesburg Pike
 Falls Church, VA, 22041-3803
 Phone: 7032174812

17. VENDOR CODE	0971401633	18a. UEI ENG. CKR9MGC5	18b. DUNS 074769340	19. CONG. DIST.	08	
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION
1	0061036062-00010	\$273,250.00	07/01/2023	07/01/2026	5199	Riparian Habitat Enhance & Restoration

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
07/01/2023	09/30/2023	Annual	12/29/2023
10/01/2023	09/30/2024	Annual	12/29/2024
10/01/2024	09/30/2025	Annual	12/29/2025
10/01/2025	07/01/2026	Final	10/29/2026

Performance Progress Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
07/01/2023	09/30/2023	Annual	12/29/2023
10/01/2023	09/30/2024	Annual	12/29/2024
10/01/2024	09/30/2025	Annual	12/29/2025
10/01/2025	07/01/2026	Final	10/29/2026

STAFF CONTACTS

I. Program Officer Contact Information:

Program Officer Name Trina Soyk

Program Officer Email Address Trina_Soyk@fws.gov

SCOPE OF WORK

I. Project Description

The Service hereby incorporates the recipient's application submitted to and approved by the Service into these award terms and conditions.

The main objective of this project is to enhance the the Mud Creek, Plum Creek, Kankapoti Creek, Apple Creek, and Duck Creek watersheds. Projects include streambank restoration, two-stage ditch construction, constructed wetlands, and wetland restoration. These projects are typically located in riparian areas and landowners utilize these funds to compliment the conservation (Best Management Practices (BMPs) with enhanced habitat and nature based stabilization solutions. An example is streambank restoration using toewood structures in lieu of traditional rock riprap. Proposed projects will be communicated with the Natural Resource Damage Assessment technical committee for approval in advance of contracting and installation. In addition to complementing conservation BMPs, we also find value in having funds available to landowners to enter into a perpetual agreement to establish riparian buffers with native species in accordance with the U.S. Fish & Wildlife Partner Program. These riparian buffers compliment conservation BMPs by connecting the habitat created with riparian vegetation in sensitive areas. Locations of these buffers will be included in annual NRDA technical committee project verification meetings prior to install. We anticipate installing 10 acres of perpetual native riparian buffers in the Lower Fox River Basin.

REPORT

I. Interim Performance Reports

The recipient is required to submit interim performance reports on an annual basis directly in GrantSolutions. The recipient must follow the performance reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are

NOTICE OF AWARD (Continuation Sheet)

PAGE 3 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

available by signing in to GrantSolutions and selecting the menu for Reports>FPR.

2. Interim Financial Reports

The recipient is required to submit interim financial reports on an annual basis directly in GrantSolutions. The recipient must follow the financial reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report. The GrantSolutions financial report data entry fields are the same as those on the SF-425, "Federal Financial Report" form. See also our instructional video on "Completing the Federal Financial Report (SF-425)".

3. Final Reports

The recipient must liquidate all obligations incurred under the award and submit a final financial report in GrantSolutions no later than 120 calendar days after the award period of performance end date. The GrantSolutions financial report data entry fields are the same as those on the SF-425, Federal Financial Report form, <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. See also our instructional video on "Completing the Federal Financial Report (SF425)" [https://fawiki.fws.gov/display/VL5V#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport\(SF-425\)](https://fawiki.fws.gov/display/VL5V#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport(SF-425)).

The recipient must submit a final performance report no later than 120 calendar days after the award period of performance end date. Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the Service award number on all reports.

The recipient must follow the final Federal Financial Report and the final Performance Report reporting period end dates and due dates provided in GrantSolutions. The final reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report or Reports>FPR.

4. Reporting Due Date Extensions

Reporting due dates may be extended for an award upon request to the Service Project Officer identified in the notice of award. The request should be sent by selecting the award in GrantSolutions and selecting send message. The message must include the type of report to be extended, the requested revised due date, and a justification for the extension. The Service may approve an additional extension if justified by a catastrophe that significantly impairs the award Recipient's operations. The recipient must submit reporting due date extension requests through GrantSolutions to the Service Project Officer identified in their notice of award before the original due date. The Service Project Officer will respond to the recipient after approval or denial of the extension request.

5. Significant Developments Reports

See [2 CFR §200.329\(c\)](#). Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

PAYMENTS

1. Domestic Recipients Enrolled in Treasury's ASAP System

NOTICE OF AWARD (Continuation Sheet)

PAGE 4 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

The recipient will request payments under this award in the U.S. Treasury's Automated Standard Application for Payment (ASAP) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the notice of award, followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

BUDGET AND PROGRAM REVISIONS

1. Budget and Program Plan Revisions

The recipient must report to the Service Project Officer identified in their notice of award deviations from budget or project scope or objective, and request prior approvals for budget and program plan revisions per 2 CFR §200.108, unless otherwise specifically waived in this award.

SPECIAL TERMS AND REQUIREMENTS

1. Environmental Compliance Reviews

As a condition of award, the Recipient and their sub-recipient(s) and contractor(s) must not begin any potentially impactful work related to this award until the Service has notified you in writing that such work can begin. Recipients and sub-recipients of Federal grants and cooperative agreement awards must comply with the requirements of the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA).

2. Individuals Hiring Contractors

The Recipient has an obligation to protect themselves from potential liability when hiring any contractor to perform work activities approved under this award on property owned by the Recipient by checking references and ensuring that any contractor hired is licensed, bonded, and has valid employee insurance coverage for events of injury or bodily harm. In accordance with 2 CFR 180, for any contract expected to total \$25,000 or more the Recipient must confirm that the contractor is not suspended or debarred from receiving Federal funds. The Recipient does this by: 1) checking SAM Exclusions, 2) collecting a certification from the contractor, or 3) adding a clause or condition to the contract. To check SAM Exclusions, go to www.SAM.gov. Search for entities by their UEI number. Search for principal participants by their names. Search for contractors by their business names. If an exclusion is found that prohibits the entity from receiving Federal award funds, the Recipient is prohibited from entering into a subaward with that entity.

AWARD CONDITIONS

1. Pre-Award Costs

The Service authorizes the recipient to request reimbursement for pre-award expenses incurred March 1, 2023 to June 14, 2023. Funds requested are for personnel time incurred totaling 69 hours, for \$3,414.72 (Salary \$2,082.42 and Fringe \$1,331.70). Pre-award costs are those incurred prior to the effective date of this award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award.

2. Voluntary Committed Cost Sharing Requirements

The recipient's cost sharing pledged on a voluntary basis in their proposed budget and incorporated into this award is a binding

NOTICE OF AWARD (Continuation Sheet)

PAGE 5 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

requirement of this award. See also 2 CFR §200.306.

Terms and Conditions

1. U.S. Fish and Wildlife Service

General Award Terms and Conditions

Recipients of U.S. Fish and Wildlife Service (Service) grant and cooperative agreement awards (hereafter referred to as 'awards') are subject to the terms and conditions incorporated into their Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Award terms and conditions are applicable unless and until the USFWS removes or revises them in written notice to the recipient. The Service will make such changes by issuing a written notice that describes the change and provides the effective date.

Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients are responsible for ensuring that their subrecipients and contractors are aware of and comply with applicable award statutes, regulations, and terms and conditions. Recipient failure to comply with award terms and conditions can result in the Service taking one or more of the remedies and actions described in Title 2 of the Code of Federal Regulations (CFR) §§200.339—343.

A PDF of these terms and conditions with embedded links to all regulations is available on the Service's website at: <https://www.fws.gov/media/fws-financial-assistance-award-terms-and-conditions-2020-12-31>. See also the Department of the Interior's General Award Terms and Conditions on their website at: <https://www.doi.gov/grants/doi-standard-terms-and-conditions>.

Administrative Requirements, Cost Principles, and Audit Requirements

These requirements and cost principles are applicable to all awards except those to individuals receiving the award separate from any business or organization they may own or operate. Foreign public entities and foreign organizations must comply with special considerations and requirements specific to their entity type, unless otherwise stated in this section. Foreign public entities must comply with those for states.

2 CFR Part 200, Subparts A—D, as supplemented by 2 CFR Part 1402

Foreign public entities must follow payment procedures in 2 CFR §200.305(h). For foreign public entities and foreign organizations, the requirements in 2 CFR §§200.321—323 do not apply.

Appendix XII to 2 CFR Part 200—Recipient Integrity and Performance Matters

Applicable to awards with a total Federal share of more than \$500,000 except for awards of any amount to foreign public entities.

2 CFR Part 200, Subpart E—Cost Principles

Applicable to all domestic and foreign non-Federal entities except non-profit organizations identified in Appendix VIII to 2 CFR Part 200.

48 CFR Subpart 31.2—Contracts with Commercial Organizations

NOTICE OF AWARD (Continuation Sheet)

PAGE 6 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

Applicable to non-profit organizations identified in Appendix VIII to 2 CFR Part 200 and for-profit organizations.

Indirect Cost Proposals

Requirements for development and submission of indirect cost rate proposals are contained in Appendix III (Institutions of Higher Education), Appendix IV (Nonprofit organizations), and Appendix VII (States, local government agencies, and Indian tribes) to 2 CFR Part 200. See also the DOI negotiated indirect cost rate deviation policies at 2 CFR §1402.414. For-profit entities should contact the DOI National Business Center, Office of Indirect Cost Rate Services at: <https://ibc.doi.gov/ICS/icrna>.

2 CFR Part 200, Subpart F—Audit Requirements

Applicable to U.S. states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations. Not applicable to foreign public entities, foreign organizations, or for-profit entities.

Statutory and National Policy Requirements

These requirements are applicable to all awards, including those to individuals, for-profits, foreign public entities, and foreign organizations, unless otherwise stated in this section.

Appendix A to 2 CFR Part 25—Universal Identifier and System for Award Management

Not applicable to individuals or any entity exempted by the awarding bureau or office prior to award per 2 CFR §25.110(e)(2) and bureau or office policy.

Appendix A to 2 CFR Part 170—Award term for reporting subaward and executive compensation

Not applicable to individuals. See 2 CFR 170 for other exceptions.

2 CFR §175.15—Award Term for Trafficking in Persons

Applicable to private entities as defined in 2 CFR §175.25(d), states, local governments, and Indian tribes. Applicable to foreign public entities if funding could be provided to a private entity as a subrecipient under the award.

2 CFR Part 1400—Nonprocurement Debarment and Suspension

All recipients must ensure they do not enter into any covered transaction with an excluded or disqualified participant or principal. See also 2 CFR Part 180—OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement). 2 CFR §180.215 defines nonprocurement transactions that are not covered transactions.

2 CFR Part 1401—Requirements for Drug-Free Workplace (Financial Assistance)

Not applicable to foreign public entities or foreign organizations.

43 CFR Part 18—New Restrictions on Lobbying

Recipients are prohibited from using any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, or an officer or employee of a Member of the U.S. Congress in connection with the award.

41 U.S.C. §4712—Whistleblower Protection for Contractor and Grantee Employees

NOTICE OF AWARD (Continuation Sheet)

PAGE 7 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

41 U.S.C. §6306—Prohibition on Members of Congress Making contracts with Federal Government

Mandatory Disclosures

Failure to make required disclosures may result in any of the remedies for noncompliance described in 2 CFR §200.339, including suspension or debarment (see also 2 CFR Part 180).

Conflicts of interest: Per 2 CFR §1402.112, non-Federal entities and their employees must take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the provisions in 2 CFR §200.318 apply. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Service Project Officer identified in their notice of award in writing of any conflicts of interest that may arise during the life of the award, including those that reported by subrecipients. The Service will examine each disclosure to determine whether a significant potential conflict exists and, if it does, work with the applicant or recipient to develop an appropriate resolution. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award.

Lobbying: If the Federal share of the award is more than \$100,000, recipients must disclose making or agreeing to make any payment using non-appropriated funds for lobbying in connection with the award. To make such disclosures, recipients must complete and submit the SF-L.L.L., "Disclosure of Lobbying Activities", form to the USFWS. This form is available at: <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. For more information on when additional submission of this form is required, see 43 CFR, Subpart 18.100. These restrictions are not applicable to such expenditures by Indian tribe, tribal organization, or any other Indian organization that is specifically permitted by other Federal law.

Other Mandatory Disclosures: Recipients and subrecipients must disclose, in a timely manner, in writing to the Service Project Officer identified in their notice of award or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities subject to the 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM.

National Policy Encouragements

Executive Order 13043—Increasing Seat Belt Use in the United States

Non-Federal entities are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. Individuals are encouraged to use seat belts while driving in connection with award activities.

E. O. 13513—Federal Leadership on Reducing Text Messaging While Driving

Non-Federal entities are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the order. Individuals are encouraged to not text message while driving in connection with award activities.

2. Buy America Provision

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials for Infrastructure

NOTICE OF AWARD (Continuation Sheet)

PAGE 8 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

As required by Section 70914 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58), on or after May 14, 2022, none of the funds under a federal award that are part of a Federal financial assistance program for infrastructure may be obligated for a project unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. Recipients must include the requirements in this section all subawards, including all contracts and purchase orders for work or products under this program.

None of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States,
2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation, and
3. all construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

This Buy America preference only applies to articles, materials, and supplies consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For more information, visit the Department's Buy America site at www.doi.gov/grants/BuyAmerica and the Office of Management and Budget's site at www.whitehouse.gov/omb/management/made-in-america/.

Waivers

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the Recipient does not need to request a separate waiver for non-domestic materials.

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality,
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent, or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

If a general applicability waiver does not already apply, and the Recipient believes that one of the above circumstances applies to an award, the Recipient may submit a request to waive the application of the domestic content procurement preference.

NOTICE OF AWARD (Continuation Sheet)

PAGE 9 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

Waiver Submission Instructions

Recipients must submit all waiver requests to the Service in writing. Email all waiver requests to fwl@fws.gov. Please use the subject line: "Buy America Waiver Request". Include the following information with each waiver request:

1. Type of waiver requested (non-availability, unreasonable cost, or public interest)
2. Requesting entity name and Unique Entity Identifier (UEI)
3. Awarding bureau: U.S. Fish and Wildlife Service
4. Awarding program Assistance Listing number and title (Notice of Award, Block 2)
5. Project title (Notice of Award, Block 8)
6. Federal Award Identification Number (Notice of Award, Block 4)
7. Federal award amount (Notice of Award, Block 11)
8. Total infrastructure costs, to the extent known (federal and non-federal funds)
9. Infrastructure project description and location, to the extent known
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin, if known, and relevant PSC or NAICS code for each (see <https://psetool.us/> and <https://www.census.gov/naics/>).
11. A certification that the Recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of the Recipient's efforts (e.g., market research, industry outreach) to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Do not include any Privacy Act information, sensitive data, or proprietary information with the waiver request.

Waiver Review Process

The Department will post waiver requests to www.doi.gov/grants/buyamerica for the required 15-day public comment period. The Made in America Office will also review all waiver requests. The Department will post approved waivers at www.doi.gov/grants/BuyAmerica/ApprovedWaivers. The Service will notify Recipients of their waiver request determination by email.

Definitions

Construction materials includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals,
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),

NOTICE OF AWARD (Continuation Sheet)

PAGE 10 of 10	DATE ISSUED 06/14/2023
GRANT NO. F23AP01490-00	

- glass (including optic glass),
- lumber, or
- drywall.

Construction materials does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

Domestic content procurement preference means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

Infrastructure includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads, freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

AWARD ATTACHMENTS

County of Outagamie

F23AP01490-00

1. Budget Narrative

Budget Narrative:

-Award Outagamie County Land Conservation:

\$548,250 (\$273,500 direct and \$275,000 anticipated match)

The following describes and justifies the requested budget items and costs for this award per Object Class Category:

ADMINISTRATIVE AND LEGAL EXPENSES: \$60,000

Costs incurred for Salary and Fringe are included in this section and will be applied as Direct Costs. Outagamie County utilizes the Uniform Grant Guidelines to charge direct costs. Salary and Fringe rates are an estimate because this is a multi-year grant and wage increases occur based on merit and elected government discretion. The actual costs incurred at the time of service will be used. Fringe benefits are assumed at 40% of salary, which is based on the following breakdown:

FICA	5.6%
Medicare	1.3%
Retirement	6.8%
Subtotal:	13.7%
Health Insurance	25%-29%

Rate set annually and depends on the plan chosen, however, this year's family plan is approximately \$17,400. Because this is a flat rate for coverage, the percentage varies for project staff based on their compensation, therefore, adding the subtotal above results in a benefits range of 38.7% - 42.6%.

Total: 40.65%

Position description, level of effort, and estimated costs are as follows:

Position	Project Role	Hours	Hourly Rate	Salary	40% Fringe	Total Cost
Engineering Technician	Planning, Design, construction oversight, and operations and maintenance inspection of proposed engineered projects	750	\$35	\$26,250.00	\$10,500.00	\$36,750.00
Program Assistant	Grant administration, including financials and reporting requirements.	180	\$26	\$7,321.43	\$2,928.57	\$10,250.00
Watershed/GIS Specialist	Conduct the proposed fish passage study including inventory and final report.	206	\$45	\$9,285.71	\$3,714.29	\$13,000.00
Total:					\$60,000.00	

We anticipate \$40,000 of the above salary and fringe to be direct costs paid by this award along with \$20,000 in anticipated match from other salary and fringe incurred in accordance with the project idea form and Tech Committee project approvals.

Request preaward costs:

Yes, preaward costs are requested for personnel time incurred totaling 69 hours, for \$3,414.72 (Salary \$2,082.42 and Fringe \$1,331.70). This time was used to prepare planning & design documents to support the award process.

MISCELLANEOUS: \$488,250

BMP Contracts: \$400,000 (\$150,000 direct/\$250,000 anticipated match)

This amount represents a pool of funds that will be utilized to enhance the habitat component of projects. These funds would be matched with existing EPA-GLRI, Wi-DNR TRM, and other grants obtained by Outagamie County for TMDL implementation work in the Lower Fox River Basin. Matching rates will typically be 70% Outagamie Grant to 20-30% NRDA, not to exceed 50% NRDA. All projects will be presented to the NRDA technical committee for approval in advance of contracting and implementation.

Buffer Contracts: \$83,250 (\$78,250 direct/\$5,000 anticipated match)

This amount represents a pool of funds that will be utilized to install riparian buffer areas either standalone or in conjunction with BMP contracts. Site assessment will determine the type of land that will be converted to riparian buffer using the NRCS definition of Cropland or Wooded/Fallow. Cropland incentive payments will be used to compensate the landowners for any active cropland lost due to installation of the best management practices proposed. The payment will be made upon completed installation of the project. Rates are based on NRCS published land values for the region used for long-term easements. These incentive payments will also be used to contractually bind the landowners to do long-term operation and maintenance on the projects in accordance with the signed plans. Wooded/fallow incentive payments will be used to compensate the landowners for any non-cropland area being used for the installation of the system. Incentive payments will also be used to contractually bind the landowners to do operation and maintenance on the projects. For example, the cropland rate for 2022 was \$12,500 per acre and the wooded/fallow rate was \$6,300. These funds will be matched with Partner Program and other grants as applicable. All projects will be presented to the NRDA technical committee for approval in advance of contracting and implementation.

Supplies & Materials: \$5,000

This amount represents mileage reimbursement for a government issued vehicle for the project. Costs incurred will be reimbursed at the current GSA Per Diem Rate. For purposes of this agreement, we anticipate a rate of \$0.20/mile, we anticipate 5,000 miles per year for

3 years, or \$3,000 to perform the fish passage study, engineering design, construction inspection, and operations and maintenance tasks.

In addition to mileage, we anticipate \$750/year in years 1 and 2 and \$500 in year 3 for a total of \$2,000 for supplies to support the proposed work in this award.