

NOTICE OF INTENT TO AWARD

THIS FUNDING ANNOUNCEMENT IS NOT A REQUEST FOR APPLICATIONS. This announcement is to provide public notice of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R10AS20029
Project Title	Pelagic Organism Decline Investigations
Recipient	California Department of Fish and Game
Principle Investigator (if applicable)	Chuck Armor
Total Anticipated Award Amount	\$1,347,534.00
Cost Share	None
New Award or Continuation?	Continuation
Anticipated Length of Agreement	3 years
Anticipated Period of Performance	Date of execution through March 31, 2013
Award Instrument	Cooperative agreement
Statutory Authority	Public Law 102-575, Title 34, Central Valley Project Improvement Act, Section 3406(b)(1) (2) and 3407(e)
CFDA Number	15.512
Single Source Justification Criteria Cited	Justification Criteria: (2) Continuation- The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity.
Reclamation Point of Contact	Mary Sims, msims@usbr.gov ,

OVERVIEW

The State Water Project (SWP) is operated by the Department of Water Resources (DWR) of the State of California, and the Federal Central Valley Project (CVP) is operated by Reclamation. The diversion of water by the SWP and the CVP from their respective facilities in the southern portion of the Sacramento-San Joaquin Delta negatively affects many of the aquatic resources of the Sacramento-San Joaquin Delta Estuary (Estuary). The water diversion operations of both DWR and Reclamation are conditioned by permits issued by the State Water Resources Control Board (SWRCB). One component of these permits is a requirement to fully disclose the effects of water diversion operations on the aquatic resources in the Estuary.

Abrupt declines in the abundance of several pelagic fish species, including the listed delta smelt, were observed in 2002. To date, there has been no recovery of population densities, and there is as yet no clear explanation of the causes for the declines. The purpose of this agreement is to continue support for field sampling, special studies, and data syntheses focused on determining the causes and consequences of these declines and developing a strategy for reversing them.

RECIPIENT INVOLVEMENT

The California Department of Fish and Game agrees to conduct:

1. Fall Midwater Trawl Survey monitoring program element. Conduct sampling from September through December at sites from San Pablo Bay to the Sacramento-San Joaquin Delta to monitor the abundance and distribution of estuarine fishes, especially striped bass and delta smelt.
2. Summer Tow-net Survey monitoring program element. Conduct sampling from spring through summer with a towed, small-mesh net at sites from San Pablo Bay to the Sacramento San-Joaquin Delta to monitor the annual abundance and distribution of juvenile fish in the upper region of the Estuary and to evaluate factors affecting their abundance.
3. Synthesis Analysis program element. Analyze various linkages among data from other POD study elements to determine temporal and spatial overlap of phytoplankton, zooplankton, and fish.
4. Quantitative Analysis of Stomach Contents, Body Weight, and Parasitic Load for Pelagic Fishes program element. Examine the stomach contents of fish and zooplankton for changes in diet composition, feeding success, and parasitic load. Examine length-weight relationships to monitor relative weight. Determine whether stomach contents are associated with growth rates, relative weight, or liver conditions of the measured species.
5. Larval Fish Survey program element. Sample larval fish, particularly delta smelt, throughout the Delta beginning in January to guide pumping operations.
6. Field Support of all POD activities program element. Support the needs of the POD investigation. Provide sufficient staff with appropriate expertise to conduct all necessary field and laboratory operations, including field sample collections, specimen identification, data processing, and maintenance of equipment and gear.
7. Gear Vulnerability Studies program element. Review existing information, conduct data analyses, and conduct new experiments to demonstrate the effective retention size ranges for fishes and estimated capture efficiencies of trawl nets currently used in the long-term monitoring programs.

RECLAMATION INVOLVEMENT

The POD Investigations are coordinated through the Interagency Ecological Program (IEP). Reclamation will:

1. Provide overall program direction through the Mid-Pacific (MP) Region Director's participation in the quarterly meetings of the IEP Directorate, which consists of the directors of each IEP member agency.
2. Participate in the monthly meetings of IEP Coordinating Committee, which oversees the IEP budget and provides guidance to the IEP Management Team and Project Work Teams. Reclamation's IEP

coordinator implements the MP Region Director's directives and assigns particular program tasks to the IEP Management Team. Reclamation's Management Team representative works closely with Management Team members from all of the other IEP member agencies to provide technical planning and oversight of the day-to-day activities of the IEP core monitoring program.

3. Study design, day-to-day implementation, and coordination among projects.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

- (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;
- (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;
- (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;
- (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;
- (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(2) CONTINUATION

This project is to continue California Department of Fish and Game field and lab support for the POD Investigations program in partial fulfillment of adaptive management activities required under Operations

Criteria and Plan (OCAP) Biological Opinions issued by U S Fish and Wildlife Service and National Oceanic and Atmospheric Administration-Fisheries (National Marine Fisheries Service) governing operation of the Central Valley Project.

STATUTORY AUTHORITY

Public Law 102-575, Title 34, Central Valley Project Improvement Act

SEC. 3406. FISH, WILDLIFE AND HABITAT RESTORATION.

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES- The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under State and Federal law, including but not limited to the Federal Endangered Species Act, 16 U.S.C. 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. The Secretary, in consultation with other State and Federal agencies, Indian tribes, and affected interests, is further authorized and directed to:

(1) develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991; *Provided*, That this goal shall not apply to the San Joaquin River between Friant Dam and the Mendota Pool, for which a separate program is authorized under subsection 3406(c) of this title; *Provided further*, That the programs and activities authorized by this section shall, when fully implemented, be deemed to meet the mitigation, protection, restoration, and enhancement purposes established by subsection 3406(a) of this title; *And provided further*, That in the course of developing and implementing this program the Secretary shall make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project not specifically enumerated in this section.

(A) This program shall give first priority to measures which protect and restore natural channel and riparian habitat values through habitat restoration actions, modifications to Central Valley Project operations, and implementation of the supporting measures mandated by this subsection; shall be reviewed and updated every five years; and shall describe how the Secretary intends to operate the Central Valley Project to meet the fish, wildlife, and habitat restoration goals and requirements set forth in this title and other project purposes.

(B) As needed to achieve the goals of this program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish, except that such flows shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) of this subsection; from the water supplies acquired pursuant to paragraph (3) of this subsection; and from other sources which do not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes. Instream flow needs for all Central Valley Project controlled streams and rivers shall be determined by the Secretary based on recommendations of the United States Fish and Wildlife Service after consultation with the California Department of Fish and Game.

(C) The Secretary shall cooperate with the State of California to ensure that, to the greatest degree practicable, the specific quantities of yield dedicated to and managed for fish and wildlife purposes under this title are credited against any additional

obligations of the Central Valley Project which may be imposed by the State of California following enactment of this title, including but not limited to increased flow and reduced export obligations which may be imposed by the California State Water Resources Control Board in implementing San Francisco Bay/Sacramento-San Joaquin Delta Estuary standards pursuant to the review ordered by the California Court of Appeals in *United States v. State Water Resources Control Board*, 182 Cal.App.3d 82 (1986), and that, to the greatest degree practicable, the programs and plans required by this title are developed and implemented in a way that avoids inconsistent or duplicative obligations from being imposed upon Central Valley Project water and power contractors.

(D) Costs associated with this paragraph shall be reimbursable pursuant to existing statutory and regulatory procedures.

(2) upon enactment of this title dedicate and manage annually eight hundred thousand acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of this title, including but not limited to additional obligations under the Federal Endangered Species Act. For the purpose of this section, the term 'Central Valley Project yield' means the delivery capability of the Central Valley Project during the 1928-1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing at the time of enactment of this title have been met.

(A) Such quantity of water shall be in addition to the quantities needed to implement paragraph 3406(d)(1) of this title and in addition to all water allocated pursuant to paragraph (23) of this subsection for release to the Trinity River for the purposes of fishery restoration, propagation, and maintenance; and shall be supplemented by all water that comes under the Secretary's control pursuant to subsections 3406(b)(3), 3408(h)-(i), and through other measures consistent with subparagraph 3406(b)(1)(B) of this title.

and

Sec. 3407. RESTORATION FUND

(e) FUNDING TO NON-FEDERAL ENTITIES- If the Secretary determines that the State of California or an agency or subdivision thereof, an Indian tribe, or a nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified action.