

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 02D42123 MODIFICATION NUMBER: 0 PROGRAM CODE: 4T	DATE OF AWARD 02/01/2023	
			TYPE OF ACTION New		MAILING DATE 02/06/2023
			PAYMENT METHOD: ASAP		ACH#
RECIPIENT TYPE: County			Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov		
RECIPIENT: Charlotte County 18500 Murdock Circle Port Charlotte, FL 33948-194 EIN: 59-6000541			PAYEE: Charlotte County 18500 Murdock Circle Port Charlotte, FL 33948-1094		
PROJECT MANAGER Jennifer Hecker 1050 Loveland Blvd. Port Charlotte, FL 33980 Email: jhecker@chnep.org Phone: 941-833-6583		EPA PROJECT OFFICER Tina Lamar 61 Forsyth St., S.W. Atlanta, GA 30303 Email: lamar.tina@epa.gov Phone: 404-562-9323		EPA GRANT SPECIALIST Latoria Davis Grants and Audit Management Section 61 Forsyth Street SW Atlanta, GA 30303-8960 Email: Davis.Latoria@epa.gov Phone: 404-562-9782	
PROJECT TITLE AND DESCRIPTION National Estuary Program See Attachment 1 for project description.					
BUDGET PERIOD 10/01/2022 - 09/30/2027	PROJECT PERIOD 10/01/2022 - 09/30/2027	TOTAL BUDGET PERIOD COST \$1,819,600.00	TOTAL PROJECT PERIOD COST \$1,819,600.00		
NOTICE OF AWARD <p>Based on your Application dated 10/31/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,819,600.00. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,819,600.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS U.S. EPA, Region 4 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS U.S. EPA, Region 4, Water Division R4 - Region 4 61 Forsyth Street SW Atlanta, GA 30303-8960			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Shantel Shelmon - Grants Management Officer				DATE 02/01/2023	

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$23,944
2. Fringe Benefits	\$9,098
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$1,786,558
9. Total Direct Charges	\$1,819,600
10. Indirect Costs: 0.00 % Base N/A	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$1,819,600
12. Total Approved Assistance Amount	\$1,819,600
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,819,600
15. Total EPA Amount Awarded To Date	\$1,819,600

Attachment 1 - Project Description

This action approves funding in the amount of \$1,819,600 for Charlotte County to support implementation of the Comprehensive Conservation and Management Plan (CCMP) and Strategic Plan to improve water quality, protect the natural habitat and living resources, and support sustainable human uses within the Coastal and Heartland National Estuary Program (CHNEP). CHNEP will continue to actively participate in gathering data and supporting modeling and analyses as well as fund integrated ground and surface water models to improve decision-making with regards to hydrological restoration projects. Currently, these include the South Lee County Watershed Initiative and the Charlotte Harbor Flatwoods Initiative projects. This agreement is supported by funding provided under the Infrastructure Investment and Jobs Act (IIJA) (PL 117-58). Activities include protecting and restoring critical habitats, including wetlands, and addressing challenging issues that threaten the ecological and economic well-being of NEP watersheds and communities; supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; monitoring and addressing toxics, pathogen loads and contamination; implementing stormwater management practices that reduce non-point source pollution impacts; promoting the adoption of green and nature-based infrastructure approaches; preventing the spread of aquatic invasive species and/or managing their impacts; developing and implementing nutrient reduction strategies; measuring, monitoring, and increasing carbon sequestration; conducting climate vulnerability assessments, developing, and implementing climate change adaptation strategies and using adaptation tools to promote coastal resilience; and developing and implementing strategies to increase opportunities for disadvantaged communities to access, enjoy, and benefit from surface waters and waterways, participate in ecosystem restoration, and engage in capacity-building or educational activities. NEPs may also use funds to support other activities identified in the CCMP, including projects that build organizational or financial capacity. NEP Regional Coordinators can answer specific questions on eligible uses. Outcomes and outputs include stormwater management and non-point source projects, as well as water and green infrastructure which may incorporate development of adaptation or hazard mitigation plans to address climate change and resiliency, ongoing collaborate with partners on CCMP implementation, compliance with Host Agency finance and procurement requirements, compliance with Funders' grant reporting requirements. The citizens of Florida will be the intended beneficiaries. Charlotte County Climate Change Vulnerability Assessment; Polk County Climate Change Vulnerability Assessment; Pine Island Flatwoods Restoration; CHNEP Water Atlas – Maintenance and Improvements; Other Climate Change Vulnerability Assessments TBD and Restoration Projects TBD.

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>.

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

GRANT-SPECIFIC ADMINISTRATIVE CONDITIONS

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A):
 - R4epagrantsmbewhereporting@epa.gov and davis.latoria@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications:
 - Latoria Davis-Reed, Grants Management Specialist, davis.latoria@epa.gov, (404)562-9782
 - Tina Lamar, Project Officer, lamar.tina@epa.gov, (404)562-9323
- Payment requests (if applicable):
 - Tina Lamar, Project Officer, lamar.tina@epa.gov, (404)562-9323
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:
 - Tina Lamar, Project Officer, lamar.tina@epa.gov, (404)562-9323

Programmatic Conditions

BIPARTISAN INFRASTRUCTURE LAW (BIL)

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

A. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORTS

Performance reports are required for all open EPA cooperative agreement awards. In accordance with 2 CFR 200.328, the recipient agrees to include in performance reports submitted under this agreement and pursuant to the EPA National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026, dated July 26, 2022.

The purpose of this report is to provide a clear record of how BIL funds were spent during the reporting period. This may align with the current regional schedule of reporting for CWA §320 annual appropriations but a separate header is needed. In addition, EPA expects each NEP to identify BIL projects within the existing NEP Online Reporting Tool (NEPORT) database where relevant, and to build a separate mechanism for reporting and tracking other required metrics for BIL funding.

Regularly scheduled NEP Program Evaluations will include documentation and results of BIL projects as they proceed. Evaluations should consider tracking and reporting information collected over the life of the projects. As a part of CCMP implementation, the BIL-funded activities should be included in the program evaluation packages as appropriate.

The recipient will submit annual Government Performance and Results Act (GPRA) reporting information to EPA as specified in the annual program funding guidance by the date stipulated in the annual funding guidance.

Report Frequency:

The recipient shall submit, to the EPA Project/Technical Officer, annual workplan & CCMP progress performance reports (preferably electronic copies) as follows: 1) Midyear progress report for the period Oct 1st – March 31st; current FY, due to EPA by April 30th or last workday in April. 2) Bulleted list of MAJOR BIL program accomplishments (3 to 5) due to EPA by September 1st or first workday in September and 3) END OF YEAR program accomplishment report; reporting period from Oct 1 – Sept. 30th, current FY; due to EPA on October 30th or last business workday in October. The above schedule is consistent with NEP CWA 320 progress reporting timeline and project elements.

In accordance with 2 CFR 200.328(2)(d)(1), the recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

Final Performance Report (Close out/deliverables):

The recipient agrees to submit electronic copies of the Final Performance Report to the EPA Grant Project Officer/Technical Officer. The Final Project Report is due **within 120 days** after the end of the budget/project period.

After the final expenditure of BIL funds, NEPs shall provide a final narrative that includes any agreed-upon work-product(s) resulting from the project(s) (See BIL Implementation for clarifying report details).

B. Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). BIL Compliance tracking/reporting requirements extend to sub-awardees. Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.

C. Federal Funding Accountability and Transparency Act (FFATA) Reporting

Requirements for Sub-award and Executive Compensation. Purpose: To describe new Federal reporting requirements for EPA assistance agreement recipients. If, during the preceding fiscal year, a prime recipient or sub-recipient (a "prime" recipient is the recipient of record, the entity to which the Federal government makes an award; a "sub-recipient" is a sub-awardee at any other level down from the prime recipient) meets all three criteria listed below, then for each sub-award of \$30,000 or more that the recipient provides, the recipient must enter into the FFATA Subaward Reporting System (FSRS) the total compensation of its five most highly-paid executives: • the recipient received 80% or more of its annual gross revenue in Federal procurement contracts and financial assistance, and • the recipient received \$25,000,000 or more in annual gross revenues from Federal procurement contracts and financial assistance, and • there are no regularly-filed, publicly-available reports depicting the total compensation of the recipient's five most highly-paid executives. • The policy is available at: <https://fsrs.gov/>

D. PROGRAM BIPARTISAN INFRASTRUCTURE LAW (BIL) AUTHORITY

During the performance period of this award, all recipients of grants or cooperative agreements awarded under the Bipartisan Infrastructure Law (P.L. 117-58 – Nov 15, 2021), also known as the "Infrastructure Investment and Jobs Act of 2021" (IIJA) or "BIL. are required to comply with EPA's National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memo for Fiscal Years 2022-2026 signed by Radhika Fox, EPA Assistant Administrator on July 26, 2022. The FY 2021 – FY 2024 Clean Water Act §320 National Estuary Program Funding Guidance also applies to BIL funding, and all recipients must comply.

EPA's Award Official or Grants Management Officer may amend this agreement to specify additional requirements applicable to IIJA or BIL funding as information becomes available. In the interim, the recipient agrees to have financial management and programmatic management systems in place to track and report on expenditures of IIJA/BIL funds

including outputs and outcomes.

5. MATCHING FUNDS REQUIREMENTS/AWARDING BIL FUNDS

This NEP BIL Implementation Memorandum serves as approval to waive the NEP non-federal match/cost-share requirements, for all NEPs, for BIL funds in FY 2022 – FY 2023. For FY 2024 – FY 2026 BIL funds, after approval of each estuary program's equity strategy (Section H), EPA will waive non-federal cost-share requirement. Cost-share waivers must be approved by the Assistant Administrator of the Office of Water, or by relevant Regional Administrator. Regions will consult with Headquarters prior to approving a cost-share waiver to ensure national consistency.

In accordance with Policy Notice Number PN-2022-G03 regarding "Split Funding", EPA has determined, based on anticipated OMB direction for accounting, tracking, reporting on, documenting and conditioning BIL funds as well as the need to facilitate effective transaction testing for expenditures of BIL grant funds, that EPA will not combine BIL appropriations and "regular" annual appropriations in the same grants. Regions have the flexibility to use the funding mechanism of their choice (annual, incremental, supplemental, etc.).

6. FUNDS TRACKING

NEPs must track BIL funds separately from other funds received. Further guidance may be provided in consultation with EPA's Office of Environmental Justice (OEJ) for tracking benefits to disadvantaged communities. Additional tracking/measurement activities/requirements may be added to the Terms and Conditions post award.

Reporting measures and schedules initially will align where possible with CWA 320, however, a separate header for reporting, tracking is needed to better identify BIL activities in these combined reports.

Routine BIL financial tracking and updates to NEPs Management Conference (MC) will be conducted and shared during program scheduled meetings (NEP MC meeting packages).

However, EPA using existing agency systems (COMPASS) will track BIL funds Quarterly and reports will be shared with each NEP for BIL fund withdrawals and reimbursements, if applicable. Additional tracking requirements may be amended and added to these Terms and Conditions, if needed.

7. BIL FUNDING ELIGIBLE USES

Eligible NEP projects funded through BIL should accelerate and more extensively implement NEPs Comprehensive Conservation Management Plans (CCMPs) to ensure that benefits reach disadvantaged communities (defined in Executive Order 14008); build the adaptive capacity of ecosystems and communities; elevate climate efforts and leverage additional resources, to the extent possible.

In accordance with 40 CFR 30.36, EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works developed under this assistance agreement for

Federal purposes.

8. PROHIBITION OF FILL ACTIVITIES

No funding under this agreement shall be used to support the placement of fill, pilings, or platforms directly or indirectly in open waters, near shore waters, or wetlands to create artificial islands or serve as infrastructure for commercial development or new land for purposes other than habitat restoration.

1. ANNUAL BIL WORKPLAN

Each NEP must develop a detailed Management Conference approved BIL Long-Term Plan and Annual BIL Workplan to submit to EPA Grants.gov by June 1 of each year starting in 2023, except for FY2022. For FY 2022, NEPs must provide a complete SF 424 application, including required forms and certifications (budget sheets, workplan, etc.) in Grants.gov within 90 days after the issuance of the July 26, 2022, National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum, by October 24, 2022.

Initially, NEP's can submit a combined workplan and budget into Grants.gov for FY22 and FY23; total of 2 years of BIL funds, with no match requirement.

Workplan elements:

Annual BIL Workplans can be submitted in the same format as annual appropriations workplans per the NEP funding guidance and must contain at a minimum the following workplan elements (refer to BIL Implementation Memo):

- CCMP Goals and BIL-supported tasks or activities related to each.
- Discussion of how projects reflect BIL priorities and implement their CCMP, particularly with respect to how the proposed work may benefit disadvantaged communities, provide climate adaptation or mitigation co-benefits, and support CCMP goals.
- Budget and personnel per SF 424 categories.

10. LONG TERM PLAN

Under this agreement, each NEP Management Conference (MC) approved BIL Long-Term Plan must describe the key activities and expectations for BIL funds through all 5 years of BIL funding (FY 2022 – FY 2026) and ***submit with the annual workplan to EPA no later than June 1, 2023***. The BIL long-term plan may have less detail than the annual workplans, and may be amended, modified, or revised at any time. Changes (per MC approval) may be submitted each year along with the annual BIL workplan (refer to BIL Implementation memo for required elements).

11. EQUITY STRATEGY

In accordance with this agreement, the NEP must create an equity strategy to outline how BIL funds will be utilized to increase investments in disadvantaged communities and the benefits that flow to them. Each NEP's long-term plan must include an equity strategy detailing how the NEP will contribute to the national program-wide goal of ensuring that at

least 40% of the benefits (Justice40) and investments from BIL funding flow to disadvantaged communities and to ensure that each NEP is reviewing potential projects and utilization of BIL funds through the lens of equitable and fair access to the benefits from environmental programs for all individuals. The equity strategy must be submitted as part of each NEP's BIL long-term plan (June 1, 2023), which must be approved by EPA's Assistant Administrator for Water; process as defined by

EPA HQ's. (See BIL Implementation memo for additional details).

L. COMPETENCY OF ORGANIZATIONS GENERATING ENVIRONMENTAL MEASUREMENT DATA

In accordance with EPA's Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, for all awards where the maximum value of the assistance agreement will exceed \$200,000 in federal funding and the project will involve the generation or use of environmental data, the Recipient will be required to demonstrate competency prior to award.

Alternatively, where a pre-award demonstration of competency is not practicable, the Recipient must demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. The Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy, including methods by which competency may be demonstrated, is available online at http://www.epa.gov/fem/lab_comp.htm.

M. QUALITY ASSURANCE PROJECT PLAN

Grantees implementing environmental projects that include: 1) direct measurement, sampling or observation activities, 2) environmental modeling, 3) use of existing data, 4) use of survey results, or 5) calculation of environmental outcomes must prepare and implement a Quality Assurance Project Plan (QAPP).

The grantee shall submit to the EPA Project Officer (PO) an approvable QAPP prior to any data collection. The PO/TO will review the QAPP to ensure that it meets programmatic needs, is consistent with the approved workplan and includes all the required QAPP elements. Once approved by the EPA TO/PO, the QAPP is forwarded to the EPA QA staff for review and approval.

No data collection/use activities may occur until the QAPP has been reviewed and approved by EPA R4.

N. DATA MANAGEMENT

The NEP will organize and maintain all environmental data collected through funding generated under this cooperative agreement in a manner that allows potential users of the NEP data to readily identify data of interest, access those data for use, and determine the suitability of those data for other users based on readily available QA/QC and methodology

summaries. NEP metadata integrity must be assured. The NEP will inform the EPA Project Officer and TO/Program Manager in writing of the name of the entity or organization responsible for maintaining the NEP collected data and the method of data access.

O. TRAVEL

A minimum of \$10,000 collectively per this FY grant award including the CWA 320 cooperative agreement combined for travel associated with program management and outreach support. A NEP Management Conference may allocate additional funds above \$10,000 per FY grant award for travel within the workplan and cooperative agreement at their discretion. A multiyear cooperative agreement may have less than \$10,000 in any FY award if the total available/remaining for travel in the next FY will be \$10,000 or more. These funds are to cover travel for the Director, staff and other non-federal individuals to: (1) report on BIL & CWA 320 activities of the Management Conference at regional and national meetings called on behalf of the National Estuary Program (e.g., Regional and National NEP meetings, NEP Technical meetings/Conferences, etc.) and/or (2) provide peer-to-peer technical assistance to other NEP Management Conferences or neighboring communities. As a requirement of this cooperative agreement, the NEP Director is required to attend all national or regional meetings called on behalf of the program. Under extenuating circumstances, such as family emergencies or conflict in meeting dates caused by previously scheduled events, a NEP Director may delegate attendance to a senior staff member from the NEP.

P. NEP KEY PERSONNEL

The key personnel specified on the Cooperative Agreement Key Contacts form are considered to be essential to work performance. The process to enact changes to personnel is defined by each program's Management Conference (MC) and/or host agency. The Grantee shall notify the EPA Project Officer/Technical Officer or Program Manager of any changes in Key Contacts, as approved by the NEP MC, within 30 days.

17. DIRECTOR PERFORMANCE EVALUATION

The governing body of each NEP Management Conference shall establish guidelines for an annual NEP Director Performance Evaluation. Results of the Director Performance Evaluation shall be provided to the EPA Project Officer/Technical Officer/Program Manager within 30 days of the evaluation.

18. EPA's SUBSTANTIAL INVOLVEMENT

In accordance with the EPA Order 5700.1, Section 7(b)(1), the agreement is being awarded as a cooperative agreement per 2 CFR 200.24 due to EPA's role in this agreement under BIL and Section 320, Clean Water Act. EPA will provide substantial involvement in the form of technical assistance, development of outputs, and oversight. Specifically, substantial federal involvement will take the form of monitoring the project/program by EPA; participation and collaboration between EPA and the recipient in program content; review of project progress, and quantification and reporting of results. The tasks/activities involve

annual on-site NEP visit to see on the ground project/program progress & success (beginning, ending & ongoing), member of Management Conference (Management/Policy Board/Committee/Council), TA to ad hoc technical/communication committees; EPA may serve as chair and co-chair on highest NEP decision board (advisory), and TO-review workplan & budget (reimbursements & ULOs) to ensure CCMP implementation/progress.

S. SUFFICIENT PROGRESS

In accordance with GPI 11-01 "Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements" dated September 28, 2012, EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress on work and on drawing down funds, so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the work plans in conjunction with the milestone schedule, the time remaining for performance within the project period, the availability of funds necessary to complete the project, and whether draw down funds is commensurate with work progress. In accordance with 2 CFR 200.98, unobligated balance means the amount of funds under a federal award that the non-Federal entity has not obligated.

T. PRODUCT SUBMISSION

The NEP is responsible for submitting final scientific and technical products/reports produced under this cooperative agreement electronically to the National Technical Information Service (NTIS) and the EPA PO/TO/Program Manager as follows:

- ***Electronic Documents: Two ways to submit:***

URL: If the documents exist on an agency website, please notify NTIS in an email message to input@ntis.gov and to the EPA PO/TO/Program Manager. Please specify the URL address where the documents can be found.

Email: Please attach pdf or common electronic formatted documents in an email addressed to input@ntis.gov and to the EPA PO/TO/Program Manager.

Each final scientific and technical product/report produced by the NEP under this cooperative agreement must be available to the public for download through the NEP's website directly or through a link to an FTP site or other means of distribution.

21. SIGNAGE

2. The recipient will ensure that a visible project identification sign is erected as appropriate at each public event or training location. The sign should summarize the purpose of the event and credit EPA and the National Estuary Program for funding. The recipient will determine the design, placement, and materials for each sign. The signage will contain logos of EPA and the recipient NEP.

To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer/TO in the communication. Instructions

for contacting OPA is available at: <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. The EPA Logo will be displayed meeting the following specifications: http://www.epa.gov/ogd/tc/epa_logo_seal_specifications_for_infrastructure_grants.pdf .

2. If the award includes an outreach component, the recipient will provide signage that informs the public that the project is funded by EPA through its National Estuary Program and includes the following text: "This project has been funded, in whole or in part, by the U.S. Environmental Protection Agency's National Estuary Program."
3. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with, and immediately next to, a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects.
4. Recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo) into the appropriate non- English language(s). The costs of such translation are allowable, provided the costs are reasonable.

5. CYBERSECURITY CONDITION

The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements. EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information.

Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer/Technical Officer (PO/TO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting

and/or compliance data.

The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange.

The recipient will follow this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

• OTHER AWARD CONSIDERATIONS

- **Fully enforce civil rights.** EPA's nondiscrimination regulations prohibit recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex. NEP funding under the BIL should ensure compliance with civil rights laws. EPA will provide interested NEPs with technical assistance and training to support their compliance with Title VI obligations
- **Compliance with Build America Buy America Act Requirements.** Congress passed the Build America Buy America (BABA) Act in 2021, concurrently with the BIL. Congress established this domestic preference program to create long-term opportunities for domestic manufacturers and manufacturing jobs, and to build resilient domestic supply chains for a wide range of products used in construction and infrastructure, including iron and steel products, manufactured products, and construction materials. EPA will work with the NEPs to determine the types of products that may be covered by this new law and will support compliance where necessary. Additional guidance and information regarding program-wide, project-specific, and product-specific waivers, and the process to apply for them, will be forthcoming. Compliance instructions will also be addressed in the terms and conditions of each award, and these requirements extend to sub-awardees
- **Compliance with the Federal Flood Risk Management Standard for built infrastructure.** Where appropriate, projects should incorporate the *Federal Flood Risk Management Standard* (FFRMS) defined in Executive Order 13690 to improve the resilience of communities, ensuring that federal investments located in or near floodplains are designed to be resilient to the impacts of flooding. The FFRMS requires that new construction, or significant improvements, of structural infrastructure funded using federal financial assistance be elevated to withstand local flood risk conditions.

More information can be found at: <https://www.fema.gov/floodplain-management/intergovernmental/federal-flood-risk-management-standard>

- **Support the American Worker and Renew the Conservation and Water Workforce.**

The BIL is not only an opportunity to reinvest in America's communities and ecosystems, but also an opportunity to invest in the American workers who support them. BIL investments through NEPs should contribute to developing a strong restoration and conservation workforce, build capacity

to maintain critical gray or green infrastructure, and support efforts to open pathways to environmental employment, especially for youth and groups currently under-represented in fields such as construction and trades, environmental restoration, science, and conservation. Note: funds from the NEP may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

X. Technical Officer: The Technical Officer/Reviewer assigned to this grant is Rachel Hart - 404-562-9279 - hart.rachel@epa.gov.