

## Conditions of Award

### *U.S. Department of the Interior, Bureau of Reclamation for Central Valley Aquatic Ecosystem Investigations*

Funding Authority: Omnibus Appropriations Act, 2009 (Public Law 111-8), Energy and Water Development and Related Agencies Appropriations Act, Division C, Title II CFDA: 15.512

The recipient and Reclamation are subject to the terms and conditions contained within the Master Cooperative Agreement, 3FC810873.

Investigators and their institutions are also reminded that expending federal funds for the purposes of providing transportation, travel, and any other expenses for any federal employee or agency is expressly prohibited.

Please review the stipulated conditions carefully and, having done so, sign and return the "Award Acceptance Form." We urge you to contact us at any time if you have any problems or questions.

#### Contact Information:

Phone: (858) 534-4440

Email: [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu)

Website: <http://www-csgc.ucsd.edu/FUNDING/MANAGING/CASG/InstitutionalAwardIdx.html>

### **Background and Objective**

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 fish and other aquatic resources of the Sacramento-San Joaquin-San Francisco Bay-Delta Estuary (Estuary).

Several fish species are listed for protection under State and Federal endangered species legislation, and vital biological information on the status of these fish is required from both DWR and Reclamation, since the water diversion operations of both of these agencies have been implicated in the decline in the abundance of fish. Abrupt declines in the abundance of Central Valley salmonids and several pelagic fish species (including the listed delta smelt and likely-to-be-listed long fin smelt) have recently been documented. 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 provide funding for a cooperative study of the distribution and habitat conditions of Central Valley salmonid and Bay-Delta pelagic fish populations. This study will be part of a broader effort to determine the causes and consequences of the decline of Chinook salmon and steelhead populations and of the so-called Pelagic Organisms Decline (POD).

This cooperative effort between Reclamation and the University of California, San Diego (UCSD), will be conducted under the Cooperative Ecosystem Studies Unit (CESU) program.

### **Period of Performance and Funds Availability**

This Agreement becomes effective on 9/18/2009. The period of performance for this Agreement may only be modified through written confirmation to California Sea Grant. Submit requests for extensions via email to Russell Moll, California Sea Grant at [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu) sixty (60) days in advance of the project end date.

### **Recipient Responsibilities**

#### **Scope of Work**

The approved proposal, timeline, and agreed-upon responses to reviews, constitute the scope of work. In no case shall an investigator make a change in the scope of work of the project (including subcontracts) without the specific and prior written approval of the Sea Grant Director. The project leader must contact Sea Grant to explain and justify the proposed change, and indicate the impact on the project's progress and results. In most cases, approval from NOAA is also required.

The Recipient shall be responsible for carrying out project activities identified in the Scope of Work in accordance with the terms and conditions stated herein. Applicants shall adhere to Federal, state, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Applicants shall also coordinate and obtain approvals from site owners and operators.

Additionally, the Recipient agrees to comply with all regulatory compliance requirements and all applicable state, Federal, and local environmental and cultural and paleontological resource protection laws and regulations as applicable to this project. These may include, but are not limited to, the National Environmental Policy Act (NEPA) including the Council on Environmental Quality and Department of the Interior regulations implementing NEPA, the Clean Water Act, the Endangered Species Act, consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

#### **Personnel**

If you or your co-project leaders will be on any type of leave (sabbatical or leave of absence) during the period of this award, please contact California Sea Grant immediately to describe and determine this action's impact on the research project. It may be necessary to obtain approval from the National Sea Grant College Program office for the appointment of an interim project leader.

Changes in senior personnel, in their grantee organization, or in their percentage of time, require prior approval of the Sea Grant Director. Your request should address any changes in scope. If another project leader is being added, include their biographical sketch and a description of the work they will be performing.

#### **Deliverables**

1. Quarterly progress reports in Microsoft Word format shall be submitted in writing to California Sea Grant. The report is a short narrative and shall include a summary of data collected and analyses pursued, any problems encountered, and how problems were resolved. If a problem arises that is likely to seriously delay progress, the problem and some strategy for overcoming it needs to be described. This progress report will be summarized in an article for the Interagency Ecological Program Newsletter.

#### Monitoring and Reporting Program Performance (43 CFR §12.951)

Performance reports shall generally contain, for each award, brief information on each of the following:

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(e) Recipients shall not be required to submit more than the original and two copies of performance reports.

(f) Recipients shall immediately notify the Federal awarding agency of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) Federal awarding agencies may make site visits, as needed.

(h) Federal awarding agencies shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

#### Report Frequency and Distribution

The following table summarizes the reporting requirements for this Agreement.

#### Reports on Significant Developments

During the term of the agreement, the Recipient must immediately notify the GO if any of the following conditions occur: Problems, delays, or adverse conditions which will impair the Recipient's ability to meet the terms and conditions of the agreement; Favorable developments which will enable the Recipient to complete the scope of work under budget and/or under an accelerated schedule.

This notification is to include information on the actions taken or contemplated to resolve problems, delays, or adverse conditions, and any assistance needed from Reclamation to help resolve the problem.

The recipient and Reclamation are subject to the terms and conditions contained within the Master Cooperative Agreement, 3FC810873.

2. The results to date of each project shall be presented orally or by poster presentations at the biennial CalFed Science Conference in October 2010.

3. Thirty days after the end of the period of performance, at least one manuscript will be submitted to a peer-reviewed journal for publication.

## Financial Guidelines

### Budget

Approved Budget - See Attached Project Budget, Proposed Budget/Summary Budget, for breakdown of costs.

#### Pre-Award Incurrence of Costs

The Recipient shall be entitled to have incurred costs for this Agreement, in a total amount not to exceed \$ 0.00, for allowable costs incurred on or after N/A , which if had been incurred after this Agreement was entered into, would have been allowable under the terms of the Agreement. If the Agreement requires the Recipient to cost share or match funds, the Recipient is eligible to receive reimbursement for a portion of these total allowable costs in an amount not to exceed \$

#### Allowable Costs

Costs incurred for the performance of this Agreement must be allowable, allocable to the project, and reasonable. The following Office of Management and Budget (OMB) Circulars, codified within the Code of Federal Regulations (CFR), govern the allowability of costs for Federal financial assistance: 2 CFR Parts 215 and 220 (Circular A-21), "Cost Principles for Educational Institutions" 2 CFR Part 225 (Circular A-87), "Cost Principles for State, Local, and Indian Tribal Governments" 2 CFR Part 230 (Circular A-122), "Cost Principles for Non-Profit Organizations" Expenditures for the performance of this Agreement must conform to the requirements within the respective OMB Cost Principle Circular. The Recipient must maintain sufficient documentation to support these expenditures. Questions on the allowability of costs should be directed to the GO responsible for this Agreement.

#### Budget Revisions

The Recipient shall follow the requirements at 43 CFR 12.70(c) or 43 CFR 12.925, as applicable, when making revisions to budget and program plans. Additionally, approval shall be requested for transfers of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa. These requests shall be sent to California Sea Grant, [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu). Please follow the rebudget instructions on our web site for forms and required information (<http://www-csgc.ucsd.edu/FUNDING/MANAGING/CASG/Rebudgets.html>). No budget revisions will be approved until California Sea Grant receives approval from the awarding agency.

### How to Invoice for Reimbursement

To be in compliance, all campuses must submit invoices at least quarterly. Additionally, within 30 days of receipt of the award, campuses must provide California Sea Grant with ledgers or other such documents, which show award set-up. If an invoice is received in the Sea Grant Office showing that federal, state, and traineeship funds have been co-mingled, the invoice will be returned for revision before payment can be approved.

Non-UC Campuses: Any format will be accepted providing the invoice includes all the fields listed in the sample invoices (see website). No back-up is required to receive payment. In order to have an overview of the project's progress, a ledger showing a summary of expenses by category will be required on an annual basis. This includes identifying salaries and benefits, supplies, domestic and foreign travel, and any other costs associated with the project.

UC Campuses: We will accept IRRs from UC campuses as outlined in the UCOP Operating Guidance No. 02-02 (page 7 of document, <http://www.ucop.edu/raohome/cgmemos/02-02.htm>). Any format will be accepted providing the IRR includes all the fields listed in the UCOP Operating Guidance. No back-up is required to receive payment. In order to have an overview of the project's progress, California Sea Grant will retain the right to randomly request ledgers showing expenses by category.

The final invoice needs to be marked "Final" and is due within 45 days following the termination of the project and/or of the omnibus grant. Any invoices received after the 45-day period will not be paid, unless the campus receives an approval from California Sea Grant for a short extension. It is the responsibility of the campus to contact California Sea Grant within the 45-day period, if there is a foreseeable delay in submitting the final invoice.

Invoices must be submitted directly to California Sea Grant.

California Sea Grant College Program  
University of California, San Diego  
9500 Gilman Drive Dept. 0232  
La Jolla, CA 92093-0232  
Email: [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu)  
Fax: (858) 534-2231

## **Financial Reporting Requirements**

Financial reports (including federal and state final expense reports, equipment inventory, and annual cost share report) are required at the end of each grant year. If subsequent project years are funded under the same award number, then the funding can be added to the first year's account. In this case, the annual federal financial report is not required. Instead submit this report at the termination of the project. The project leader or administrative contact should submit the annual reports of expense through their institution's grants management or extramural funds office. That office should then submit these reports to: California Sea Grant College Program, University of California, San Diego, 9500 Gilman Drive Dept. 0232, La Jolla, California 92093-0232. These forms are available on our website.

- Annual Cost Share Report (federal only) is due within 45 days following the end of each award year. Time extensions do not change the due date of the cost share reports. Additionally, all cost share must be from a non-federal source. In reporting equipment cost share, the principal investigator must claim the fair market value or depreciated value of the equipment. See Matching Funds/Cost Share section above.
- Final Expense Report - Research: This report is due within 45 days following the termination date of the project and/or the omnibus grant. The principal investigator or administrative contact should submit the report through their institutions grants management or extramural funds office.
- Final Expense Report - Traineeship: This report is due within 45 days following the end of each award year. This report is only required if the award has a traineeship. The principal investigator or administrative contact should submit the report through their institutions grants management or extramural funds office.

- Equipment Inventory Report: If the principal investigator has purchased equipment with Sea Grant funds, the California Sea Grant office requires that an Equipment Inventory Report be submitted within 45 days following the end of each award year.

***SPECIAL NOTE: California Sea Grant reserves the right to withhold project funds if appropriate documentation or required reports are not provided by program deadlines.***

## **REPORTING REQUIREMENTS AND DISTRIBUTION**

Failure to comply with the reporting requirements contained in this Agreement may be considered a material non-compliance with the terms and conditions of the award. Non compliance may result in withholding of payments pending receipt of required reports, denying both the use of funds and matching credit for all or part of the cost of the activity or action not in compliance, whole or partial suspension or termination of the Agreement, recovery of funds paid under the Agreement, withholding of future awards, or other legal remedies.

### **Special Conditions & Comments**

- Alterations and Renovations: Sea Grant funds cannot be used for this purpose.
- Books: Reference books purchased on Sea Grant funds must be specifically related to the Sea Grant project and must be purchased within a reasonable time prior to the termination date.
- Consultants: Project leaders and other Sea Grant participants cannot receive payment for consultation on Sea Grant projects. Prior approval is required to hire consultants; if consultation costs were not included in the originally approved budget, a letter justifying the request must be sent to the Sea Grant Director for approval.
- Equipment (Permanent and General Purpose): Prior approval is required to purchase any single unit or item of permanent equipment that was not included in the approved budget. If the unit cost is in excess of \$5,000, the Sea Grant office will need to obtain prior approval for the purchase from NOAA. Effective 7/1/04, equipment is defined by the UC Office of the President as articles of non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Changes in the originally approved budget items require prior approval by the Sea Grant Director.

General-purpose equipment requires specific prior approval regardless of the purchase amount (the same rule applies to costs for rental or repair of general-purpose items). General-purpose equipment includes any item that is usable for activities of the institution other than research (e.g., office equipment and furnishings, air conditioners, reproduction or printing equipment, motor vehicles, computer equipment or accessories, refrigerators, or freezers).

- Mail: Under the MTDC computation of overhead this is unallowable unless specifically requested in the budget justification.
- Meeting and/or meal costs; Catering services: Unallowable unless specifically requested in budget justification.

- Membership Dues/Subscriptions: Payments for memberships and subscriptions are not allowed.
- Office and administrative supplies: Under the MTDC computation of overhead this is unallowable unless specifically requested in the budget justification.
- Rental of Space: Sea Grant funds cannot be used for this purpose.
- Travel: Reimbursement for travel expenses shall not be higher than the University of California approved travel rates. These travel rates are published at: <http://www.ucop.edu/ucophome/policies/bfb/g28.html>.

If a *foreign* trip is not itemized (location, date of trip, estimated cost broken down by airfare, per diem) in the originally approved budget, the Sea Grant Director requires a written request with justification at least 60 days PRIOR to the trip in order to notify the National Sea Grant office. This justification should include items (a) through (e) below.

Foreign Travel Checklist: All travel must be in compliance with the Fly America Act (contact your campus Contract and Grant or Foundation office if you need further information). Domestic travel includes travel to all U.S. possessions or trusts, such as Puerto Rico, the Virgin Islands, the Trust Territories, Guam, and Samoa. If a foreign trip is not itemized in the originally approved budget, the Sea Grant Director requires a written request with justification. Sixty (60) days PRIOR approval is required. Requests for prior approval of this nature should include the following:

- Traveler's name;
- Dates traveled;
- Origin and destination of the travel;
- Detailed itinerary of the travel, name of the air carrier, and flight number for each leg of the trip and proposed cost;
- Lodging, per diem cost; and
- Completed Fly America Act Waiver Checklist (see website) if a foreign carrier is used on any portion of a trip even when no U.S. carriers are available.

### **Change Requests: No-Cost Extensions & Rebudgets**

#### **No-Cost Extensions**

Investigators are expected to adhere to the project's approved timeline and to complete the project by the award's end date. In the event circumstances prevent this, an email request originating from the lead investigator with carbon copies to all necessary parties must be submitted at least two months prior to the end of the project's expiration date. Please send your request accompanied by a progress report to [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu), address the email to Dr. Russell Moll, and include the following in your message:

- 1) The relevant grant number;
- 2) The Sea Grant project number;
- 3) Your campus account and fund numbers and/or purchase order number;
- 4) The current project end date and new requested end date;

- 5) A justification for the need for additional time: describe how and why progress has been delayed, which objectives have not yet been completed and a new timeline for their activities;
- 6) Indicate expected fund balance for each expense category, the reason for the balance, and an explanation of how the funds will be used (provide dollar amounts).
- 7) If applicable, justification for the extension of the traineeship; and

In order for a request to be reviewed, the project Progress report must accompany request as a separate document.

***SPECIAL NOTE: Projects may not be extended merely to allow recipients to spend unobligated funds. Extensions may be one-time or may be approved incrementally, but in all cases extensions may not exceed 12 months beyond the original project period ending date. Any unused funds at the end of the project period will revert to California Sea Grant.***

## **Rebudgets**

All rebudgets require the prior approval of the Sea Grant Director. The email rebudget request must originate from the principal investigator with copies to all necessary parties. It should be sent to [sgfiscal@ucsd.edu](mailto:sgfiscal@ucsd.edu), addressed to Dr. Russell Moll, and should include the following details:

- 1) The relevant grant number;
- 2) The Sea Grant project number;
- 3) Your campus account and fund numbers and/or purchase order number;
- 4) For each category requiring the rebudgeting of funds, include:
  - a) Salaries – Indicate the total funds required for each employee, as well as the overall total. Provide a justification for the need to increase costs or an explanation of the remaining balances in salaries.
  - b) Supplies – Identify the category (e.g., laboratory or marine) and include a dollar amount for each category.
  - c) Equipment – Provide a description of the equipment to be purchased or leased, including unit cost and total purchase or leasing costs. Identify the purpose of each equipment item and how it will benefit the project or be used for the project.
  - d) Travel – If the overdraft in travel is due to an additional trip, include the number of travelers, to/from details, type of transportation (e.g., airfare, mileage) and total cost of the trip. Identify the purpose of each trip and how it relates to the project.
  - e) Other – Identify cost categories such as communications, printing, publication charges, graphics, phones, computer time or usage, and total for each category.
  - f) Indirect Costs – Funds may be transferred between direct and indirect costs if ALL of the following conditions apply:
    - 1) If a transfer of funds among direct cost categories results in a revision to the amount of indirect costs but does not exceed the cumulative budget transfer threshold of 10% that would require prior approval; and
    - 2) If the authorized transfer of funds and the adjustment of the amount of indirect costs do not exceed the approved total project costs; and
    - 3) If the indirect cost rate does not change; and
    - 4) If the adjustment of the amount of indirect costs does not result in a change to the approved award's scope of work.
- 5) The original and new budget by line item in a spreadsheet format as follows:

<b>Category</b>	<b>Budget</b>	<b>Rebudget</b>	<b>New Budget</b>
Salaries	10,000	-2,000	8,000
Benefits	3,000	-750	2,250
Supplies	2,000	0	2,000
Travel	1,000	2,750	3,750
Indirect Cost	1,600	0	1,600
<b>Total Costs</b>	<b>17,600</b>	<b>0</b>	<b>17,600</b>

## **Patents**

All potentially patentable ideas, inventions, discoveries or improvements made during the grant terms must be disclosed promptly. UCSD project leaders to whom this applies should download, complete and submit the form found at <http://invent.ucsd.edu/downloads/index.htm>. Other UC researchers should go to the UC Office of the President's website: <http://ucop.edu/ott/contacts.html>. CSU and private institution researchers should contact their grants administration office for instructions.

## **Theses/Dissertations & Trainees**

### **Theses/Dissertations**

Costs for typing theses or dissertations are not allowed.

### **Publications, Article Reprints & Presentations**

It is essential that you properly acknowledge support by the California Sea Grant College Program and the Bureau of Reclamation for the Central Valley Aquatic Ecosystem Investigations in all materials that you publish as a result of your CESU project.

Please be sure to acknowledge Sea Grant support when *presentations* are made. This visibility has become increasingly important to us and is a courtesy we take seriously.

### **Statement of Acknowledgement**

All publications must carry one of the following acknowledgments. Please note that the grant award number (see Publication Guidelines) is the basis for funding the reprint.

### **Federal Support Only:**

This publication (website, video, etc.) was prepared by [author's name] under USBR Agreement R09AC20043 California Sea Grant College Program Project R/SF. The statements, findings, conclusions and recommendations are those of the author(s) and do not necessarily reflect the views of California Sea Grant, Bureau of Reclamation or the U.S. Department of the Interior.

REQUIRED REPORTS	Interim Reports	Final Report
<b>Program Performance Report</b>		
Format	No specific format required. See content requirements above	No specific format required. See content requirements above
Reporting Frequency	<b>Quarterly</b>	Final Report due upon completion of agreement's period of performance
Reporting Period	Federal fiscal quarters ending: December 31, March 31, June 30 September 30 For <b>quarterly</b> reporting, October 1 through March 31 and April 1 through September 30. For annual reporting, the Federal Fiscal Year, October 1 through September 30.	Entire period of performance
Due Date	For <b>quarterly</b> and semi-annual reports, within 30 days after the end of the Reporting Period For annual reports, within 90 days after the end of the Reporting Period.	Within 90 days after the completion date of the agreement