

Amendment # 1 for Grant Agreement # 258806

Contract Start Date:	<u>October 29, 2014</u>	Total Contract Amount:	<u>\$75,000.00</u>
Original Contract Expiration Date:	<u>December 31, 2025</u>	Original Contract:	<u>\$75,000.00</u>
Current Contract Expiration Date:	<u>December 31, 2025</u>	Previous Amendment(s) Total:	<u>\$0.00</u>
Requested Contract Expiration Date:	<u>June 30, 2026</u>	This Amendment:	<u>\$0.00</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Natural Resources, Division of Ecological and Water Resources, and Minnesota's Lake Superior Coastal Program ("STATE") and City of Duluth, 411 West First Street, Duluth MN 55802 ("GRANTEE").

Recitals

1. Under Coastal Zone Management Administration Awards, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, CFDA 11.419, NA24NOSX419C0020, the State received a federal award on August 1, 2024, for FY2024 Minnesota CZM 306 Award (Attachment A.1, which replaces Attachment A in its entirety, attached and incorporated into this grant contract agreement). This is not a Research and Development Award.
2. The State has a grant contract with the Grantee identified as 258806 to provide services for Minnesota's Lake Superior Coastal Program's FFY24 Task 306-9: Park Point Recreation Area Plan.
3. The State and Grantee have agreed that additional time will be necessary for the satisfactory completion of the agreement.
4. City of Duluth Resolution 25-##### (Attachment G, attached and incorporated into this grant contract agreement) empowered the Grantee to enter into this grant contract amendment.
5. The State and the Grantee are willing to amend the original grant contract as stated below.

Grant Contract Amendment

REVISION 1. Clause 1.2. "Expiration date." is amended as follows:

Expiration date. ~~December 31, 2025~~ June 30, 2026, or, in the event this grant contract agreement is continued by way of amendment or new agreement, the date the amendment or new agreement is fully executed, whichever is later. Notwithstanding the foregoing, in the event an amendment or new agreement is not fully executed within 60 calendar days of the stated expiration date, this grant agreement will expire on ~~February 28, 2026~~ August 30, 2026.

REVISION 2. Clause 2. "**Grantee's Duties**" is amended as follows:

Grantee's Duties

The Grantee, who is not a state employee, will:

- a) Comply with required grants management policies and procedures set forth through [Minn.Stat. § 16B.97](#), Subd.4(a)(1).
- b) Perform the duties specified in the Project Description and Budget (Revised Attachment B.1, attached and incorporated into this grant contract agreement).

- c) Complete the project within the time frame specified and in accordance with the approved budget in the grant contract agreement. Any material change in the grant contract agreement will require an amendment by the State (see Section 8.2).
- d) Be responsible for the administration, supervision, management, record keeping, and project oversight required for the work performed under this agreement.
- e) Maintain a written conflict of interest policy (Attachment C, attached and incorporated into this grant contract agreement). Throughout the term of this agreement, the Grantee must monitor and disclose any actual or potential conflicts of interest to the State's Authorized Representative.
- f) Ensure that all work be conducted in accordance with appropriate Federal, Tribal, state, and local laws and will follow recognized best practices for minimizing impacts to the human and natural environment.

REVISION 3. Clause 4.1. "**Compensation.**" is amended as follows:

Compensation. The Grantee will be paid \$75,000.00 according to the breakdown of costs contained in Revised Attachment B.1.

REVISION 4. Clause 18.3. "**Final Report.**" is amended as follows:

Final Report. The Grantee must submit a Final Report, which summarizes activities conducted during the entire award, and Products, as identified in Revised Attachment B.1, within thirty days of expiration (see Section 1).

The Original Contract and any previous amendments are incorporated into this amendment by reference. Except as amended herein, the terms and conditions of the Original Grant and all previous amendments remain in full force and effect.

Signatures on next page.

Signatures:

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Signed: _____

Date: _____

SWIFT Contract/PO No(s). _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. STATE AGENCY

By: _____
(with delegated authority)

Title: _____

Date: _____

Distribution:

Agency

Grantee

State's Authorized Representative

Attachment A.1 Federal Notice of Award



Department of Commerce
National Oceanic and Atmospheric Administration (NOAA)
NOS Office for Coastal Management (OCM)

Notice of Award (NoA)
NA24NOSX419C0020-T1-01

RECIPIENT INFORMATION

1. Recipient Name

MINNESOTA DEPARTMENT OF NATURA
500 LAFAYETTE RD N
SAINT PAUL, MN 55155

2. Congressional District of Recipient

04

3. Employer Identification Number (EIN)

416007162

4. UEI

VBRKNZ9E3Q11

5. Recipient Point of Contact

Amber Westerbur (Contact)
amber.westerbur@state.mn.us

6. Authorized Official

Amber Westerbur
amber.westerbur@state.mn.us

FEDERAL AGENCY CONTACT INFORMATION

7. Grant Specialist

Elizabeth Holmes
elizabeth.holmes@noaa.gov

8. Program Officer

Carolyn Schafer
Carolyn.Schafer@noaa.gov

9. Grant Officer

Jewel Linzey
jewel.linzey@noaa.gov

FEDERAL AWARD INFORMATION

10. Award Number / FAIN

NA24NOSX419C0020-T1-01 Revision 1 / NA24NOSX419C0020 / Mod 1

11. Award Type

Cooperative Agreement

12. Period of Performance Start Date & End Date

08/01/2024 – 12/31/2026

13. Budget Period Start Date & End Date

08/01/2024 – 12/31/2026

14. Federal Share of Cost

\$1,158,000

15. Recipient Share of Cost

\$1,158,000

16. Total Federal and Recipient Cost

\$2,316,000

17. Opportunity Number

NOAA-NOS-OCM-2024-26470

18. Project Title

FY2024 Minnesota CZM 306 Award

19. Assistance Listing Number and Name

11.419 Coastal Zone Management Administration Awards

20. R&D Award?

No

21. Construction Award?

No

22. Grants Officer – Signature and Award Date

Nicola Bell – 08/05/2025



NOTICE OF NOAA AWARD COVER LETTER

You are the recipient of NOAA award Number NA24NOSX419C0020-T1-01.

The Notice of Award (NoA) serves as the official legal document issued to notify the recipient and others that an award has been made. The NoA contains all terms and conditions of the grant award.

The complete NoA can be found and downloaded under eRA Commons using the following instructions: [View Notice of Award | eRA](#)

This NoA was sent to the specified email address entered in the NoA email field by the recipient organization when completing the electronic Research Administration (eRA) Commons registration process. The Signing Official (SO) can update this email address through the Institutional Profile section in eRA Commons. The NoA can also be viewed from the Status Information page in eRA Commons. By accepting the award, the recipient agrees to comply with the award provisions specified on the award document.

As the Signing Official (SO) you are authorized to legally bind the institution in grant-administration matters. In providing your signature approval on the grant application submission you are responsible for monitoring grant related activities and authorizing expenditures under this award.

Additional Information about your award is shown below:

- Assistance Listing Number: 11.419
- Project Period: 08/01/2024 – 12/31/2026
- Program Office: NOS Office for Coastal Management (OCM)
- Program Officer: Carolyn Schafer
- Program Officer Phone:
- Program Officer Email: Carolyn.Schafer@noaa.gov
- Total Federal Funding: \$1,158,000
- Total Non-Federal Funding: \$1,158,000
- Organization Name: MINNESOTA DEPARTMENT OF NATURAL RESOURCES
- Project Title: FY2024 Minnesota CZM 306 Award
- Name of Principal Director/Project Investigator (PI/PD) as identified in the negotiated application:
 - o Cynthia Poyhonen
 - o Amber Westerbur (contact)

This email was sent from a source that is not monitored for responses. If you need assistance, contact your Program/Project Officer (for programmatic issues) or the [eRA Help Desk](#) (for technical issues).

SECTION I – BUDGET INFORMATION**Approved Budget**

	Year 1 Federal	Year 2 Federal	Total
Personnel(non-research)	\$369,967	\$0	\$369,967
Fringe Benefits	\$123,481	\$0	\$123,481
Travel	\$14,600	\$0	\$14,600
Supplies	\$7,592	\$0	\$7,592
Contractual	\$486,862	\$0	\$486,862
Other	\$50,886	\$0	\$50,886
Total Direct Charges	\$1,053,388	\$0	\$1,053,388
Indirect Charges	\$104,612	\$0	\$104,612
Federal	\$1,158,000	\$0	\$1,158,000
Non-Federal	\$1,158,000	\$0	\$1,158,000

Authorized

	Previous	Change	Cumulative
Federal	\$1,158,000	\$0	\$1,158,000
Non-Federal	\$1,158,000	\$0	\$1,158,000
Total	\$2,316,000	\$0	\$2,316,000

Authorized Funding Codes

					Previous	Change	Cumulative
140Y8KMCZM	24P27	141017000 000000000	41001300	CZM Basic Grants	\$1,158,000	\$0	\$1,158,000
Total					\$1,158,000	\$0	\$1,158,000

SECTION II – NOAA STANDARD TERMS AND CONDITIONS

- 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>
- DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE GENERAL TERMS AND CONDITIONS
<https://www.commerce.gov/oam/policy/financial-assistance-policy>
The Department of Commerce Financial Assistance General Terms and Conditions (GT&Cs) issued October 1, 2024, are incorporated by reference into this award.
- Bureau Financial Assistance Standard Terms and Conditions
[Administrative Standard Award Conditions for National Oceanic and Atmospheric Administration \(NOAA\) Financial Assistance Awards U.S. Department of Commerce](#)
- Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements (REF: 79FR 78390)
<https://www.govinfo.gov/content/pkg/FR-2014-12-30/pdf/2014-30297.pdf>

SECTION III – SPECIFIC AWARD CONDITIONS**Reason for Revision:**

1. To approve the one-year no-cost extension revision request #71032, which extends the period of performance to December 31, 2026.

SPECIAL TERMS

Matching Requirement

Since this award requires the Recipient to provide \$1,158,000 in project-related costs from non-Federal sources, the Recipient must maintain in its official accounting records an accounting of \$2,316,000.

Tangible Property Reporting and Disposition

Tangible personal property has been identified and budgeted in the grant application. The Recipient must report such property to NOAA. The SF-428, SF-428-B (final report), and as needed, the SF-428-S (inventory list) must be submitted no later than 120 days after the project end date. The SF-428-C (the disposition report) must be submitted when the property is no longer required for the purpose of the project, and in accordance with 200.311-314. These forms can be accessed at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>.

Indirect Rate Agreement

The expiration date for the indirect cost rate 21.20% used in this award is 6/30/2024. Once a new rate is approved, your organization must submit the new Negotiated Indirect Cost Rate Agreement (NICRA) to NOAA GMD within 30 calendar days of receipt of the agreement. If the new rate requires an upward adjustment of the Indirect Costs budget line, a rebudget request might be necessary.

Foreign Air Carrier

The recipient shall comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 through 301-10.143. If a foreign air carrier is anticipated to be used for any portion of travel under a DOC financial assistance award the recipient must receive prior approval from the Grants Officer.

New Award

This formula/allotment award number NA24NOSX419C0020 to Minnesota Department of Natural Resources supports the work described in the Recipient's proposal entitled **FY2024 Minnesota CZM 306 Award**, dated 5/6/2024, as revised on 6/5/2024, 6/10/2024, 6/24/2024, 8/13/2024, which is incorporated into the award by reference. This award is made under the following statutory authorities: 16 U.S.C. 1455, 1455a. Where the terms of the award and proposal differ, the terms of the award shall prevail.

The terms in Section II of the Notice of Award applicable to this award are the version in effect at the time of award, unless the award is amended. Historical versions of 2 CFR 200 are available by clicking links at the top of the eCFR weblink in the Notice of Award.

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

Buy America Preference. Recipients of an award of Federal financial assistance from the Department of Commerce (Department) for a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

1. all iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all

components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

3. all construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States. The construction materials standards are listed below.

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

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- a. For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- b. For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

1. Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
2. Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
3. Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
4. Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
5. Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
6. Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.

7. Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

8. Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from these requirements.

To help federal agencies and recipients meet BABA requirements, the U.S. Department of Commerce, National Institute for Standards and Technology (NIST), Hollings Manufacturing Extension Partnership (MEP) National Network™ provides a service to connect stakeholders, including recipients, to U.S. manufacturers that have relevant production capabilities and capacities to help fulfill current market and supply chain needs. Recipients considering a BABA nonavailability waiver are strongly encouraged to contact the NIST/MEP for assistance with supplier scouting services prior to seeking a BABA nonavailability waiver. Further information on the NIST/MEP supplier scouting services is available at: <https://nist.gov/mep/supply-chain/supplier-scouting>.

When the Department has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the Department determines that:

applying the Buy America Preference would be inconsistent with the public interest (public interest waiver);

the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (nonavailability waiver); or

the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (unreasonable cost waiver).

A request to waive the application of the Buy America Preference must be in writing. The Department will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described on the Department's Build America, Buy America website found at <https://www.commerce.gov/oam/build-america-buy-america>.

Definitions

"Buy America Preference" means the "domestic content procurement preference" set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

"Construction materials" means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

1. The listed items are:

i. Non-ferrous metals;

ii. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

iii. Glass (including optic glass);

iv. Fiber optic cable (including drop cable);

v. Optical fiber;

vi. Lumber;

vii. Engineered wood; and

vii. Drywall.

2. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

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

"Infrastructure project" means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

"Iron or steel products" means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

"Manufactured products" means:

1. Articles, materials, or supplies that have been:

i. Processed into a specific form and shape; or

ii. Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

2. If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

"Predominantly of iron or steel or a combination of both" means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

"Section 70917(c) materials" means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act.

IMPLEMENTATION OF DOMESTIC SOURCING REQUIREMENT

Prior to initiation of any construction that may arise in this award, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether it is using iron, steel, manufactured products, or construction materials as described in the Specific Award Condition in this award on Required Use of American Iron, Steel, Manufactured Products, and Construction Materials. In addition, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in the award condition. The Recipient is required to coordinate with NOAA regarding its compliance with this Term.

1. FY2024 CZM Programmatic Terms

A. Continuing Reviews and Updated Tasks: Continuing review of project performance occurs under Section 312 of the Coastal Zone Management Act, 16 U.S.C. 1458. Based on the findings and recommendations in these evaluations, the Recipient shall negotiate new or revised tasks with NOAA within the existing project funds and award period. As needed, project and budget revisions will be documented in the NOAA Grants Online system.

B. Meeting Attendance: The Coastal Zone Management (CZM) Program Manager or their designee are expected to attend both the Annual Ocean and Coastal Program Managers Meeting and the applicable regional CZM meeting to comply with the requirements of the scope of work. Due to the global pandemic, attendance at these meetings may be virtual or in-person. These meetings provide a unique and important opportunity for the state to interact with NOAA staff, coastal program staff from other states, and other individuals working on relevant CZM issues. In addition, significant programmatic issues are discussed at these meetings, so it is critical that at least one staff member from each state attend. NOAA OCM does not require, but strongly supports, the use of federal funds for additional staff members to attend the annual managers' and regional meetings, if the meetings are held in-person.

C. Separate Accounting Based on Coastal Zone Management Act Sections: The Recipient is required to maintain separate budgets and accounting for Coastal Zone Management Act (CZMA) Section 306, Section 309, and Section 310 tasks. See 16 U.S.C. 1455, 1456b, 1456c. The Recipient shall not reprogram funds between CZMA Section 306, Section 309, or Section 310 tasks. See 16 U.S.C. 1455, 1456b, 1456c.

D. Implementing Project Activities: Prior to implementing a project activity developed as part of a planning activity funded under this award, the applicant must ensure that the work will be conducted in accordance with appropriate Federal, state and local laws.

E. Field Work: The applicant must ensure that any field work conducted as part of educational, training or volunteer programs/activities will be conducted in accordance with appropriate Federal, state and local laws and will follow recognized best practices for minimizing impacts to the human and natural environment.

F. Requirements for Section 306A Projects:

(a) In the event there are title discrepancies or encumbrances that NOAA deems interfere with purposes for which the 306A funds were granted, or if NOAA determines that project or property is no longer used for its original purpose, the Recipient shall reimburse NOAA for Federal funds received for the project consistent with 2 C.F.R. Part 200 Property Standards, unless alternative arrangements consistent with the Coastal Zone Management Act and satisfactory to NOAA are authorized in writing by the Grants Officer.

(b) Federal funds are not permitted to be expended on Section 306A awards until the NOAA Office of Coastal Management (OCM) reviews and approves the projects in conformance with NOAA's section 306A Guidance. Specifically, no federal funds may be expended and work on the project is not approved until the state has submitted to OCM a complete Section 306A Questionnaire (and any other required information) for each Section 306A project and receives approval from NOAA. If, for some reason, a section 306A project ceases to be used as approved by NOAA, the state shall reimburse to NOAA the federal funds consistent with 2 C.F.R. Part 200 Property Standards, unless alternative arrangements consistent with the Coastal Zone Management Act and satisfactory to NOAA are authorized in writing by the Grants Officer.

(c) For construction projects, the recipient must be in compliance with disability access requirements, including the 2010 Americans with Disabilities Act Standards for Accessible Design, or any updated version of these requirements in effect at the time of construction, as described in the Department of Commerce Financial Assistance Standard Terms and Conditions. The recipient further agrees that any construction project will be properly and efficiently administered, operated, and maintained for the purpose authorized by this award and in accordance with the provisions of the award for its estimated useful life.

(d) The Recipient shall cause to be erected at the site of any construction project, and maintained during the construction, signs satisfactory to NOAA/OCM that identify, at a minimum, the project, include a NOAA logo, and indicate that the project is being funded through the National Coastal Zone Management Program. The Recipient shall also maintain a permanent plaque or sign at the project site with the same information.

G. Safety: The Recipient is responsible for safety in the project, including the safety of project personnel, associates, visitors, and volunteers. In addition, for any Self-Contained Underwater Breathing Apparatus (SCUBA) diving activities in a project, it is the responsibility of the Recipient to ensure that SCUBA divers are certified to a level commensurate with the type and conditions of the diving activity being undertaken. Furthermore, it is the responsibility of the Recipient to ensure that any SCUBA diving activities under this award meet, at a minimum, all applicable Federal, State, and local laws and regulations pertaining to the type of SCUBA diving being undertaken.

H. Unoccupied Aircraft Systems: Uncrewed Aircraft Systems: If this project involves Unoccupied Aircraft Systems (UAS or drone technology), the Recipient is responsible for coordinating with the Federal Program Officer regarding any applicable policies and standards in NOAA's Office of Marine and Aviation Operations (OMAO) Handbook (June 2022, and any updates). See <https://www.oma.noaa.gov/learn/aircraft-operations/aircraft/uncrewed-aircraft-systems>. In addition, for any UAS activities in a project, it is the responsibility of the Recipient to ensure it has complied with applicable federal/state/local laws and have the appropriate permits in hand prior to conducting drone operation.

I. Supplemental Guidance on Acknowledgement of Sponsorship: The following provision supplements the Department of Commerce Financial Assistance Standard Terms and Conditions G.05 and the Environmental Data and Publications Special Award Condition in this award: The cover, title page, and/or other prominent location of all reports, studies, or other documents, published or distributed electronically or hard copy, and acknowledgement pages of websites and web pages, that are supported in whole or in part by this award or any subawards shall acknowledge the financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration.

J. International Travel: Consistent with Department of Commerce Financial Assistance Standard Term and Condition G.05.d., all international travel is required to comply with the regulations set forth in the Fly America Act, 49 U.S.C. 40118.

K. Subaward and Contract Extensions: The Recipient is responsible for administering any requests for extensions of performance periods for any approved subaward or contract up to, but not beyond, the full Federal award period without prior approval by NOAA. NOAA must be notified in writing of any such task extension in semi-annual performance reports.

2. Cooperative Agreement Special Award Condition

This award is a cooperative agreement as described in 2 C.F.R. 200.1, meaning that the NOAA is substantially involved in the project. NOAA's participation involves the following:

NOAA Office for Coastal Management (OCM) staff will provide technical assistance and guidance to the Recipient and participate in programmatic activities beyond normal stewardship responsibilities in the administration of the award. OCM staff will closely monitor the award, and in its discretion, may review or monitor local programs for which the Recipient remains responsible. NOAA will collaborate and coordinate with the recipient on the project, and/or provide training on project-related matters to project staff, and provide assistance in the management and technical performance of the project activities. NOAA may require milestones before subsequent stages of the project may continue. NOAA may limit the recipient's discretion with respect to the scope of work, organizational structure, staffing, mode of operations, and other management processes, which will be coupled with close monitoring of operational involvement during performance.

3. Post Award Environmental Review Process

National Environmental Policy Act (NEPA) Requirements for Change of Scope: Under Department of Commerce Standard Terms and Conditions G.04.a., the Recipient is required to identify to NOAA any impact the award will have on the quality of the human environment, and assist NOAA in complying with NEPA and associated environmental laws and policies. For any tasks or sub-tasks with a Special Award Condition attached requiring further NOAA Office for Coastal Management review prior to full approval, the Office for Coastal Management will review these tasks to determine the appropriate level of National Environmental Policy Act analysis, and if additional information is necessary.

If the scope of an award amendment has changed from the original grant scope (e.g., funding is being awarded for additional construction not originally considered), then NOAA will consider if the change implicates the National Environmental Policy Act even if it was considered in the original award of the grant. A Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement may be prepared for grant amendments, depending on scope of the amendment and what type of analysis is appropriate. For additional grant cycle steps, such as the release of funds, cost extensions, and other administrative steps that do not change the scope of the original grant award where NEPA was conducted, a NEPA review will not need to be conducted again.

NOAA may require additional information to fulfill post award NEPA and environmental compliance review requirements. If NOAA determines that an environmental assessment is required, applicants may also be required to assist in drafting the assessment. Applicants may also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal.

4. Funding Restriction for Task 306A-1: Incorporating Native Voices into Coastal Places

Task 306A-1: Incorporating Native Voices into Coastal Places was not sufficiently defined for the National Ocean Service to perform an environmental review by the time the final award file needed to be submitted to obligate funds. The Recipient is not authorized to expend federal funds in the amount of \$82,000 for any earth-moving activities associated with selected projects until such time the recipient identifies those projects and provides to NOAA: task descriptions, signed 306A checklist (if applicable to the project type), site plans, map, permits, and any additional information requested to satisfy requirements for National Environmental Policy Act (NEPA) and environmental consultation, and receives approval from NOAA. This information should be submitted to NOAA's Office for Coastal Management no later than June 30, 2025. NOAA will review these tasks for compliance with NEPA and Environmental compliance once the applicant has submitted the final documentation to determine if additional information is necessary and what level of NEPA documentation applies. Once this Specific Award Condition has been released by NOAA, the Recipient is authorized to expend federal funds to complete implementation of the projects.

DUE DATE	TASK NAME	DUE DATE STATUS	DECISION DATE
02/02/2026	Funding Restriction for Task 306A-1: Incorporating Native Voices into Coastal Places	Unresolved	

5. Funding Restriction for Task 306A-2: Lower Knowlton Creek Fish & Wildlife Passage Restoration

Task 306A-2: Lower Knowlton Creek Fish & Wildlife Passage Restoration was not sufficiently defined for the National Ocean Service to perform an environmental review by the time the final award file needed to be submitted to obligate funds. The Recipient is not authorized to expend federal funds in the amount of \$15,000 for restoration activities until the recipient

provides to NOAA: proof of public title, a complete 306A questionnaire, site plans, maps, and any additional information requested to satisfy requirements for National Environmental Policy Act (NEPA) and environmental consultation, and receives approval from NOAA. This information should be submitted to NOAA's Office for Coastal Management no later than June 30, 2025. NOAA will review these tasks for compliance with NEPA and Environmental compliance once the applicant has submitted the final documentation to determine if additional information is necessary and what level of NEPA documentation applies. Once this Specific Award Condition has been released by NOAA, the Recipient is authorized to expend federal funds to complete Task 306A-2: Lower Knowlton Creek Fish & Wildlife Passage Restoration, unless there are other conditions placed on the award that would restrict this expenditure of funds.

DUE DATE	TASK NAME	DUE DATE STATUS	DECISION DATE
06/30/2025	Funding Restriction for Task 306A-2: Lower Knowlton Creek Fish & Wildlife Passage Restoration	Resolved	06/05/2025

STANDARD TERMS AND CONDITIONS

Performance Progress Report (PPR)-Award Start Date Semi-Annual

Project Progress Reports are due on a semi-annual basis, no later than 30 days following the end of each six (6) month period from the start date of the original award. A comprehensive final Project Progress Report is due within 120 days after the award expiration date and will include the last interim reporting period.

DUE DATE	TASK NAME	DUE DATE STATUS	DECISION DATE
03/03/2025	Reporting Period 08/01/2024 - 1/31/2025	In-Review	
08/31/2025	Reporting Period 2/01/2025 - 07/31/2025	Unresolved	

2 CFR Part 200 Revisions

This amendment incorporates revisions to the 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (or Uniform Guidance), published in the Federal Register on April 22, 2024, and implemented by the Department of Commerce on October 1, 2024. The 2024 revisions to the Uniform Guidance will apply prospectively to activities on or after the date of this Notice of Award.

Revisions to the Administrative Standard Award Conditions for NOAA Financial Assistance Awards

This amendment incorporates revisions to the NOAA Administrative Standard Award Conditions, implemented on October 8, 2024. The new Terms and Conditions will apply prospectively to activities on or after the date of this Notice of Award.

DOC Financial Assistance General Terms and Conditions Revisions

This amendment incorporates revisions to the DOC Financial Assistance General Terms and Conditions (previously DOC Financial Assistance Standard Terms and Conditions), which became effective on October 1, 2024. The new Terms and Conditions will apply prospectively to activities on or after the date of this Notice of Award.

Revised Attachment B.1: Project Description and Budget

US Department of Commerce, Financial Assistance Award

CFDA No. and Name: 11.419, Coastal Zone Management Administration Awards

Award Number: NA24NOSX4190C0020

Recipient: Minnesota Department of Natural Resources

Title: FY2024 Minnesota CZM 306 Award

Federal Award Period: August 1, 2024 – December 31, ~~2025~~2026

Project Description

Task 306-9: Park Point Recreation Area Plan

Project Number: 24-306-09

Subrecipient: City of Duluth

Timeframe: October 2024 – ~~December 2025~~ June 2026

Minnesota Point, in Duluth, is the world's largest freshwater sandbar and divides Lake Superior from the St. Louis River Estuary/Superior Bay. Minnesota Point is popular among locals and visitors alike and has cultural significance to the Indigenous people.

Park Point Recreation Area (PPRA) is an approximately 55-acre park located on Minnesota Point. It is managed by the City of Duluth (Grantee) and provides public access for water sports (e.g., swimming, surfing, kayaking, canoeing, sailing), as well as for ice fishing and skating. PPRA serves as an entry point to the public beach, dunes, and a DNR Scientific and Natural Area (Minnesota Point Pine Forest). Built amenities include a seasonal public beach house, several parking areas, a hiking path, sand volleyball courts, a sports field, picnicking, restrooms, kayak/canoe storage racks, community sailing infrastructure and facilities, and an accessible boat launch. Minnesota Avenue follows the bayside shoreline through the PPRA.

Record high water levels and severe storms are eroding Minnesota Point at an accelerating rate, negatively impacting the PPRA coastline, natural resources, recreation facilities, and public access. The fields frequently flood, making it too wet and unstable for use. The infrastructure and seawall that protects the boat launch and services the sailing program is deteriorating. The city removed a beloved playground after it failed safety inspections due to ground settling. Minnesota Avenue and parking areas along the water's edge are crumbling into the bay.

The city's [Essential Spaces: Duluth Parks, Recreation, Open Space & Trails Plan](#), specifically calls for the development of a plan for Park Point Recreation Area to address aging infrastructure and climate impacts.

In 2023, Ramboll US Consulting, Inc. completed a Shoreline Mitigation Feasibility Study for a significant portion of the PPRA bayside shoreline. The study evaluated and scored various alternatives to reduce shoreline erosion and associated risks to infrastructure. They evaluated mitigation options such as retreating and reconfiguring built infrastructure, establishing living shorelines, incorporating rock revetment, and raising the sports field. The study provided a great amount of information but did not make recommendations or prioritize needed improvements. This PPRA Plan process will pick up where the study left off, identifying preferred long-term mitigation solutions.

The PPRA Plan will be community-driven to guide future investments to best meet the social, cultural, recreational, and environmental needs. In addition to addressing shoreline stabilization, the plan will outline preferred vehicle and pedestrian routes, identify accessibility improvements to and at key facilities, highlight opportunities to enhance water access and recreation amenities, and provide recommendations to ensure the protection, restoration, and long-term resiliency of the cultural and natural resources. The plan will include preliminary design documents with market-based cost estimates to ensure it is realistic and achievable, and to strengthen future requests for implementation. The added step of preliminary design will require a landscape architect and a coastal engineer. The city will seek proposals and hire a professional consulting team to assist with plan development, cost estimating, and community engagement efforts.

Using community surveys, interactive community workshops, and public comment periods, the team will solicit community needs and preferences, gather feedback on conceptual plan options, and solicit input on the final plan prior to adoption. The city may provide an interactive on-line mapping tool. The city will seek input from the Fond du Lac Band of Lake Superior Chippewa. In addition, the team will seek input from targeted user groups, such as the Park Point Community Club, Duluth- Superior Sailing Association, and Parks and Recreation staff.

Facilitating this comprehensive, multi-disciplinary, public planning process will support future natural resource restoration and conservation projects, increase community support of planned shoreline and facility improvements, and establish a clear path towards preserving the natural, cultural, and recreational environment of PPRA for generations to come.

Environmental Data

The city and consultants will collect environmental data for the conceptual and pre-design plan process. This will include public input, as well as observations of the existing physical conditions and natural resources. It may include a topographic survey, wetland delineation, an interactive on-line mapping tool, historical site information, and park use data.

The team will include the data in the PPRA Plan and appendices. The city will post the plan to their webpage by ~~November 2025~~ June 2026, after the Parks and Recreation Commission and City Council approve it.

There is a Data Management Plan for this project.

Outdoor Activities

City staff and consultants will visit Park Point Recreation Area for data collection and site survey. In-person community meetings will take place indoors at the beach house or at other, off-site community buildings. There will be no earth disturbance during these site visits.

Address: 4750 Minnesota Ave, Duluth, MN, St. Louis County Coordinates: 46.72895, 92.03685

Site Access: The team will access PPRA using existing infrastructure, including Minnesota Avenue, paved paths, and boardwalks.

Tools and Equipment: For observations, may include cameras and survey measuring tools. If posters or information signs are used, they will be secured to existing infrastructure with zip-ties.

Timeframe: Site visits are anticipated to take place monthly, beginning early 2025.

Invasive Species Mitigation: City staff and consultants will follow the Minnesota DNR's Operational Order 113 to prevent the introduction, establishment, or spread of invasive species, and will direct the public to do the same.

Task Activities

1. Coordinate Plan Process

Solicit, hire, and manage a consultant for the development of a PPRA Plan; assist the consultant with planning, outreach, and hosting community engagement opportunities; manage the development of conceptual plans; deliver final recommendations; coordinate approval of final plan by City Council.

Outcome End Date: ~~November 2025~~ June 2026

2. Research

Document and summarize status of existing facilities, park assets, and the extent of shoreline collapse /land subsidence and its impact on natural resources, public access, and recreation facilities; review and incorporate information from the Ramboll study to ensure consistency and proper management of the natural shoreline resources and access to Superior Bay; analyze and incorporate information gathered from public engagement.

Outcome End Date: ~~November 2025~~ June 2026

3. Community and Stakeholder Engagement

Assist the consultant with planning, outreach, and hosting of community engagement opportunities (community-wide and targeted stakeholder groups); solicit feedback and input on conceptual plan options; solicit feedback and input on final plan prior to adoption.

Outcome End Date: ~~November 2025~~ June 2026

Product

The City of Duluth, with consultants, will develop a Park Point Recreation Area Plan; which includes planning, outreach, and community engagement; development of conceptual plans; final recommendations; and approval of the plan by the City Council.

Task Funding

Grant (Federal)	\$75,000.00
Match (Non-Federal)	\$75,000.00
Total	\$150,000.00

Name	Grant	Match	Total
Personnel		\$15,014	\$15,014
Fringe		\$4,986	\$4,986
Travel			
Equipment			
Supplies			
Subcontract	\$75,000	\$55,000	\$130,000

Name	Grant	Match	Total
Construction			
Other			
Indirect			
Total	\$75,000	\$75,000	\$150,000

Budget Detail

Personnel

In-kind staff costs to manage consulting team, assist with public engagement, review, and provide feedback on draft documents, and coordinate approval of final plan:

- Project Technician: \$31.05/hour, benefits 28.1% of total compensation (260 hours; \$8,073 base salary)
- Senior Parks Planner: \$39.71/hour, benefits 23.4% of total compensation (151.05 hours; \$5,998 base salary)

Benefits include PERA retirement, FICA-SS-employer, FICA-Med-employer, Dental Insurance, Life Insurance, Health care savings plan, Cafeteria plan.

Subcontract

Development of the PPRA Plan will be bid out following State of Minnesota guidelines. Subcontract will support plan development, and preliminary-design documents with market-based cost estimates.