

INTERLOCAL AGREEMENT**Developing tools for implementing and monitoring adopted SMPs***Enhancing Shoreline Protection: Measuring & Achieving No Net Loss (ESP-NNL)*

This Interlocal Agreement is entered into as of August 1, 2011 by and between **Clallam County**, a political subdivision of the State of Washington, having offices for the transaction of business at 223 East 4th Street, Port Angeles, Washington 98362, hereinafter referred to as "Clallam County," and **Jefferson County**, a political subdivision of the State of Washington, having offices for the transaction of business at 1820 Jefferson Street, Port Townsend, Washington 98368, hereinafter referred to as "Jefferson County," and jointly hereinafter referred to as the "parties."

- A. RCW 90.58.080 requires each county to initiate planning for the Shoreline Master Program (SMP). WAC 173-26-186(8) directs that updated master programs "include policies and regulations designed to achieve no net loss of those ecological functions."
- B. Clallam County has received funding from US Environmental Protection Agency ("EPA") to supplement and augment its Shoreline Master Program (SMP) update to enhance protection of Puget Sound. Clallam County is required to develop policies and regulations that achieve "No Net Loss" (NNL) of ecological functions and seeks to create a framework for assessing and tracking impacts of development using indicators of ecological function.
- C. Included in the EPA grant is funding for developing tools for implementing and monitoring adopted SMPs in Clallam County and elsewhere in the Puget Sound basin (Component 3/Task 5). An adjacent and comparable jurisdiction, Jefferson County is much further along in its effort to adopt an updated SMP. Clallam County intends to implement this element of the EPA grant in collaboration with Jefferson County to assist in effectively applying the principles of No Net Loss to Shoreline Master Program preparation and implementation.

NOW, THEREFORE, the parties agree as follows:

1. Through this agreement under RCW 39.34, Jefferson County will collaborate with Clallam County to accomplish the scope of work described for Component 3, 'Develop Tools for Implementing and Monitoring Adopted SMPs' in US Environmental Protection Agency Cooperative Agreement PO J08801 dated June 23, 2010, or as amended thereafter. The agreement is included for reference as **Exhibit A**.

2. Jefferson County agrees to provide the following:
 - A. Participate in quarterly calls between EPA, Clallam County, and Jefferson County.
 - B. Provide quarterly update reports on activities associated with this project.
 - C. Coordinate and collaborate with Clallam County and Ecology to support completion of Components 1 and 2.

3. Clallam County agrees to provide the following:
 - A. Manage the EPA grant
 - B. Reimburse expenses identified in Component 3.
 - C. Obtain written concurrence from Jefferson County prior to amending Component 3 of the grant.

4. Designation of Key Staff. The Clallam County Board of County Commissioners and Jefferson County Board of County Commissioners will oversee the progress of the collaborative work and will set the overall direction for further discussion and action, consistent with the terms of this Interlocal Agreement.

The activities performed under the Agreement shall be jointly administered for each of the respective parties under RCW 39.34.030(4)(a) by the following representatives:

- For Clallam County by Clallam County Department of Community Development Planning Director Steve Gray, 223 East 4th Street, Suite 5, Port Angeles WA 98362 (360.417.2520; Fax: 360.417.2443); and
 - For Jefferson County by Jefferson County Department of Community Development Director, Al Scalf, 621 Sheridan St., Port Townsend, WA 98368 (360.379.4450; Fax: 360.379.4451).
5. Scope of Services. Following consultation and approval of the Clallam County Department of Community Development, Jefferson County will adhere to all administrative and programmatic provisions in performing the scope of services as described by **Exhibit A**, attached hereto and made a part hereof, for all purposes to assist Clallam County in SMP update planning and to further an understanding of the concept of No Net Loss of Ecological Function.

The parties, by mutual written agreement, may revise the Cooperative Agreement and its attached scope of services.

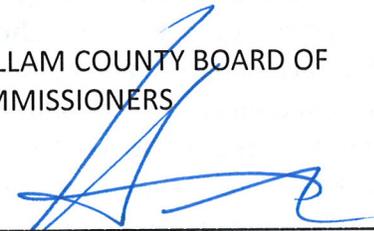
6. Timelines and Tasks. The parties agree to exercise good faith and best efforts to comply with the assignments and deadlines leading to the completion of the identified tasks. Description of tasks and the project timeline may be found in **Exhibit B**, attached hereto and made a part hereof, for all purposes to assist Clallam County in SMP update planning and to further an understanding of the concept of No Net Loss of Ecological Function. The parties agree to extend the foregoing deadlines from time to time as is reasonably necessary and for good cause.

This Interlocal Agreement shall be effective as of July 1, 2010 and expire on the expiration date of US Environmental Protection Agency Cooperative Agreement PO J08801.

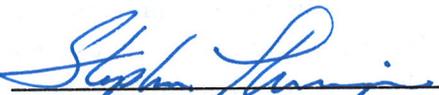
7. Dispute Resolution. Any dispute between the parties that cannot be resolved between the parties shall first be submitted to the County Administrators for Jefferson and Clallam County. If submission to the County Administrators does not resolve a dispute between the parties, then either party may submit the dispute to arbitration with the concurrence of the other party. The provisions of Chapter 7.04A RCW shall be applicable to any arbitration proceeding. The parties shall have the right to designate one person each to act as an arbitrator. The two persons chosen as arbitrators shall jointly choose a third arbitrator in order to form a three-person arbitration panel. The decision of the arbitration panel shall be binding on the parties and shall be subject to judicial review as provided for in Chapter 7.04A RCW. The costs of the arbitration panel shall be equally split between the parties.
8. Right to Terminate. This Interlocal Agreement may be terminated by any party at any time upon not less than sixty (60) days written notice.
9. Effect. This Interlocal Agreement shall be binding upon the parties and the parties shall be held responsible to the agreed upon deadlines.
10. Personal property. The parties to this Agreement may after expiration of this grant and in a manner consistent with Section 17 of the US Environmental Protection Agency Cooperative Agreement PO J08801 retain any personal property purchased with these EPA grant funds.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed effective the date and year first mentioned hereinabove.

CLALLAM COUNTY BOARD OF COMMISSIONERS


Howard V. Doherty, Jr., Chair

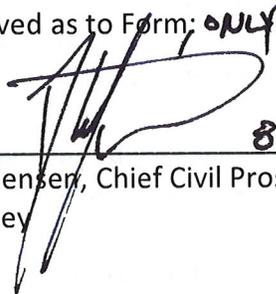

Mike Chapman, Commissioner
Michael C.


Stephen P. Tharinger, Commissioner

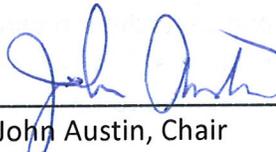
Attest:


Trish Holden, Clerk of the Board, *CMC*

Approved as to Form: *ONLY*


Doug Jensen, Chief Civil Prosecuting Attorney
8-11-11

JEFFERSON COUNTY BOARD OF COMMISSIONERS


John Austin, Chair


David Sullivan, Commissioner


Phil Johnson, Commissioner

Attest:


~~Lorna Delaney~~, Clerk of the Board
Raina Randall

Approved as to Form:

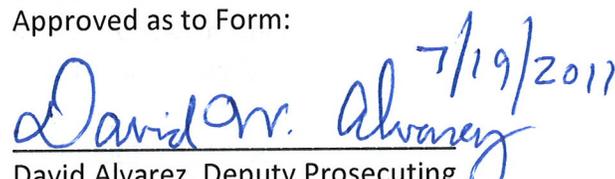

David Alvarez, Deputy Prosecuting Attorney
7/19/2011

Exhibit A.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	ASSISTANCE ID NO.			DATE OF AWARD 06/23/2010
		PRG	DOC ID	AMEND#	
		PO - 00J08801 - 0			
		RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423	
RECIPIENT: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362 EIN: 91-6001298		PAYEE: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362			ACH# X0554
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST	
Cathy Lear 223 E 4th Street, Suite 5 Port Angeles, WA 98362 E-Mail: clear@co.clallam.wa.us Phone: 360-417-2361		Michelle Wilcox 300 Desmond Drive S.E., WOO Lacey, WA 98503 E-Mail: Wilcox.Michelle@epa.gov Phone: 360-753-9543		Tony Fournier 1200 Sixth Avenue, Suite 900, OMP-145 Seattle, WA 98101 E-Mail: Fournier.Tony@epa.gov Phone: 206-553-1838	
PROJECT TITLE AND DESCRIPTION					
Enhancing Shoreline Protection					
<p>Clallam County is updating its Shoreline Master Program (SMP) and is required to develop policies and regulations to achieve "no net loss" (NNL) of ecological functions. Through this work the County will create a more meaningful, collaborative, and defensible framework for assessing and tracking development impacts using ecological function indicators. The framework will yield critical information for shoreline management strategies and better permit decisions. This work is part of a larger interconnected effort to use ecological indicators to inform management decisions for Puget Sound.</p> <p>THIS AGREEMENT IS PARTIALLY FUNDED IN THE AMOUNT OF \$499,958. SEE ADMINISTRATIVE CONDITION 15 FOR ADDITIONAL INFORMATION.</p>					
BUDGET PERIOD 05/01/2010 - 12/31/2012		PROJECT PERIOD 05/01/2010 - 12/31/2012		TOTAL BUDGET PERIOD COST \$1,329,915.00	
				TOTAL PROJECT PERIOD COST \$1,329,915.00	
NOTICE OF AWARD					
<p>Based on your application dated 04/07/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$499,958. EPA agrees to cost-share 37.59% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$499,958. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS		
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			U.S. EPA, Region 10 Office of Ecosystems Tribal and Public Affairs 1200 Sixth Avenue, Suite 900 Seattle, WA 98101		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Armina K. Nolan, Manager - Grants and Interagency Agreements Unit			DATE 06/23/2010
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE Howard V. Doherty, Jr., Chair, Board of Clallam County Commissioners			DATE

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 499,958	\$ 499,958
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 330,000	\$ 330,000
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 829,958	\$ 829,958

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.120 - Puget Sound Watershed Management Assistance	Clean Water Act: Sec. 320 FY 2009 Omnibus Appropriations Act (PL 111-8)	40 CFR PTS 31 & 35 SUBPT P

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1010UQG031	0910	B	10U0CKH	403B68EP7	4183			499,958
									499,958

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$151,957
2. Fringe Benefits	\$48,626
3. Travel	\$3,938
4. Equipment	\$101,927
5. Supplies	\$0
6. Contractual	\$751,884
7. Construction	\$0
8. Other	\$226,193
9. Total Direct Charges	\$1,284,525
10. Indirect Costs: % Base	\$45,390
11. Total (Share: Recipient <u>62.41</u> % Federal <u>37.59</u> %.)	\$1,329,915
12. Total Approved Assistance Amount	\$999,915
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$499,958
15. Total EPA Amount Awarded To Date	\$499,958

Administrative Conditions

1. Payment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer (DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: pumphrey.margaret@epa.gov.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

2. Cost Principles/Indirect Costs for Local Governments & Interstate Agencies

The cost principles of OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," relocated to 2 CFR Part 225, is applicable, as appropriate, to this award.

If the recipient does not have a previously established indirect cost rate, it agrees that it will prepare its indirect cost rate proposal and/or cost allocation plan in accordance with OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." For proposal preparation, the recipient may use the appropriate completeness checklist located at: <http://www.aqd.nbc.gov/indirect/indirect.asp>.

The local government recipient whose cognizant federal agency has been designated by the Office of Management and Budget (OMB) must develop and submit its indirect cost rate proposal to its cognizant agency within six (6) months after the close of the governmental unit's fiscal year. If the cognizant federal agency has not been identified by the OMB, the local government recipient must still develop (and when required, submit) its proposal within that period.

The interstate agency recipient must send its proposal to its cognizant federal agency within six (6) months after the end of its fiscal year. If EPA is the cognizant federal agency of either the interstate agency or the local government, the recipient must send its indirect cost rate proposal within six (6) months after the end of its fiscal year to:

Regular Mail

Office of Grants and Debarment
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC 3903R
Washington, DC 20460
Attn: OGD Indirect Cost Rate Proposal Control Desk

Mail Courier (e.g. FedEx, UPS, etc.)

Office of Grants and Debarment
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, NW, 5th floor
Washington, DC 20004
Attn: OGD Indirect Cost Rate Proposal Control Desk

Electronic submissions of proposals may be mailed to OGD_IndirectCost@epa.gov.

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients are responsible for submitting any subsequent rate proposals to the appropriate cognizant agency no later than 180 days after the end of the recipient's fiscal year. Recipients may draw down grant funds once a provisional or final rate has been approved, and only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired. Recipients may not draw down grant funds for any indirect costs which were not incurred during the period of the approved rate agreement.

Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval. Recipients may request supplemental amendments (to grants which have not expired or been closed out) for additional funding to cover increased indirect costs. EPA approval of a supplemental amendment is subject to the availability of funds.

Pursuant to 40 CFR 31.26, recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

3. Federal Financial Report (FFR)

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: **US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by FAX to: 702-798-2423.**

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

6. Recycled Paper

INSTITUTIONS OF HIGHER EDUCATION HOSPITALS AND NON-PROFIT ORGANIZATIONS:

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

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

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

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION AND NON-PROFIT ORGANIZATIONS:

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

STATE TRIBAL AND LOCAL GOVERNMENT RECIPIENTS:

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

7. Lobbying

ALL RECIPIENTS:

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

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

PART 30 RECIPIENTS:

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

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

8. Lobbying and Litigation

ALL RECIPIENTS:

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

9. Suspension and Debarment

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

Recipient may access the Excluded Parties List System at www.epis.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

10. Drug-Free Workplace Certification for all EPA Recipients

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

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

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

11. Management Fees

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

12. Reimbursement Limitation

If the recipient expends more than the amount of federal funding in its EPA approved budget in

anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.

13. Trafficking Victims Protection Act of 2000

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

- a. 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 the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) 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 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

14. Disadvantaged Business Enterprise Requirements (Effective May 27, 2008)

GENERAL COMPLIANCE, 40 CFR, Part 33

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

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement is over \$250,000; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is over \$250,000. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Washington Office of Minority and Women's Business Enterprises** as follows:

MBE: PURCHASED GOODS 8%; PURCHASED SERVICES 10%; PROFESSIONAL SERVICES 10%
WBE: PURCHASED GOODS 4%; PURCHASED SERVICES 4%; PROFESSIONAL SERVICES 4%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **Washington Office of Minority and Women's Business Enterprises**.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **semiannually** for the periods ending March 31st and September 30th for:

Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and
All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

The reports are due within 30 days of the end of the semiannual reporting periods (April 30th and October 30th). Reports should be sent to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-145, Seattle, WA 98101. For further information, please contact Greg Luchey at (206) 553-2967, email: Luchey.Greg@epa.gov. Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

15. Partial Funding

This agreement is being partially funded by EPA in the amount shown on page 2 under "EPA Funding Information." The recipient understands that additional EPA funds may be awarded on this assistance agreement, subject to availability of additional appropriated funds. EPA's approval of the work plan, budget, and project/budget periods does not constitute an EPA commitment to provide funds in excess of the amount currently funded in this agreement.

If this agreement includes cost share/match based on obtaining full EPA funding, and EPA is not able to fully fund its portion of the total project costs, the recipient has the option of reducing its cost share/match, as long as the reduction is not below the minimum statutory or programmatic required cost share/match. The recipient must submit its request for reduction to the EPA Project Officer, since work plan and budget revisions may be necessary.

NOTE: The share percentages currently shown in the Table A budgets and page one of this agreement are electronically calculated based on the current EPA funding amount and total project cost. The percentage will change if and when additional EPA funding is provided by assistance amendment.

16. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2010, the limit is \$596.00 per day \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract

provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 30.27(b) or 40 CFR 31.36(j), as applicable, for additional information.

NOTE: For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the following Internet site: <http://www.opm.gov/oca>. Select "Salary and Wages", and select "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

17. Equipment Disposition

The recipient may keep the equipment and continue to use it on the project originally funded through the assistance agreement or on other federally funded projects whether or not the project or program continues to be supported by Federal funds.

STATE AGENCIES:

State agencies may manage and dispose of equipment acquired under assistance agreements in accordance with state laws and procedures.

SUPERFUND PROGRAM TO ALL RECIPIENTS:

Equipment purchased under Superfund projects is subject to specific disposal options. Refer to 40 CFR 35.6345.

18. Subawards

a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

Programmatic Conditions

Puget Sound Watershed Management Assistance Program

1. Semi-Annual Performance Reports

The recipient shall submit performance reports every six (6) months during the life of the project. Reports are due 30 calendar days after the end of each reporting period. Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

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

In addition to the semi-annual performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

2. Final Performance Report

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

3. Program Income - Addition

If program income is generated, the recipient is required to account for program income related to this project. Program income earned during the project period shall be retained by the recipient and shall be added to funds committed to the project by EPA and the recipient, and shall be used to further eligible project objectives.

4. Information Collection Requirements

EPA and the recipient agree to comply with the requirements of the Paperwork Reduction Act in completing the project. Because the scope of work includes a survey, a questionnaire or similar information-gathering activity, the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), requires EPA to obtain Office of Management and Budget (OMB) clearance prior to the recipient's collection of information by means of identical questions posed to 10 or more persons.

The recipient will provide to the EPA Project Officer the following information: (1) description of the information to be collected; (2) explanation of the need for the information; and (3) to whom the survey is being directed.

5. Recognition of EPA Funding

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

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PO-00J08801 to Clallam County. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

6. Copyrighted Material

In accordance with 40 CFR 31.34 for State, local and Indian Tribal governments or 40 CFR 30.36 for other recipients, EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- a. the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or;
- b. termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

7. EPA's Substantial Involvement

EPA will be substantially involved in this project by participating in the following activities: (1) Within the first nine months of the project, EPA reserves the right to negotiate work plan and budget; (2) monitor the project management and execution throughout the assistance agreement's project and budget period; (3) provide technical assistance and coordination as requested or needed by the recipient; and (4) review and approve technical deliverables.

8. Information Technology

Recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All environmental data will be required to be entered into the Agency's Storage and Retrieval data system (STORET). STORET is a repository for water quality, biological, and other physical data used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many other organizations. It is highly recommended that the grant recipient attend EPA sponsored STORET training as soon as practical and as training is available. Information regarding training sessions sponsored by EPA will be provided by the EPA Project Officer. More information about STORET can be found at <http://www.epa.gov/STORET>.

Region 10 STORET Contact: John Liston, STORET Coordinator, at (206) 553-2580 or email:

Liston.John@epa.gov.

END OF ASSISTANCE AGREEMENT PO-00J08801-0

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.			DATE OF AWARD	
			PRG	DOC ID	AMEND#		08/23/2010
			PO - 00J08801 - 1			MAILING DATE	
			TYPE OF ACTION Augmentation: Increase			08/30/2010	
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423				
RECIPIENT: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362 EIN: 91-6001298			PAYEE: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Cathy Lear 223 E 4th Street, Suite 5 Port Angeles, WA 98362 E-Mail: clear@co.clallam.wa.us Phone: 360-417-2361		Michelle Wilcox 300 Desmond Drive S.E., WOO Lacey, WA 98503 E-Mail: Wilcox.Michelle@epa.gov Phone: 360-753-9543		Tony Fournier 1200 Sixth Avenue, Suite 900, OMP-145 Seattle, WA 98101, OMP-145 E-Mail: Fournier.Tony@epa.gov Phone: 206-553-1838			
PROJECT TITLE AND EXPLANATION OF CHANGES							
Enhancing Shoreline Protection This amendment increases EPA funding by \$499,957 (fully funding the assistance agreement in the amount of \$999,915); removes administrative condition 15 (partial funding); and removes programmatic condition 4 (information collection requirements). All other terms and conditions remain the same.							
BUDGET PERIOD		PROJECT PERIOD		TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST		
05/01/2010 - 12/31/2012		05/01/2010 - 12/31/2012		\$1,329,915.00	\$1,329,915.00		
NOTICE OF AWARD							
Based on your application dated 04/07/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$499,957. EPA agrees to cost-share 75.19% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$999,915. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS				
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			U.S. EPA, Region 10 Office of Ecosystems Tribal and Public Affairs 1200 Sixth Avenue, Suite 900 Seattle, WA 98101				
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE			
Digital signature applied by EPA Award Official		Armina K. Nolan, Manager - Grants and Interagency Agreements Unit		08/23/2010			
AFFIRMATION OF AWARD							
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION							
SIGNATURE		TYPED NAME AND TITLE		DATE			
		Howard V. Doherty, Jr., Chair, Board of Clallam County Commissioners		10/05/2010			

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 499,958	\$ 499,957	\$ 999,915
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 330,000	\$	\$ 330,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 829,958	\$ 499,957	\$ 1,329,915

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.120 - Puget Sound Watershed Management Assistance	Clean Water Act: Sec. 320 FY 2009 Omnibus Appropriations Act (PL 111-8) Public Law 111-88 Department of Interior Environment and Related Agencies Appropriations Act 2010	40 CFR PTS 31 & 35 SUBPT P

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1010UQG052	1011	B	10U0CKH	403B68EP7	4183			499,957
									499,957

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$151,957
2. Fringe Benefits	\$48,626
3. Travel	\$3,938
4. Equipment	\$101,927
5. Supplies	\$0
6. Contractual	\$751,884
7. Construction	\$0
8. Other	\$226,193
9. Total Direct Charges	\$1,284,525
10. Indirect Costs: % Base	\$45,390
11. Total (Share: Recipient <u>24.81</u> % Federal <u>75.19</u> %.)	\$1,329,915
12. Total Approved Assistance Amount	\$999,915
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$499,957
15. Total EPA Amount Awarded To Date	\$999,915

Administrative Conditions

Administrative Condition 15 (Partial Funding) is removed; remaining conditions are renumbered:

1. Payment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer(DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: pumphrey.margaret@epa.gov.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

2. Cost Principles/Indirect Costs for Local Governments & Interstate Agencies

The cost principles of OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," relocated to 2 CFR Part 225, is applicable, as appropriate, to this award.

If the recipient does not have a previously established indirect cost rate, it agrees that it will prepare its indirect cost rate proposal and/or cost allocation plan in accordance with OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." For proposal preparation, the recipient may use the appropriate completeness checklist located at: <http://www.aqd.nbc.gov/indirect/indirect.asp>.

The local government recipient whose cognizant federal agency has been designated by the Office of Management and Budget (OMB) must develop and submit its indirect cost rate proposal to its cognizant agency within six (6) months after the close of the governmental unit's fiscal year. If the cognizant federal agency has not been identified by the OMB, the local government recipient must still develop (and when required, submit) its proposal within that period.

The interstate agency recipient must send its proposal to its cognizant federal agency within six (6) months after the end of its fiscal year. If EPA is the cognizant federal agency of either the interstate agency or the local government, the recipient must send its indirect cost rate proposal within six (6)

months after the end of its fiscal year to:

Regular Mail

Office of Grants and Debarment
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC 3903R
Washington, DC 20460
Attn: OGD Indirect Cost Rate Proposal Control Desk

Mail Courier (e.g. FedEx, UPS, etc.)

Office of Grants and Debarment
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, NW, 5th floor
Washington, DC 20004
Attn: OGD Indirect Cost Rate Proposal Control Desk

Electronic submissions of proposals may be mailed to OGD_IndirectCost@epa.gov.

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients are responsible for submitting any subsequent rate proposals to the appropriate cognizant agency no later than 180 days after the end of the recipient's fiscal year. Recipients may draw down grant funds once a provisional or final rate has been approved, and only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired. Recipients may not draw down grant funds for any indirect costs which were not incurred during the period of the approved rate agreement.

Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval. Recipients may request supplemental amendments (to grants which have not expired or been closed out) for additional funding to cover increased indirect costs. EPA approval of a supplemental amendment is subject to the availability of funds.

Pursuant to 40 CFR 31.26, recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

3. Federal Financial Report (FFR)

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: **US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by FAX to: 702-798-2423.**

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

6. Recycled Paper

INSTITUTIONS OF HIGHER EDUCATION HOSPITALS AND NON-PROFIT ORGANIZATIONS:

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

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

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

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION AND NON-PROFIT ORGANIZATIONS:

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

STATE TRIBAL AND LOCAL GOVERNMENT RECIPIENTS:

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

7. Lobbying

ALL RECIPIENTS:

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

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

PART 30 RECIPIENTS:

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

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

8. Lobbying and Litigation

ALL RECIPIENTS:

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

9. Suspension and Debarment

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

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

10. Drug-Free Workplace Certification for all EPA Recipients

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

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

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

11. Management Fees

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

12. Reimbursement Limitation

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

13. Trafficking Victims Protection Act of 2000

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. 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 the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) 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 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

14. Disadvantaged Business Enterprise Requirements (Effective May 27, 2008)

GENERAL COMPLIANCE, 40 CFR, Part 33

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

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement is over \$250,000; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is over \$250,000. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Washington Office of Minority and Women's Business Enterprises** as follows:

MBE: PURCHASED GOODS 8%; PURCHASED SERVICES 10%; PROFESSIONAL SERVICES 10%
WBE: PURCHASED GOODS 4%; PURCHASED SERVICES 4%; PROFESSIONAL SERVICES 4%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **Washington Office of Minority and Women's Business Enterprises**.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE**

accomplishments. The reports must be submitted **semiannually** for the periods ending March 31st and September 30th for:

- Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and
- All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

The reports are due within 30 days of the end of the semiannual reporting periods (April 30th and October 30th). Reports should be sent to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-145, Seattle, WA 98101. For further information, please contact Greg Luchey at (206) 553-2967, email: Luchey.Greg@epa.gov. Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

15. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2010, the limit is \$596.00 per day \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 30.27(b) or 40 CFR 31.36(j), as applicable, for additional information.

NOTE: For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the following Internet site: <http://www.opm.gov/oca>. Select "Salary and Wages", and select "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

16. Equipment Disposition

The recipient may keep the equipment and continue to use it on the project originally funded through the assistance agreement or on other federally funded projects whether or not the project or program continues to be supported by Federal funds.

STATE AGENCIES:

State agencies may manage and dispose of equipment acquired under assistance agreements in accordance with state laws and procedures.

SUPERFUND PROGRAM TO ALL RECIPIENTS:

Equipment purchased under Superfund projects is subject to specific disposal options. Refer to 40 CFR 35.6345.

17. Subawards

a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

Programmatic Conditions

Programmatic Condition 4 (Information Collection Requirements) is removed; remaining conditions are renumbered:

Puget Sound Watershed Management Assistance Program

1. Semi-Annual Performance Reports

The recipient shall submit performance reports every six (6) months during the life of the project. Reports are due 30 calendar days after the end of each reporting period. Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

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

In addition to the semi-annual performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

2. Final Performance Report

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

3. Program Income - Addition

If program income is generated, the recipient is required to account for program income related to this project. Program income earned during the project period shall be retained by the recipient and shall be added to funds committed to the project by EPA and the recipient, and shall be used to further eligible project objectives.

4. Recognition of EPA Funding

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

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PO-00J08801 to Clallam County. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

5. Copyrighted Material

In accordance with 40 CFR 31.34 for State, local and Indian Tribal governments or 40 CFR 30.36 for other recipients, EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of

EPA's authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- a. the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or;
- b. termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

6. EPA's Substantial Involvement

EPA will be substantially involved in this project by participating in the following activities: (1) Within the first nine months of the project, EPA reserves the right to negotiate work plan and budget; (2) monitor the project management and execution throughout the assistance agreement's project and budget period; (3) provide technical assistance and coordination as requested or needed by the recipient; and (4) review and approve technical deliverables.

7. Information Technology

Recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All environmental data will be required to be entered into the Agency's Storage and Retrieval data system (STORET). STORET is a repository for water quality, biological, and other physical data used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many other organizations. It is highly recommended that the grant recipient attend EPA sponsored STORET training as soon as practical and as training is available. Information regarding training sessions sponsored by EPA will be provided by the EPA Project Officer. More information about STORET can be found at <http://www.epa.gov/STORET>.

Region 10 STORET Contact: John Liston, STORET Coordinator, at (206) 553-2580 or email: Liston.John@epa.gov.

END OF ASSISTANCE AMENDMENT PO-00J08801-1

Project Narrative – Enhancing Shoreline Protection

Introduction

The work funded through this grant will enable Clallam County to supplement and augment its Shoreline Master Program (SMP) update to enhance protection of Puget Sound. The County is required to develop policies and regulations that achieve “no net loss” (NNL) of ecological functions¹ and wants to create a more meaningful, collaborative, and defensible framework for assessing and tracking impacts of development using indicators of ecological function. This grant makes possible a unique and unprecedented partnership between a county just beginning its SMP update (Clallam), a county about to implement a newly adopted SMP (Jefferson) and the Department of Ecology that will ultimately enhance the ability of all local jurisdictions to protect Puget Sound. Clallam County will serve as the grantee and will administer the grant on behalf of the three partners.

Description of the Watershed

This grant involves work in multiple watersheds across two counties. The counties are required to address all “shorelines of the state” in their SMPs, but this grant focuses on shorelines within WRIAs 16 (Skokomish-Dosewallips), 17 (Quilcene-Snow), 18 (Elwha-Dungeness) and 19 (Lyre-Hoko), which drain to Puget Sound/Strait of Juan de Fuca.

Clallam County – Clallam County occupies a key location within the Puget Sound Basin because it encompasses the entire 95-mile-long southern shoreline of the Strait of Juan de Fuca and a major portion of the watersheds (WRIAs 18 and 19) draining to the Strait. The County also encompasses an important part of WRIA 17, which drains to Hood Canal. These watersheds contain vast areas of intact forest land within the Olympic National Park and National Forest. Human development has been focused largely in the lower watershed, along floodplains, on the marine shoreline and in the two cities of Sequim and Port Angeles. Agriculture is a major land use in the Dungeness valley.

As the principal outlet connecting Puget Sound to the Pacific Ocean, the Strait allows for the physical exchange of fresh and marine waters, which helps keep Puget Sound from becoming stagnant. The Strait also serves as a critically important migratory corridor for numerous species of fish, birds and marine mammals. Much of the Strait of Juan de Fuca marine shoreline is still in its natural state, especially outside the major population centers near Port Angeles and Sequim. Approximately 16 percent of the marine shore is armored. Eelgrass beds are present along approximately 20 percent of the shoreline, mainly within and near the mouths of rivers and streams. Large beds of kelp are also present between Clallam Bay and the Hoko River and elsewhere along the shoreline.

The central Strait of Juan de Fuca provides important habitat for forage fish. Surf smelt spawning has been observed near the mouth of the Pysht River, at Dungeness Bluffs and at Freshwater Bay. This suggests that sediment processes are sufficient to support spawning. Spawning at Dungeness Bluffs suggests that intact feeder bluffs provide important spawning habitat. The presence of surf smelt eggs along embayed shorelines and feeder bluffs, but not spits, may be unique to the Strait’s high-energy environment.

¹ This is a requirement of the State Shoreline Master Program Guidelines, WAC 173-26.

Freshwater resources and habitats of critical importance in Clallam County include the Dungeness and Elwha rivers and numerous tributaries, lakes, and wetlands. These watersheds provide critical spawning habitat for Chinook and summer chum salmon, which are federally threatened species. The Dungeness River system is the natal habitat for seven stocks of anadromous fish. The Elwha River is the fourth largest river, by drainage area, on the Olympic Peninsula. Prior to construction of the dams, the Elwha River was legendary for producing huge Chinook salmon. Currently, the Elwha system produces the majority of the steelhead and Chinook salmon on the Strait of Juan de Fuca and is second only to the Dungeness River for coho production.

Clallam County's aquatic resources provide opportunities for commercial, tribal and recreational fishing and shellfish harvesting, and other activities such as boating, kayaking and bird watching. Sequim Bay and Dungeness Bay are two of the most important shellfish harvest areas in the state.

Jefferson County – Jefferson County encompasses the majority of WRIA 17 and a sizeable portion of WRIA 16. These watersheds are characterized by rural residential developments, commercial village centers, rural and commercial forest lands, Master Planned Resort communities, and agricultural lands. As in Clallam County, the upper watersheds are mainly protected forest lands within the Olympic National Park and Forest.

The marine shoreline is characterized mainly by steep bluffs carved out of glacial sediments, often topped by stands of Douglas-fir and western hemlock. These bluffs, which border gravel and cobble beaches, erode and contribute fine sediments which are carried by the prevailing waves and currents to depositional areas such as barrier beaches, spits, and other accretion shoreforms.

Less than 10 percent of the County's marine shoreline is armored and most feeder bluffs are relatively intact. Areas notable for lack of armoring are the east shore of Toandos Peninsula, east Marrowstone Island, Point Whitney, Fort Flagler, Olele Point, Holly and the west shore of Kilsut Harbor. These areas are among the most pristine and ecologically dynamic in the County, with intact, forested bluffs and abundant large woody debris, owing largely to their undeveloped state.

The rivers that drain the east slopes of the Olympic Mountains provide important spawning and rearing habitat for Chinook salmon, bull trout, and Hood Canal summer chum. Major estuaries at Chimacum Creek, Shine, Mats Mats Bay, Thorndyke Bay, Duckabush and Dosewallips River deltas, Quilcene Bay, Tarboo Creek delta, Port Ludlow, and Discovery Bay provide critical functions including flood attenuation, nutrient retention and cycling, erosion protection, food web support, and habitat structure/connectivity. Jefferson County's beaches also provide important habitat for sand lance and surf smelt. The intertidal areas along the marine shore support extensive eelgrass beds and kelp forests.

Jefferson County is the third largest shellfish producing county in the state and has two of the largest shellfish hatcheries in the country. Tribal shellfish beaches are widely distributed throughout the east County. Overall, Jefferson County retains a relatively healthy amount of forest cover and impervious surface cover is relatively low—ranging from nearly zero in some sub-basins to 37 percent in more developed areas.

Description of the Threats or Emerging Problems

Top priority threats facing Clallam and Jefferson counties are: increased development pressure caused by population growth; loss/alteration of nearshore and freshwater resources caused by climate change; and resistance to land use regulations.

Growth: Between 2000 and 2025 Clallam County's population is expected to increase by about 23 percent. Jefferson County's population will grow by approximately 55 percent in the same period². This growth is going to have direct and indirect impacts on the watersheds feeding Puget Sound. Development pressure will continue to create more impervious surface, generate more runoff, and reduce the amount of intact shoreline and riparian habitat. These changes threaten shoreline processes, functions, and species, which are currently relatively intact compared to other more heavily developed areas of the Puget Sound Basin.

Shoreline areas are expected to absorb a disproportionate share of the growth because waterfront properties are among the most desirable places to live. Outside the shoreline zone, both counties anticipate continued conversion of forest and agricultural land to residential and commercial uses, which has been the trend in recent years. Development in the Dungeness watershed, for example, has led to its designation as both a high value and highly vulnerable area for fish and wildlife habitat protection. Many other rivers, streams, bays, and "pocket" estuaries have been altered by development, channelization, culverts and other changes.

The impact of increased development pressure in Clallam and Jefferson counties is especially concerning because the counties are seeing proposals for development on lots that previously had been considered undevelopable. This includes small lots that were platted prior to the Growth Management Act and lots that have wetlands, steep slopes, or other constraints. These types of development proposals can be especially taxing on County resources because they require very detailed review or pose unique scientific or technical dilemmas. Counties are challenged to ensure full and comprehensive review, and typically lack resources to monitor or evaluate outcomes--much less track net changes in ecological functions--once developments are approved. The NNL framework developed through this grant will yield critical information on which to base shoreline management strategies and will enable staff to make better permit decisions. The counties will be better able to anticipate and track development-related changes so that management decisions can be made more effectively and corrective actions can be taken before impacts become irreversible.

Climate Change: The Puget Sound Action Agenda reports climate change as a major threat that could cause the loss of more than half of the estuarine and marine beaches, major loss of tidal flats, and complete loss of Dungeness Spit in Clallam County. Rising sea levels, erosion and more frequent flooding/storms and other climate changes are expected to have similar impacts in Jefferson County. As the effects of a changing climate become more apparent to property owners, pressure to construct bulkheads to prevent erosion and flooding could increase substantially. If Clallam and Jefferson counties hope to maintain their relatively low percentages of marine shoreline armoring, they will need new, robust shoreline management strategies that reduce the need for hard armoring.

Climate change will also make efforts to protect and restore salmon habitats in Clallam and Jefferson counties more challenging because of expected increases in water temperature, increased winter runoff and altered river and stream flows. This grant will help the counties counteract these threats by demonstrating how to link restoration actions to development impacts. This is one of the specific outcomes of the grant work that would enhance Clallam and Jefferson counties' abilities to achieve NNL.

Regulatory Resistance: Another challenge the counties face is opposition to regulation and a need to incorporate non-regulatory tools into their shoreline plans. Recent efforts to strengthen environmental protections in these jurisdictions have come under attack and attempts to implement new rules could face resistance and/or litigation. Recent court rulings (e.g., *Futurewise v. Anacortes* and *Citizens' Alliance for*

² Source: State of Washington, Office of Financial Management

Property Rights v. Sims) demonstrate that failure to adequately involve property owners and address their concerns can spell defeat for many environmental initiatives. Proponents of new land use standards must fully document the basis for development restrictions and show a clear nexus between development impacts and ecological degradation. This can be a difficult test without defined indicators of ecological condition. The NNL framework funded by this grant will help Clallam and Jefferson counties create a scientific basis and nexus for regulatory decisions so they are more defensible in the face of opposition. The project will also demonstrate where non-regulatory strategies, incentive programs, and public-private partnerships can improve ecological protections and address landowner concerns.

Project Need

Priority A of the Action Agenda calls for protecting intact ecosystem processes, functions and structures. This project addresses this priority by leveraging the significant investment the State and local governments are making in updating and implementing SMPs.

Shoreline master programs must protect existing resources such that there is “no net loss” of ecological function. Most jurisdictions have struggled to meet this standard because there is no agreement on how to measure baseline conditions or assess changes over time. The Action Agenda recognizes this need and calls upon Ecology and its partner agencies to “*Provide local governments with guidance on how to achieve and measure no-net-loss of ecological function as required by the Shoreline Management Act (SMA) ...*”³ The Action Agenda also identifies a need to “*produce and make available a template for monitoring no-net-loss and guidance on avoidance and minimization of impacts.*” The work funded through this grant will directly address these near term actions and enhance the level of protection currently provided to shorelines of the state in Clallam County, Jefferson County and throughout Puget Sound.

This project also is significant because it directly addresses the problems and threats described in the previous section by creating tools and strategies that enable the counties to evaluate, track, and manage shoreline development. The work builds upon the interconnected efforts of the Partnership, Ecology, PSNERP and others to identify and apply ecological indicators⁴ for assessing and managing Puget Sound. Furthermore, this project tackles the fundamental obstacles preventing successful shoreline protection by defining and evaluating effective enforcement, technical assistance and incentive strategies for shoreline management. It also will create solutions to the major obstacles for effective shoreline protection through a collaborative approach led by Department of Ecology and involving local governments and other key stakeholders.

Local entities recognize the need for (and value of) this project. Drawing from priorities in the Action Agenda, the Strait of Juan de Fuca Ecosystem Recovery Network⁵ identified high priority actions and projects that would be appropriate for this funding opportunity. The Strait ERN identified Shoreline Master Program Enhancements as a top priority and selected this proposal as the one that should be submitted for this RFP from the Strait Action Area.

This project fulfills a long-term need that all local governments have for complying with the Shoreline Management Act. Local governments are required to evaluate the cumulative effects of development and

³ Near Term Action Reference Number: A2 (6)

⁴ The initial list of indicators includes attributes such as % forest cover, % of shoreline armoring, # or area of overwater structures, % floodplain connectivity, etc.

⁵ Strait ERN is a local integrating organization for the Strait of Juan de Fuca Action Area working to implement and foster implementation of the Action Agenda; Includes tribal and governments leaders, agencies, NGOs, educational institutions, and key businesses/business groups from Clallam and Jefferson.

report compliance with the NNL standard every seven years. The Shoreline Guidelines suggest this could involve a "joint effort by local governments, state resource agencies, affected Indian Tribes, and other parties." This is precisely what this grant would accomplish. If left to each local jurisdiction, it is likely that assessment and monitoring practices would vary widely and thus, the opportunity to contribute to a comprehensive "Health of the Puget Sound" monitoring program could be missed. Providing guidance on what to assess, how to monitor it, and a basic template will benefit each local jurisdiction and the Puget Sound as a whole.

Project Plan

This project includes a three-pronged approach to improving shoreline protection across Puget Sound by: using a NNL framework in updating Clallam County's SMP; providing resources to implement and track Jefferson County's SMP; and supporting Ecology in developing solutions to major obstacles limiting protection.

This project enables Clallam County to address impacts of projected growth by providing additional resources for their SMP update. A portion of the requested federal funds (\$555,986) allows Clallam County to supplement and improve their shoreline inventory, restoration plan, and assessment of cumulative impacts by applying ecological indicators to quantitatively assess baseline conditions; and using the indicators to track changes in shoreline conditions over time.

The Puget Sound Partnership, Ecology, Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) and others are in the process of identifying ecological indicators that can be used to measure how well we are protecting Puget Sound, but this approach has yet to be applied in the context of shoreline master planning at the local level. Clallam County would be the first to undertake this approach and could use the indicators to rank/or prioritize management actions by reach based on a comprehensive assessment of the functional integrity of each reach. This is somewhat analogous to the "Matrix of Pathways and Indicators" approach which NOAA uses to define baseline conditions for listed salmon species in terms of *properly functioning*, *not properly functioning* and *at-risk*. Using the indicators, the County will be able to display key information in a manner that is visually interesting and understandable to affected property owners and the general public. The information will describe 1) the places that need additional protection, 2) the right tools for achieving protection and 3) where restoration is needed to balance potential losses in ecosystem function. This approach will create an inclusive public dialogue that supports policy decisions in Clallam County and across Puget Sound, since other jurisdictions face many of the same management challenges. Outputs and outcomes will be shared at key points in the process with all Puget Sound counties and cities. The County is using \$310,000 of their state SMP grant funds as local match.

This project facilitates Jefferson County's ability to address impacts of growth because it funds vital SMP implementation and monitoring work that is otherwise unfunded. The County will review its initial permit decisions and assess how permit actions are affecting conditions on the ground. Whereas the work in Clallam County addresses the application of ecological indicators and the NNL framework during the development of an SMP, the work in Jefferson County tests the NNL framework in the context of SMP implementation. The requested funds (\$282,995) will support the development of tools for effective implementation, and will support one full time compliance monitor and one half-time technical assistance specialist for one year to test the level and type of resources needed to effectively implement the SMP. Jefferson County will provide \$20,000 worth of in-kind services to match the federal grant.

The grant also helps address effects of growth outside of Clallam and Jefferson Counties because it provides the resources to tackle obstacles to effective shoreline protection that are common across all Puget Sound

watersheds (e.g., lack of proven incentive strategies, inadequate resources for monitoring and outreach, lack of resources for on-the-ground restoration, etc.). Recent SMP update experiences in Jefferson and Whatcom counties and in the City of Port Townsend exposed some of the major obstacles and highlighted the need for a collaborative approach to problem solving. This grant provides funding (\$120,081) for Ecology to facilitate discussions with responsible and affected parties within the two counties and across Puget Sound. The intent of these discussions is to identify solutions to major SMP implementation obstacles.

The work funded by this grant is consistent with Ecology’s “Framework for Planning at the Watershed Scale” because it progresses through the four key phases of characterizing the watershed, prescribing solutions, taking actions and monitoring results as shown in the matrix below. The work changes decision-making (through adaptive management) at each phase based on new information.

Phase of Ecology Framework	Characterize the Watershed	➡	Prescribe Solutions	➡	Take Actions / Implement Plans	➡	Monitor Results
Work funded through grant proposal	Identify important areas using indicators of ecological function	➡	Identify management approaches that maintain functions and link restoration actions to development impacts so losses are offset	➡	Evaluate permits, enforce SMP and provide technical assistance	➡	Assess land use changes to document>NNL

Project Components

This project consists of three components designed to fit the specific needs of the three partners and to collectively enhance our ability to protect Puget Sound. The lead partner for each component will be responsible for conducting the activities and ensuring outcomes in consultation with the other partners and collaborators (see Partnering below). The project’s main components are as follows:

Component 1 – Identify obstacles and solutions for SMP development and implementation

Timeline: May 2010 – Dec 2010 | **Lead:** Ecology

The purpose of this component is to identify solutions and strategies for overcoming obstacles to effective SMP development and implementation in Clallam County and elsewhere in Puget Sound.

Activities funded by the EPA grant are identified in detail on the Project Tasks and Timeline for Component 1. In summary, work under this component will include:

- a. Conducting a minimum of four workshops with the associations of counties and cities, state resource agencies and multiagency programs (e.g., Aquatic Habitat Guidelines program and PSNERP), tribes, and representatives from the private sector, to identify procedural, technical and institutional obstacles to effective development and implementation of SMPs.
- b. Working with key stakeholders (noted above) to develop preferred solutions and strategies for overcoming major obstacles.
- c. Ensuring findings and recommendations are consistent with the intent of the Shoreline Management Act and State policies.

The primary deliverables of this component include:

- a. Written findings and recommendations for addressing major obstacles. Findings will identify responsible parties, timelines, required resources, and other pertinent information.

Component 2 – Supplement Clallam SMP Update using indicators as the basis of a NNL Framework
Timeline: May 2010 – December 2012 | **Lead:** Clallam County

The purpose of this component is to augment and enhance Clallam County's SMP update by explicitly documenting shoreline conditions using agreed-upon ecological indicators, which can be linked to key management decisions and restoration plans. A framework will be used that is based on Ecology's NNL guidance and work previously funded by the National Fish and Wildlife Foundation. Analyses will focus on areas within shoreline jurisdiction with consideration of Ecology's watershed scale characterization results. Ecology will be included in designing and evaluating the detailed scope for this Component to ensure that it adds value to the work already funded by the State. Sequim and Port Angeles will be consulted throughout the process to ensure the framework is useful in the update of their SMPs. The federal funds will allow for Clallam County staff participation in key activities and/or may be used to hire qualified consultants.

Activities funded by the EPA grant include:

- a. Defining key shoreline management / policy issues: in consultation with at least 4 meetings with SMP advisory committees and key stake holders, define key shoreline management and policy issues and refine Ecology's initial list of NNL indicators to reflect key policy issues in Clallam County.
- b. Conferring with regional science experts on key issues and effective application of the indicators.
- c. Conducting at least 3 public focus groups (multiple groups at strategic points in this process) within Clallam County to test NNL approaches and obtain feedback on potential problems, utility of NNL measures, and related issues.
- d. Mapping/documenting current shoreline conditions using ecological indicators at the river reach and nearshore drift cell scales to provide benchmarks for assessing future conditions.
- e. Identifying reach/ drift cell-specific policy/regulatory/ voluntary approaches for maintaining functions in consultation with core stakeholders.
- f. Linking restoration actions to specific ecological functions and establishing guidelines for identifying when/how specific restoration actions are triggered. This includes at least 2 workshops with Clallam County Marine Resource Committee and North Olympic Peninsula Lead Entity for Salmon Recovery representatives, the Dungeness and Elwha watershed groups, and other restoration partners.
- g. Meeting with other Puget Sound counties and appropriate cities to discuss NNL framework progress. At least 3 meetings will be held with the cities of Port Angeles and Sequim to discuss NNL framework progress.

The primary deliverables of this component include:

- a. Refined list of ecological indicators applicable to Clallam County nearshore and freshwater systems developed in consultation with Ecology, the EPA-funded Puget Sound Watershed Characterization Project, PSNERP and the Partnership.
- b. Reach-specific geospatial data and maps showing current shoreline conditions in Clallam County according to ecological indicators.
- c. Written guidance and templates documenting the indicators and their use in achieving NNL for use in/by other jurisdictions around Puget Sound.
- d. Outreach and educational materials for the public and other key audiences concerning NNL. Materials and methods of distribution will be determined at a later date in concert with SMP update partners to make best use of new information and partners' activities. For example, the Clallam

Marine Resources Committee wants to sponsor some marine shoreline landowner workshops. Clallam will coordinate with the MRC on materials, depending on what the NNL exercises yield.

- e. Enhanced shoreline restoration plan showing clear functional linkages between changes caused by future development and potential restoration actions.
- f. Enhanced cumulative impacts analysis based on reach-by-reach assessment of conditions.

Component 3 – Develop tools for implementing and monitoring adopted SMPs

Timeline: January 2011 – December 2012 | **Lead:** Jefferson County

The purpose of this task is to assist Jefferson County, and by extension other local governments, in administering their adopted SMPs. Jefferson County will solicit feedback from Whatcom County and Port Townsend on how to account for NNL in making shoreline management decisions following SMP development/adoption and what barriers exist. This will allow Jefferson County to identify resources necessary to effectively implement an SMP. Other activities funded by this grant include:

- a. Using the County's existing shoreline inventory information to develop an initial report on at least 3 ecological indicators at the reach/ drift cell scale and supplementing inventory information as needed based on Clallam County indicators work (in Component 2).
- b. Reviewing recent permit history from the previous year and comparing it to aerial photos/inventory information.
- c. Field-checking development sites where necessary to identify changes to NNL indicators and determining whether changes are consistent or inconsistent with the SMP.
- d. Documenting permit decision issues and identifying tools needed to support effective decision making. Developing solutions and strategies for inconsistent actions.
- e. Reviewing restoration plans in consultation with key restoration partners and linking restoration actions to changes in key indicators at the shoreline reach / drift cell scale.
- f. Developing and implementing a technical assistance, monitoring, and enforcement program and testing its effectiveness in relationship to the NNL framework. The technical assistance and monitoring work will be coordinated for at least 50% of new development proposals with the proposed Watershed Stewardship Resource Center and Clean Water District Activities in Jefferson County.

The primary deliverables of this component include:

- a. Initial report on ecological indicators at the reach / drift cell scale to supplement Jefferson County's existing shoreline inventory.
- b. Written findings on review of permit activity to guide future decision-making.
- c. Written guidance and templates for applying NNL indicators in the context of SMP implementation and monitoring for use in/by other jurisdictions.
- d. One year of technical assistance to shoreline property owners and one year of compliance monitoring and enforcement using NNL indicators.

Partnering

Clallam County, Jefferson County and Ecology will commit through an intergovernmental agreement to lead components of the project and ensure the outcomes are consistent with the grant conditions. Each partner will assist the other partners in the design and execution of the project components. The Partners will work with a broad range of organizations/entities with significant experience in shoreline protection. These *Collaborators* have agreed to provide assistance and expertise as summarized in Table 1. In addition to

working with organizations listed below there will be extensive outreach and involvement of other organizations as described in the Outreach and Information Transfer section.

Collaborator	Role
NOAA Science Center	Consult on relationship between ecosystem functions, Sound-wide indicators and NNL framework.
Strait ERN	Strait Action Area policy sounding board for development and application of NNL framework.
Port Angeles and Sequim	Advise on the usefulness of the NNL framework to cities.
Puget Sound Partnership	Consult on relationship of the NNL framework to Sound-wide indicators, monitoring and adaptive management. Advise on solutions for SMP issues.
PSNERP	Consult on relationship between ecosystem functions, Sound-wide indicators, PSNERP's technical work and the NNL framework.
WDFW (Aquatic Habitat Guidelines Group) and WDNR	Consult on the relationship between ecosystem function and the NNL framework. Advise on the usefulness of the framework.
Whatcom County and Port Townsend	Advise on usefulness of the NNL framework for implementing and monitoring newly adopted SMP.
National Fish and Wildlife Foundation	Provide experience from national efforts to use ecological indicators for management and assist in identifying solutions for obstacles to protection.

Anticipated Outputs and Outcomes:

Table 2 (attached) describes the project components in terms of key outputs and outcomes.

Monitoring and Measuring:

At its core, this project is about monitoring and measuring environmental outcomes. The goal of this grant proposal is to provide tools that will enable local governments to track development changes and make adaptive management decisions. The project will include development of guidance and templates for using ecological indicators to monitor changes in shoreline condition over time. The indicators used in this project will demonstrate a direct linkage to the efforts to assess and track the overall health of Puget Sound. This project also funds on-the-ground technical assistance and SMP compliance monitoring for one year in Jefferson County. This project may also uncover barriers to effective monitoring and measuring; and if so, will develop recommendations for overcoming them that augment the other outcomes of the work.

Outreach and Information Transfer

Effective outreach, engagement and dissemination of results are central elements of the project plan. A significant portion of the requested federal funding will be used to design outreach/education materials and to conduct workshops and focus group meetings as indicated in the Project Components section. A majority of the outreach will occur in Clallam County with groups including but not limited to: Built Green of Clallam County, Dry Creek Coalition, Friends of the Fields, North Olympic Timber Action Committee,

Sierra Club, Olympic Coast National Marine Sanctuary, Dungeness Wildlife Refuge, Chambers of Commerce, and WSU Extension. Outreach activities will vary depending on the specific group and their relationship to shoreline management as follows:

Elected Officials: The Strait ERN, Strait ECO Net Group, the Ecosystem Coordination Board, and the Clallam and Jefferson Commissioners will be asked to advise during the development of the NNL framework and to help identify solutions to SMP issues and obstacles. The development of SMP solutions also may include outreach and work with key legislators.

Tribes: Makah Tribe, Lower Elwha Klallam and Jamestown S’Klallam Tribes will provide expertise and tribal perspective to technical and policy issues. They will be invited to review materials, provide guidance, and assist in problem-solving throughout the project.

Policy-makers and key influencers: Project Collaborators as well as shoreline property owners, environmental and business advocacy groups, restoration professionals and volunteers will be engaged in reviewing materials, providing guidance and expertise, and assisting in problem-solving throughout the project. There will be workshops at key points in the process with other counties and cities involved in updating and implementing their SMPs.

Scientific and technical community: This project brings regional expertise and information to local governments through a series of working sessions and product reviews to ensure the NNL framework is both useful to local decision-making and scientifically defensible. Working sessions with permitting and enforcement staff will clarify difficult NNL decisions and identify the tools necessary for successful implementation. Working sessions and reviews with the Clallam and Jefferson county restoration and planning communities will better connect projected ecosystem losses with proposed restoration efforts.

Public: Focus groups within Jefferson and Clallam counties will test NNL approaches, obtain feedback on potential problems, understand the utility and relevance of NNL measures to the public, and understand related issues of local importance. With assistance from Strait ECO Net, Clallam County focus groups will test the importance of regional SMP issues to the public. Clallam County will also conduct public meetings throughout their SMP process.

Products of the project including NNL framework guidance and templates, findings and conclusions/recommendations will be electronically available to the public via the Clallam, Jefferson and/or Ecology websites. The partners will ensure that Puget Sound tribes; business, private property and environmental advocacy groups; non-governmental organizations; and others identified during the process are notified and informed of all project activities and have access to project materials.

The final project results will be most significant if the project partners continue to implement and use the NNL framework and expand its use across Puget Sound. Potential venues for continued discussion include but are not limited to: Straits ECO Net Group, Strait ERN, Ecology’s Shoreline Planners, Commerce’s Planner meetings, Ecosystem Coordination Board, Leadership Council, PSNERP, Aquatic Habitat Guidelines Group, Coastal County Caucus, Washington Association of Cities, etc. Funding for this on-going expansion is not included in this proposal.

Programmatic Capability and Past Performance

Clallam County has a long history of successfully managing and completing complex projects involving growth management planning, stormwater management and salmon habitat recovery. Currently, the County is managing grants from several federal agencies such as Department of Agriculture, Department of Interior, Department of Transportation, Department of Justice, Department of Health & Human Services, Department of Housing & Urban Development, and the Department of Homeland Security. These grants range up to \$14 million in project costs. The County's Department of Community Development (DCD) presently manages 2,346,408 in federal grant dollars and \$3,883,764 in state grant dollars. Some of these are for multi-jurisdictional projects related to watershed planning and salmon recovery, which involve similar technical issues and challenges and have interrelated goals and benefits to this proposal. Specific examples of successful grant-funded projects of similar scale and complexity to this proposal include:

- Collaborative Stormwater Management for Sequim/Dungeness Watershed, funded by EPA; \$719,000
- Lower Dungeness dike setback design, funded by RCO, PSAR funds; \$1,118,200
- Lower Dungeness acquisition for dike setback, funded by RCO, PSAR funds; \$996,248

These three projects are currently underway and the County is meeting all of the agreement requirements. The County has been able to produce the required deliverables and reports in a timely fashion using effective project planning, efficient execution of key activities, and frequent communication with staff and involved parties.

Clallam County's plan for timely and successful completion of this project is based on a project management strategy of "goals and controls." This means that the County will begin by ensuring that project goals are clearly articulated to all involved; and there is a detailed scope of work describing project deliverables and the specific tasks and subtasks necessary to produce these deliverables. The County will use a Work Breakdown Structure (WBS) that communicates the relationship between deliverables and tasks to sequence the work and allocate resources effectively. The County project manager will establish the method of monitoring and controlling project progress in accordance with EPA requirements and ensure that all project objectives are met.

Clallam County has experienced and qualified staff to lead the project and ensure that the expected outputs and outcomes are achieved. Key staff members that will be involved in this project include John Miller, Steve Gray, and Cathy Lear.

John Miller, Director of the Department of Community Development (DCD), has over 16 years of managing organizations and projects and served as the executive director of Lower Elwha Klallam Tribe for 13 years. In these capacities, John developed an in-depth knowledge of policy issues and fostered successful working relationships with key stakeholders throughout the region.

Steve Gray, the Planning Director, has over 15 years of experience as a planner for Clallam County and has been managing the Planning Department for over 5 years. During his tenure at the County he has led County efforts in development review/permitting, including administering the County's current SMP and environmental sensitive and critical area regulations, and updating County growth management plans and implementing regulations (e.g., zoning, subdivision), and has been responsible for successful administration and management of numerous land use and environmental grants. Steve understands how to lead teams through successful endeavors.

Cathy Lear, Habitat Biologist, has 10 years of experience managing complex natural resource projects for the County including the current SMP update. Cathy has direct knowledge of the ecological issues affecting

Clallam County's watersheds from her work in watershed planning, salmon recovery, and habitat restoration and acquisition/easements. Cathy also represents the County on a number of committees and work groups related to salmon recovery, habitat restoration, and watershed plan development and implementation that involve many stakeholders (state and federal agencies, tribes, local organizations, etc...), so Cathy has established relationships with a network of key stakeholders that will be involved in the success of this project. Cathy and Steve will be directly involved in integrating the EPA grant work with the other SMP update efforts to ensure the County and the region receive the maximum benefit from these investments.

Enhanced Shoreline Protection PS-00J0088-01

Timeline/Milestones

Description	2010 Q2	2010 Q3	2010 Q4	2011 Q1	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4
Task 1 Project Management											
1.1 Semi-annual report			R		R		R		R		R
1.2 Consultant selection	x	x	x								
1.3 Contract development and administration	x	x	x	x	x	x	x	x	x	x	x
1.4 MOU between Ecology, Clallam and Jefferson County	x	x									
Task 2 Coordination											
2.1 Quarterly call with EPA, Ecology, Clallam and Jefferson County	T	T	T	T	T	T	T	T	T	T	T
Task 3 Identify Obstacles and Solutions											
3.1 Consultant selection			x								
3.2 Prepare for forums				M							
3.3 Hold forums					M	M					
3.4 Follow-up meetings/ interviews							M				
3.5 Present and refine key findings							M				
3.6 Draft report; final report and recommendations								R			
Task 4 Supplement Clallam SMP Update											
4.1 Consult advisory committees and regional science experts	M	M	M	M	M	M	M	M	M	M	M
4.2 Conduct public focus groups to vet NNL measures		M			M			M			
4.3 Develop refined list of ecological indicators				R					D		
4.4 Provide geospatial data and maps w/ ecological indicators to support shoreline characterization and inventory report		D	D	D	D	D	D	D			
4.5 Ed & outreach materials for public		E&O			E&O			E&O			
4.6 NNL-based shoreline restoration plan					R	R	R	R	R	R	R
4.8 Reach-based cumulative impacts analysis					R	R	R	R	R	R	R
Task 5 Develop tools for Adopted SMPs											
Initial report on ecological indicators at reach scale					R						
Review of permit activity to guide future decision making					R						
Guidance and templates for applying NNL indicators					R						
Technical assistance to shoreline property owners						A	A	A	A	A	A
Compliance monitoring and enforcement using NNL indicators						M&E	M&E	M&E	M&E	M&E	M&E

R= Report; M= Meeting; T= Telephone conference call; E&O = Education and outreach; D= Data; A = Technical Assistance; M&E = Monitoring and enforcement

Table 2. Logic Model Summarizing Key Outputs and Outcomes

Inputs	Outputs		Near Term Outcomes/Consequences	Longer Term Outcomes/Consequences
	<i>Key Activities</i>	<i>Products</i>		
Federal Watershed Grant Funds: \$999,915 Clallam County Match: \$330,000 Jefferson County Match: \$20,248.51	Use at least 3 indicators to rank shoreline conditions in Jefferson County. Review permit activity in the last year in Jefferson County to identify shoreline changes. Develop technical assistance, monitoring, and enforcement program and test its effectiveness in relationship to the NNL framework.	Report on status/condition of NNL indicators at the reach scale. Summary of permit activity and consistency with SMP standards. List of specific restoration actions necessary to offset effects of development. County is able to monitor development activity for one year. Property owners have access to technical assistance specialist for one year. Implementation guidance and templates for use by all Puget Sound local governments.	Planning staff understand NNL indicators and linkages to permit decisions. County and Ecology are better able to track/assess SMP effectiveness and identify needed improvements for the next update cycle of updates. Restoration partners agree on priority near-term actions. County improves monitoring and enforcement of adopted SMP.	Other jurisdictions in Puget Sound are able to use implementation templates and guidance to enhance their approach to shoreline management. Restoration efforts yield more tangible benefits because they are linked to functional indicators and coordinated with protection efforts. Permit violations are reduced due to improved enforcement and technical assistance. Jefferson County is better prepared for future SMP Updates because of ability to track changes in shoreline function.

PS-00J088-01 Enhanced Shoreline Protection

Federal

Non-Federal

A. Personnel

Clallam County Labor	Employee Name	Hourly Wage	Annual Salary	% of Time	x 2=	Role
Project Manager/Planning Mgr.	Steve Gray	\$ 38.00	\$ 77,604.00	10%	\$ 15,520.80	Contract mgt
Habitat Biologist	Cathy Lear	\$ 32.00	\$ 61,704.00	10%	\$ 12,340.80	Contract coord
Planner II	Hannah Merrill	\$ 27.00	\$ 51,285.00	5%	\$ 5,128.50	Tech assist
Planner I	Robert Knapp	\$ 20.00	\$ 38,835.00	5%	\$ 3,883.50	Tech assist
GIS Technician	Chad Theismann	\$ 26.00	\$ 48,813.00	5%	\$ 4,881.30	Mapping
Admin. Specialist IV	Cindy Swegle	\$ 24.70	\$ 48,204.00	5%	\$ 4,820.40	Contract admin
Fiscal Specialist IV	Debi Cook	\$ 22.39	\$ 43,312.00	6%	\$ 5,197.44	Finance
Clallam Personnel total					\$ 51,772.74	

% of Time	x 2=
10%	\$ 15,520.80
45%	\$ 55,533.60
6%	\$ 6,154.20
9%	\$ 6,990.30
7%	\$ 6,833.82
5%	\$ 4,820.40
5%	\$ 4,331.20
	\$ 100,184.32

B. Fringe

Total Fringe: 32% of salary \$ 16,567.28

Clallam fringe \$ 32,058.98

C. Travel

105 mtgs@75 mi/mtg. @.50 \$ 1,000.00

Clallam travel \$2,937.50

D. Equipment

Geospatial data - Lidar flight, enhanced aerial photos \$ 100,927.00

Clallam equipment \$ 1,000.00

F. Contractual

Contract w/qualified consultant to conduct technical analyses, facilitate meetings, and produce deliverables. Estimate solicited from potential vendors.

Salary and overhead:

Hourly rate &overhead	Ecology hours	Clallam hours	Jeffco hours	Total hours
pm \$185	250	700	200	1150
sr planner \$120	225	600	250	1075
scientist \$170	160	700	250	1110
gis tech \$90	16	450	125	591
admin \$70	16	56	40	112
graphics/docs \$75	\$ 16.00	\$ 100.00	\$ 20.00	\$ 136.00

pm \$185	\$ 46,250.00	\$ 129,500.00	\$ 37,000.00
sr planner \$120	\$ 27,000.00	\$ 72,000.00	\$ 30,000.00
scientist \$170	\$ 25,500.00	\$ 119,000.00	\$ 42,500.00
gis tech \$90	\$ 1,440.00	\$ 40,500.00	\$ 11,250.00
admin \$70	\$ 1,120.00	\$ 3,920.00	\$ 2,800.00
graphics/docs \$75	\$ 1,200.00	\$ 7,500.00	\$ 1,500.00
	\$ 102,510.00	\$ 372,420.00	\$ 125,050.00

Total contractual salary and overhead \$ 599,980.00

Contractual travel: 52 trips @\$202/trip \$ 10,504.00

Supplies - mail, printing \$ 1,400.00

Clallam Contractual

Shoreline Master Program tasks

Visioning report	\$ 40,000.00
inventory and chara	\$ 50,000.00
Cumulative effects r	\$ 50,000.00
Clallam contracts:	\$ 140,000.00

Total Contractual	\$ 611,884.00	Callam Contractual:	\$ 140,000.00
H. Other			
Geospatial software - license	\$ 5,000.00		\$ 2,574.63
Meeting, forum, and outreach materials	\$ 21.00		\$ 1,071.00
Total license and materials	\$ 5,021.00	Callam license and materials:	\$ 3,645.63
<i>Sub-awardee: Department of Ecology</i>			
Please see Component 1 of Work Plan			
4 sessions: rental, light refresh, working lunch	\$ 4,944.00		
50 requests for mileage reimbursement, 200 miles @ .50/mile	\$ 5,000.00		
Ecology staff mileage: 4 forums, 10 meetings	\$ 1,800.00		
Total Department of Ecology	\$ 11,744.00		
<i>Sub-awardee: Jefferson County</i>			
Please see Component 3 of Work Plan			
Jefferson County Labor	Role	Hourly	% of time
			1.5 yr grant
Project Manager/Planning Mgr.	Contract mgt	\$ 38.00	\$ 0.10
Habitat Bio/Planner	Contract coord	\$ 32.20	\$ 1.00
Associate Planner	Tech assist	\$ 27.00	\$ 0.50
GIS tech	Mapping	\$ 42.00	\$ 0.05
Admin Coordinator	Contract admin	\$ 24.70	\$ 0.02
Jefferson Salaries total			\$ 112,624.00
Fringe 32% of salary			\$ 36,039.68
Total Jeffco salary & fringe			\$ 148,663.68
Indirect			
Indirect 29.87 % of salary - Jefferson			\$ 33,640.79
Total Jefferson Labor			\$ 182,304.47
Travel to monitor and compliance sites			\$ 1,230.00
Supplies - camera and safety equipment			\$ 2,000.00
Total Jefferson County			\$ 185,534.47
Total Other			\$ 202,299.47
I. Total Direct Charges			
	Federal		Non-Federal
	\$ 984,450.49		\$ 300,074.94
J. Indirect Charges			
Total Indirect 29.87 % of salary	\$ 15,464.52		\$ 29,925.06
K. Totals			
	\$ 999,915.00		\$ 330,000.00

Budget Category	Total	EPA Amount	Match Clallam	Match Jefferson	Notes
<i>Please see Component 2 of Work Plan</i>					
Personnel	\$ 145,786.66	\$ 51,772.74	\$ 94,013.92		Salary x hours
Fringe Benefit	\$ 46,651.73	\$ 16,567.28	\$ 30,084.45		Salary x .2987
Travel	\$ 3,963.00	\$ 1,000.00	\$ 2,963.00		Regional meetings and forums conducted under grant; meetings with grant project managers and other grant partners.
Equipment	\$ 101,727.00	\$ 100,927.00	\$ 800.00		Specialized geospatial data and software to conduct fine-scale analysis of shoreline segments; may include Lidar flights.
Supplies	\$ 8,575.00	\$ 5,000.00	\$ 3,575.00		Supplies (incl. laptop and projector) for meetings and regional forums; printing large-format maps and illustrations; materials for outreach efforts.

Contractual

Contract w/ qualified consultant to conduct technical analyses, facilitate meetings, and produce deliverables. Estimates solicited from potential vendors.

Salary and overhead	\$ 740,000.00	\$ 600,000.00	\$ 140,000.00		
Travel	\$ 10,504.00	\$ 10,504.00			52 trips @\$202/trip
Supplies	\$ 1,400.00	\$ 1,400.00			Mail, printing

Other

Jefferson County

Please see component 3 of work plan

Personnel	\$ 127,874.00	\$ 112,624.00		\$ 15,250.00	Salary x hours
Fringe Benefit	\$ 40,919.68	\$ 36,039.68		\$ 4,880.00	Salary x .32
Travel	\$ 1,230.00	\$ 1,230.00			Travel to monitoring and compliance sites
Equipment	\$ -				
Supplies	\$ 2,000.00	\$ 2,000.00			Camera and safety equipment
		\$ 151,893.68			

Ecology

Please see Component 1 of work plan

Personnel					
Fringe Benefit					
Travel	\$ 5,000.00	\$ 5,000.00			50 requests for mileage reimbursement to forums @.50/mile
	\$ 1,800.00	\$ 1,800.00			Ecology staff mileage: 4 forums, 10 meetings w/ PSP and others
Supplies	\$ 4,944.00	\$ 4,944.00			Room rental for 4 sessions, light refreshments @\$6, working lunch @\$18 for 45-50 participants
		\$ 11,744.00			

Travel

Ecology's Forum mileage reimbursement	\$11,744
Clallam Meeting mileage	56
Total travel	\$11,800

Equipment

Geospatial data - Lidar flights to complete data set; enh	\$ 90,927.00
Total equipment	\$ 90,927.00

Supplies	
Ecology's Forum expenses	\$ 4,944.00
Clallam mtg expenses	\$ 5,000.00
Pens and other supplies	\$ 56.00
Geospatial software	\$ 10,000.00
Camera/safety equip.	\$ 1,500.00
Total supplies	\$ 21,500.00

Contractual

We will contract with a qualified consultant to conduct technical analyses, facilitate meetings, and produce deliverables.

Salary and overhead	\$599,980
Travel - 52 trips @\$200/trip	\$10,500
Supplies - mail, printing	\$1,400
Total contractual	\$611,880

Match

Personnel	\$ 115,000.00	
Fringe	\$ 33,600.00	
Travel	\$ 3,000.00	
Supplies	\$ 5,000.00	
Contractual	\$ 140,000.00	
Regional forums and visioning sessions		\$40,000.00
Inventory and characterization		\$50,000.00
Cumulative effects analysis and restoration plan		\$50,000.00
		\$140,000.00

Worksheet Detail:

Consultant services, hourly & overhead

Hourly rate & overhead	Ecology hours	Clallam hours	Jeffco hours
pm \$185	250	700	200
sr planner \$120	225	600	250
scientist \$170	150	700	250
gis tech \$90	16	450	125
admin \$70	16	56	40
graphics/docs \$75	16	100	20
	\$ 46,250.00	\$ 129,500.00	\$ 37,000.00
	\$ 27,000.00	\$ 72,000.00	\$ 30,000.00

	\$ 25,500.00	\$ 119,000.00	\$ 42,500.00	
	\$ 1,440.00	\$ 40,500.00	\$ 11,250.00	
	\$ 1,120.00	\$ 3,920.00	\$ 2,800.00	
	\$ 1,200.00	\$ 7,500.00	\$ 1,500.00	
Total labor	\$ 102,510.00	\$ 372,420.00	\$ 125,050.00	\$ 599,980.00
Travel				
52 trips @\$200/trip (mileage, ferry)	\$ 10,500.00			
Supplies				
Mail, printing	\$ 1,400.00			

Non-Federal

<u>Clallam County Labor</u>	<u>Employee Name</u>	<u>Hourly Wage</u>	<u>2010 Annual Salary</u>	<u>% of Time</u>	<u>2.25 yr. Grant x 2=</u>	<u>Role</u>
Project Manager/Planning Mgr.	Steve Gray	\$ 38.00	\$ 77,604.00	10%	\$ 15,520.80	Project mgt
Habitat Biologist	Cathy Lear	\$ 32.00	\$ 61,704.00	45%	\$ 55,533.60	Project coord
Planner II	Hannah Merrill	\$ 27.00	\$ 51,285.00	6%	\$ 6,154.20	Tech assist
Planner I	Robert Knapp	\$ 20.00	\$ 38,835.00	9%	\$ 6,990.30	Tech assist
GIS Technician	Chad Theismann	\$ 26.00	\$ 48,813.00	7%	\$ 6,833.82	Mapping
Admin. Specialist IV	Cindy Swegle	\$ 24.70	\$ 48,204.00	5%	\$ 4,820.40	Contract admin
Fiscal Specialist IV	Debi Cook	\$ 22.39	\$ 43,312.00	5%	\$ 4,331.20	Finance
Clallam Salaries total					\$ 100,184.32	
Fringe 32% of salary					\$ 32,058.98	
Indirect 29.87 % of salary					\$ 29,925.06	
Total Clallam Co personnel					\$ 162,168.36	

Non-Federal

<u>Jefferson County Labor</u>	<u>Role</u>	<u>% of time</u>	<u>1.5 yr grant</u>	<u>Role</u>		
Associate Planner	Tech assist	\$ 27.00	\$ 56,160.00	8%	\$ 4,492.80	Tech assist
GIS tech	Mapping	\$ 42.00	\$ 87,360.00	8%	\$ 6,988.80	Mapping
Admin Coordinator	Contract admin	\$ 24.70	\$ 51,376.00	2%	\$ 1,027.52	Contract admin
Jefferson Salaries total					\$ 12,509.12	
Fringe 32% of salary					\$ 4,002.92	
Total Jeffco salary & fringe					\$ 16,512.04	
Indirect						
Indirect 29.87 % of salary - Jefferson					\$ 3,736.47	
Total Jeffco personnel					\$ 20,248.51	