



— BUREAU OF —  
RECLAMATION

**Notice of Funding Opportunity No. R22AS00026**

# **WaterSMART**

## **Environmental Water Resources Projects for Fiscal Year 2022**



## Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

**Cover photo:** Boise Project, Arrowrock Division. View of the South Fork Boise River near the Pine Bride north of Anderson Ranch Reservoir. July 21, 2020 (Reclamation/Kirsten Strough).

# Synopsis

<b>Federal Agency Name:</b>	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
<b>Funding Opportunity Title:</b>	WaterSMART Environmental Water Resources Projects for Fiscal Year (FY) 2022
<b>Announcement Type:</b>	Notice of Funding Opportunity (NOFO)
<b>Funding Opportunity Number:</b>	R22AS00026
<b>Catalog of Federal Domestic Assistance (CFDA) Number:</b>	15.507
<b>Dates:</b> (See NOFO Sec. D.4)	Application due date: Thursday, December 9, 2021 at 4PM MST
<b>Eligible Applicants:</b> (See NOFO Sec. C.1)	<p><b>Category A applicants:</b> States, Indian Tribes, irrigation districts, and water districts; State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority.</p> <p>All applicants must be located in the Western United States or United States Territories, including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico.</p> <p><b>Category B applicants:</b> Nonprofit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001, that are acting in partnership with and with the agreement of an entity described in Category A. Category B applicants must include with their application a letter from the Category A partner stating that the Category A partner: (1) is acting in partnership with the applicant; (2) agrees to the submittal and content of the application; and (3) intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.</p> <p><b>Note: partners do not necessarily need to contribute cost-share funding. A watershed group is eligible to apply for 50% cost-shared funding without other partners but must include a Category A partner to be eligible for 75% Federal funding.</b></p> <p>All Category B applicants must be in the United States or the specific Territories identified above.</p> <p><b>Category C applicants:</b> Nonprofit conservation organizations submitting an application for a project to improve the condition of a natural feature such as wetlands on Federal land without a Category A partner must demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project.</p> <p>All Category C applicants must be in the United States or the specific Territories identified above.</p>
<b>Recipient Cost Share:</b> (See NOFO Sec. C.3)	<p>25 percent or more of total project costs.</p> <p>Applicants must meet requirements listed in <i>Section C.3. Cost Sharing Requirements</i>.</p>
<b>Federal Funding Amount:</b> (See NOFO Sec. B.2)	Up to \$2,000,000 per agreement for a project that can be completed within three years.
<b>Estimated Number of Agreements to be Awarded:</b> (See NOFO Sec. B)	Approximately 15-20 projects contingent upon available Federal appropriations and demand for this NOFO and other WaterSMART Activities.

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# Application Checklist

The following table contains a summary of the information that you are required to submit with your application.

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424B, SF-424D and SF-LLL forms may be obtained at <a href="http://www.grants.gov/web/grants/forms/sf-424-family.html">www.grants.gov/web/grants/forms/sf-424-family.html</a>	*
	Title page	See Sec. D.2.2.2	Page 15	*
	Table of contents	See Sec. D.2.2.3	Page 15	*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4	Page 15	*
	Project location	See Sec. D.2.2.4	Page 16	*
	Technical project description	See Sec. D.2.2.4	Page 16	*
	Performance measures	See Sec. D.2.2.4	Page 16	*
	Evaluation criteria	See Sec. E.1	Page 29	*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5	Page 17	*
	Budget proposal	See Sec. D.2.2.5	Page 18	*
	Budget narrative	See Sec. D.2.2.5	Page 21	*
	Environmental and cultural resources compliance	See Sec. H.1.	Page 51	*
	Required permits or approvals	See Sec. D.2.2.7	Page 24	*
	Letters of support and partnership	See Sec. D.2.2.9	Page 24	*
	Official Resolution	See Sec. D.2.2.10	Page 24	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 25	***

\* Submit materials with your application.

\*\* Document should be submitted with your application; however, please refer to the applicable section of the NOFO for extended submission date.

\*\*\* Should be completed prior to the application deadline; however, please refer to the applicable section of the NOFO for extended initiation date.

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## Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
E.O.	Presidential Executive Order
ESA	Endangered Species Act
EWRP	Environmental Water Resources Projects
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
OM&R	operations, maintenance, and replacement
MTDC	modified total direct costs
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resource Conservation Service
P.L.	Public Law
SAM	System of Award Management
Reclamation	Bureau of Reclamation
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow

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# Contents

	Page
<b>Section A. Funding Opportunity Description .....</b>	<b>1</b>
A.1. Program Information .....	1
A.2. Objective of this Notice of Funding Opportunity .....	1
A.3. Statutory Authority .....	2
A.4. Other Related Funding Opportunities .....	2
<b>Section B. Award Information .....</b>	<b>3</b>
B.1. Total Project Funding .....	3
B.2. Project Funding Limitations .....	3
B.3. Environmental and Cultural Resources Compliance .....	3
B.4. Assistance Instrument .....	3
<b>Section C. Eligibility Information .....</b>	<b>5</b>
C.1. Eligible Applicants .....	5
C.1.1. Ineligible Applicants .....	6
C.2. Watershed Group Definition .....	6
C.3. Cost Sharing Requirements .....	6
C.3.1. Cost Share Regulations .....	7
C.3.2. Third-Party In-Kind Contributions .....	8
C.4. Eligible Projects .....	8
C.4.1. Eligible Projects .....	8
C.4.2. Eligibility of Training, Education and Outreach Activities .....	10
C.4.3. Ineligible Projects .....	10
C.4.4. Construction Start Date Restrictions .....	12
C.4.5. Length of Projects .....	12
<b>Section D. Application and Submission Information .....</b>	<b>13</b>
D.1. Request Application Package .....	13
D.2. Content and Form of Application Submission .....	13
D.2.1. Application Format and Length .....	13
D.2.2. Application Content .....	13
D.3. Unique Entity Identifier and System for Award Management .....	25
D.4. Submission Date and Time .....	25
D.4.1. Application Delivery Instructions .....	26
D.4.2. Instructions for Submission of Project Application .....	26
D.5. Intergovernmental Review .....	27
D.6. Automated Standard Application for Payments Registration .....	27
<b>Section E. Application Review Information .....</b>	<b>29</b>
E.1. Evaluation Criteria .....	29
E.1.1. Evaluation Criterion A—Project Benefits (35 points) .....	29
E.1.2. Evaluation Criterion B—Collaborative Project Planning (25 points) .....	32
E.1.3. Evaluation Criterion C—Stakeholder Support (15 points) .....	33
E.1.4. Evaluation Criterion D—Readiness to Proceed (10 Points) .....	34
E.1.5. Evaluation Criterion E—Performance Measures (5 points) .....	35
E.1.6. Evaluation Criterion F—Presidential and Department of the Interior Priorities (10 points) .....	35
E.2. Review and Selection Process .....	37
E.2.1. Initial Screening .....	37
E.2.2. Application Review Committee .....	37
E.2.3. Red-Flag Review .....	38
E.2.4. Managerial Review .....	38
E.2.5. Pre-Award Clearances and Approvals .....	38

## Notice of Funding Opportunity Announcement No. R22AS00026

E.3. Federal Award Performance Integrity Information System .....	39
E.4. Anticipated Announcement and Federal Award Date .....	39
<b>Section F. Federal Award Administration Information .....</b>	<b>41</b>
F.1. Federal Award Notices .....	41
F.2. Administrative and National Policy Requirements .....	41
F.2.1. Environmental and Cultural Resources Compliance .....	41
F.2.2. Approvals and Permits .....	42
F.2.3. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B) .....	42
F.2.4. Title to Improvements P.L.111-11, Section 9504(a)(3)(D) .....	42
F.2.5. Operation and Maintenance Costs under P.L.111-11, Section 9504(a)(3)(E)(iv) .....	42
F.2.6. Liability under P.L.111-11, Section 9504(a)(3)(F) .....	43
F.2.7. Intangible Property (2 CFR Part 200.315) .....	43
F.2.8. Freedom of Information Act .....	43
F.2.9. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B) .....	44
F.2.10. Title to Improvements P.L. 111-11, Section 9504(a)(3)(D) .....	44
F.3. Reporting—Requirements and Distribution .....	44
F.3.1. Financial Reports .....	45
F.3.2. Interim Performance Reports .....	45
F.3.3. Final Performance Reports .....	45
F.4. Conflicts of Interest .....	45
F.4.1. Applicability .....	45
F.4.2. Requirements .....	46
F.4.3. Notification .....	46
F.4.4. Restrictions on Lobbying .....	46
F.4.5. Review Procedures .....	46
F.4.6. Enforcement .....	46
F.5. Data Availability .....	47
F.5.1. Applicability .....	47
F.5.2. Use of Data .....	47
F.5.3. Availability of Data .....	47
F.6. Releasing Applications .....	47
<b>Section G. Agency Contacts .....</b>	<b>49</b>
G.1. Financial Assistance Contact .....	49
G.2. Program Coordinator Contact .....	49
<b>Section H. Other Information .....</b>	<b>51</b>
H.1. Environmental and Cultural Resource Considerations .....	51
H.2. Background on Federal Environmental and Cultural Resource Laws .....	52
H.2.1. National Environmental Policy Act .....	52
H.2.2. National Historic Preservation Act .....	53
H.2.3. Endangered Species Act .....	54

## Section A. Funding Opportunity Description

### A.1. Program Information

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, tribes, and local entities as they plan for and implement actions to increase water supply sustainability through investments in existing infrastructure and attention to local water conflicts. WaterSMART's Environmental Water Resources Projects (EWRP) provide support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad* and aligned with other priorities, such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Environmental Water Resources Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership.

Drought conditions across the Western United States impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. The West is experiencing its worst drought this century—historic in both duration and severity—threatening to kill crops, spark wildfires, and harm public health. As of July 2021, the U.S. Drought Monitor indicates that more than 93% of the land in nine of the Western states is in drought conditions, and nearly 60% of the area is experiencing extreme or exceptional drought. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the western United States.

**WaterSMART Environmental Water Resources Projects is a new category of funding to support projects focused on environmental benefits and that have been developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources.**

For further information on the WaterSMART Program, please see [www.usbr.gov/WaterSMART](http://www.usbr.gov/WaterSMART).

### A.2. Objective of this Notice of Funding Opportunity

The objective of this Notice of Funding Opportunity (NOFO) is to invite eligible applicants (*Section C.1. Eligible Applicants*) to leverage their money and resources by cost sharing with Reclamation on Environmental Water Resources Projects, including water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values; water management or infrastructure improvements to mitigate drought-related impacts to ecological values; and watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management.

### A.3. Statutory Authority

This NOFO is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code (U.S.C.) 10364), as amended; the Fish and Wildlife Coordination Act, 16 U.S.C. 661-666c, as delegated to Reclamation in Departmental Manual 255 DM 1.1B; and Section 6002 of the Cooperative Watershed Management Act, Subtitle A of Title VI of the Omnibus Public Land Management Act of 2009, P.L. 111-11 (42 United States Code [U.S.C.] 10364).

### A.4. Other Related Funding Opportunities

Through the **Drought Response Program**, Reclamation provides funding to help build resilience to drought. Through **Drought Contingency Planning**, Reclamation supports the development of drought contingency plans with participation from a diverse set of stakeholders. Reclamation also provides funding for **Drought Resiliency Projects** that increase water supply flexibility and improve water management to build long term resilience to drought and are supported by an existing drought contingency plan.

Through **Water and Energy Efficiency Grants**, Reclamation provides financial assistance to support projects that result in quantifiable and sustained water savings, implement renewable energy components, and support broader sustainability benefits.

Through the **Cooperative Watershed Management Program (CWMP)**, Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the CWMP for watershed group development, restoration planning, and watershed management project design. The Environmental Water Resources Projects NOFO will provide funding to implement watershed management projects, a category of projects previously funded through Phase II of the CWMP.

Please contact the Program Coordinator identified in *Section G. Agency Contacts* with questions regarding which NOFO is the best fit for your project.

For information on the NOFOs listed here, please visit the WaterSMART Program website at [www.usbr.gov/watersmart/](http://www.usbr.gov/watersmart/).

## Section B. Award Information

### B.1. Total Project Funding

Reclamation plans to allocate a significant portion of available WaterSMART funding to this NOFO, as part of an overall approach to prioritize WaterSMART projects that are expected to result in environmental benefits. Reclamation will determine the final amount of funding available for award under this NOFO once final FY 2022 appropriations are made.

Approximately 15-20 awards are anticipated. However, the amount of funding available for awards and the number of projects selected for funding under this NOFO depend on the demand for funding under this and other elements of the WaterSMART Program. Applications submitted under this NOFO may also be considered if other funding becomes available in FY 2023 or subsequently.

### B.2. Project Funding Limitations

Up to \$2,000,000 in Federal funds may be awarded over the period of performance. Multiple applications for funding may be submitted for consideration. ***In general, no more than \$2,000,000 will be awarded to any one applicant under this NOFO. However, Category B applicants may be considered for multiple awards of up to \$2,000,000 per project if the Category A partners are different.***

The Federal share (Reclamation's share in addition to any other sources of Federal funding) of any one proposed project shall not exceed 75 percent of the total project costs. Generally, the non-Federal share of project costs must be expended at the same or greater rate as the Federal share of project costs.

### B.3. Environmental and Cultural Resources Compliance

All projects selected for funding under this NOFO will be required to comply with the National Environmental Policy Act (NEPA) and other Federal environmental and cultural resource laws and other regulations. Please contact your local Reclamation office to discuss the potential compliance requirements and associated costs (see *Section D.2.2.5.3.8. Project Budget: Environmental and Regulatory Compliance Costs* for additional information).

### B.4. Assistance Instrument

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the project. Substantial involvement by Reclamation may include:

- Collaboration and participation with the recipient in the management of the project and close oversight of the recipient's activities to ensure that the program objectives are being achieved.
- Oversight may include review, input, and approval at key interim stages of the project.

**Notice of Funding Opportunity Announcement No. R22AS00026**

At the request of the recipient, Reclamation can provide technical assistance after award of the project. If you receive Reclamation's assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Agency Contacts*.

## Section C. Eligibility Information

### C.1. Eligible Applicants

Applicants eligible to receive an award under this NOFO include:

***Category A applicants:***

- States, Tribes, irrigation districts, and water districts;
- State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; and
- Other organizations with water or power delivery authority.

All Category A applicants must also be located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.

***Category B applicants:*** Nonprofit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001 (see *Section C.2. Watershed Group Definition*), that are acting in partnership with and with the agreement of an entity described in Category A. Category B applicants must include with their application a letter from the Category A partner stating that the Category A partner:

- 1) is acting in partnership with the applicant;
- 2) agrees to the submittal and content of the application; and
- 3) intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.

***Note: Partners do not necessarily need to contribute cost-share funding. In addition, a watershed group is eligible to apply for 50 percent cost-shared funding without other partners but must include a Category A partner to be eligible for 75 percent Federal funding.***

All Category B applicants must be in the United States or the specific Territories identified above.

***Category C applicants:*** Nonprofit conservation organizations submitting an application for a project to improve the condition of a natural feature such as wetlands on Federal land without a Category A partner must demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project.

All Category C applicants must be in the United States or the specific Territories identified above.

### **C.1.1. Ineligible Applicants**

Those not eligible include, but are not limited to, the following entities:

- Federal Governmental entities
- Individuals
- Commercial/industrial organizations
- Private entities
- Institutes of higher education
- 501(c)(4) Nonprofit organizations
- 501(c)(6) Organizations

## **C.2. Watershed Group Definition**

A “watershed group,” as defined in Section 6001(6) of the Cooperative Watershed Management Act (see *Section A.3. Statutory Authority* for full citation):

- is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed,
- is capable of promoting the sustainable use of water resources in the watershed,
- makes decisions on a consensus basis, and
- represents a diverse group of stakeholders, including hydroelectric producers, livestock grazing, timber production, land development, recreation or tourism, irrigated agriculture, the environment, municipal water supplies, private property owners, Federal, state and local governments, tribes, and disadvantaged communities.

A disadvantaged community, as defined in Section 6001(2) of the Cooperative Watershed Management Act, means a community (including a city, town, county, or reasonably isolated and divisible segment of a larger municipality) with an annual median household income that is less than 100 percent of the statewide annual median household income for the State in which the community is located, according to the most recent decennial census. See Section 6001(6) of the Cooperative Watershed Management Act for the statutory definition of a “watershed group.”

## **C.3. Cost Sharing Requirements**

Projects that fit one of the eligible project types AND meet the requirements listed in this section are eligible for up to 75 percent Federal cost-share contribution. To qualify for this cost-share, the application must demonstrate that the project meets the following requirements:

- The project must increase water supply reliability for ecological values. This may include projects that improve the timing or quantity of water available; improve water quality or temperature; or that improve stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, or ecosystems. This does not exclude projects expected to result in benefits to multiple sectors, such as projects or project components that benefit ecological values AND agricultural, municipal, tribal, or recreational water uses.



- The project must be developed as part of a collaborative process by: (1) a watershed group (as defined in section 6001 of the Cooperative Watershed Management Act); or (2) by a water user and one or more stakeholders with diverse interests; and,
- The majority of project benefits must be for the purpose of advancing one or more components of an established strategy or plan to increase the reliability of water supply for consumptive and non-consumptive ecological values.

Applications who meet these requirements must be capable of cost sharing **25 percent or more** of the total project costs. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions.

***For projects that do not meet the requirements necessary to qualify for 75 percent Federal cost-share contribution, applicants must be capable of cost sharing 50 percent or more of the total project costs.*** Applicants will be notified prior to selection if their project is being considered for award but does not qualify for the 75 percent Federal cost-share contribution. Such applicants will be given an opportunity to commit to a 50 percent non-Federal cost-share contribution or withdraw their application. The application review committee (see *Section E.2.2. Application Review Committee*) will determine whether each application qualifies for 75 percent Federal cost-share contribution based on responses to the evaluation criteria (see *Section E.1. Evaluation Criteria*).

The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions are the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Section D.2.2.5.1. Funding Plan and Letters of Commitment* and *Section D.2.2.9. Official Resolution* for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended. *If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed project.*

### **C.3.1. Cost Share Regulations**

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at [www.ecfr.gov](http://www.ecfr.gov).

### C.3.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. Applicants should refer to 2 CFR Part 200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions, available at [www.ecfr.gov](http://www.ecfr.gov).

## C.4. Eligible Projects

### C.4.1. Eligible Projects

To be eligible under this funding opportunity, one of the primary purposes of the project must be to benefit ecological values that have a nexus to water resources management, including projects that benefit plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems that are supported by rivers, streams, and other water sources, or that are directly influenced by water resources management. This may include but is not limited to: projects that improve the timing or quantity of water available; improve water quality and temperature; or that improve stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems. This does not exclude projects that include benefits to multiple sectors, including projects that benefit ecological values AND agricultural, municipal, tribal, or recreation water uses.

The project types identified below are eligible for funding under this NOFO. Other projects that are similar to the types listed below may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

If you are seeking funding for multiple projects and the projects are interrelated or closely related (e.g., a project to restore and enhance floodplains and a water management project that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications

Eligible projects may include, but are not limited to:

- 1. Water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values.** Please note that for projects including an improvement to conserve irrigation water, an agreement will not be awarded unless the applicant agrees to the terms of Section 9504(a)(3)(B) of P.L. 111-11. See Section F.2.3. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(D).

**These projects may include but are not limited to:**

- Canal lining or piping
- Irrigation flow measurements
- Supervisory Control and Data Acquisition Automation

- Municipal and industrial water use efficiency improvements that benefit ecological values.
  - Other conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values.
2. **Water management or infrastructure improvements to mitigate drought-related impacts to ecological values.** To be eligible under this category, projects must provide benefits directly related to the impacts of drought or potential drought. These projects include, but are not limited to:
- Installing and/or modifying fish screens, ladders, bypasses, and modifications to water intakes (e.g., selective or lowered intakes).
  - Improving fish hatcheries (e.g., coolers, holding pens, transport, disease control, or prevention).
  - Water management changes or infrastructure improvements that will improve water supply reliability and habitat during drought, conditions (e.g., develop tools to evaluate water supplies and stream conditions in real time for improved timing of releases, upgrading a headgate to improve water supply reliability, new diversion location downstream of critical temperature control points, treating return flows during low flow events to improve water quality, water storage for subsequent release to improve streamflow);
  - Salinity or temperature control projects to benefit ecological values (e.g., salinity barriers, temperature curtains, dam temperature shutters, or powerplant bypass structures), and to aerate ecologically sensitive areas where dissolved oxygen levels are low.
3. **Watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management.** To be eligible under this category, projects must have a nexus to water resources or water resources management. Eligible projects may include, but are not limited to:
- improving stream channel structure and complexity;
  - improving channel/floodplain connectivity;
  - protecting and stabilizing stream and riverbanks;
  - reducing erosion;
  - removing invasive species and restoring vegetation;
  - watershed management or restoration projects influencing water temperature or improving the timing or volume of available flows at particular locations to improve aquatic conditions;
  - stream restoration to improve groundwater recharge and riparian habitat;
  - restoring backwater/floodplain areas (for larval and juvenile fish and other wildlife species) to enhance and maintain rearing as well as feeding and foraging habitats.

- restoring natural wetlands, construction or improving wetlands for treatment of irrigation water or stormwater flows, or improving other natural features to reduce water supply and demand imbalances or the risk of drought or flood; and
- other watershed management projects that will address water supply needs, water quality concerns, and restoration needs in the watershed.

Note: Projects may include some monitoring, mapping, and modeling activities to support the primary on-the-ground project components. However, costs for these activities should not exceed 30 percent of the total project cost.

#### **C.4.2. Eligibility of Training, Education and Outreach Activities**

To be considered eligible activities, all stakeholder outreach activities must be directly linked to the proposed on-the-ground project. General education activities, the implementation of citizen science training programs, or general staff training are not eligible under this NOFO.

#### **C.4.3. Ineligible Projects**

Projects not eligible for funding under this NOFO include scientific research and the project types identified immediately below.

##### **C.4.3.1. Operations, Maintenance, and Replacement**

In accordance with Section 9504 of the Secure Water Act, projects that are considered normal operations, maintenance, and replacement (OM&R) are not eligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

- replacing malfunctioning components of an existing facility with the same components;
- improving an existing facility to operate as originally designed;
- performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval);
- sealing expansion joints of concrete lining because the original sealer or the water stops have failed;
- sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws;
- replacing broken meters with new meters of the same type;
- replacing leaky pipes with new pipes of the same type; and
- completion of one-time leak detection surveys.

Applicants that have questions regarding OM&R are encouraged to contact the Program Coordinator (see *Section G. Agency Contacts*) prior to the application deadline for further information.

### **C.4.3.2. Water Reclamation, Reuse and Desalination**

Water reclamation, reuse, and desalination projects are not eligible for funding under this NOFO. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project please contact Ms. Amanda Erath at 303-445-2766 or [aeath@usbr.gov](mailto:aeath@usbr.gov).

### **C.4.3.3. Injection Wells and Recharge Projects Primarily for Agricultural or Municipal Benefits**

Injection wells and recharge projects primarily for agricultural or municipal benefits are not eligible. Other groundwater recharge projects that primarily benefit ecological values may be eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, [www.usbr.gov/drought](http://www.usbr.gov/drought), for more information.

### **C.4.3.4. Water Purchases**

Applications to use Federal funding to purchase water are not eligible under this NOFO. Applicants seeking funding to purchase water in a drought emergency should request emergency drought assistance under Reclamation's Drought Response Program.

For more information about the requirements for receiving emergency drought assistance, please see [www.usbr.gov/drought](http://www.usbr.gov/drought) or contact the Program Coordinator (see *Section G. Agency Contacts*).

### **C.4.3.5. Land Purchase and Easements**

A project that proposes using Federal funding for the purchase of land, or with the primary purpose to secure an easement, is not eligible under this NOFO.

### **C.4.3.6. Building Construction**

Applications to construct a building are not eligible for Federal funding under this NOFO (e.g., a building to house administrative staff or to promote public awareness of water conservation).

### **C.4.3.7. Pilot Projects**

Applications to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology are not eligible for Federal funding under this NOFO.

### **C.4.3.8. On-Farm Efficiency Improvements**

Projects to conduct on-farm efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture and Natural Resources Conservation Service (NRCS) to investigate opportunities for Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or see [www.nrcs.usda.gov](http://www.nrcs.usda.gov) for further contact information in your area.

### **C.4.3.9. Projects Receiving Other Federal Financial Assistance**

Projects or activities that are funded under another Federal Financial Assistance agreement are not eligible for funding under this NOFO.

**C.4.3.10. New Conveyance Infrastructure**

A project that proposes to construct new conveyance to allow for the distribution of additional or new water supplies for municipal or agricultural use is not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, [www.usbr.gov/drought](http://www.usbr.gov/drought), for more information.

**C.4.3.11. Mine Remediation Projects**

Projects to complete remediation activities in or around a mine site are not eligible for funding under this NOFO.

**C.4.3.12. Projects to Adhere to Specific Regulatory Requirements**

Projects or elements of projects addressing specific regulatory requirements mandated by a state or Federal agency action or a court order, and project components that are required to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are not eligible for funding under this program. However, funding may be used to support more general activities, including recovery actions under the Endangered Species Act (ESA). For more information, contact the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline.

**C.4.4. Construction Start Date Restrictions**

Proposed projects shall have a construction start date that is no sooner than September 1, 2022, for funding under this NOFO.

**C.4.5. Length of Projects**

In general, proposed projects should be completed within 3 years of award. Reclamation will determine the capability of an applicant to complete the proposed project within the timeframe identified in the application.

# Section D. Application and Submission Information

## D.1. Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required for submission of an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Notice of Funding Opportunity staff at [bor-sha-fafoa@usbr.gov](mailto:bor-sha-fafoa@usbr.gov).

## D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

### D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **35** consecutively numbered pages. If this section of the application exceeds **35** pages, only the first **35** pages will be evaluated. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and not considered in the evaluation of the proposed project.

### D.2.2. Application Content

The application must include the following elements to be considered complete:

- Mandatory Federal Forms:
  - SF-424 Application for Federal Assistance
  - SF-424 Budget Information (A Form, as applicable to the project and can be used for construction or non-construction)
  - SF-424 Assurances (B or D Form, as applicable to the project)
  - SF-LLL Disclosure of Lobbying Activities (if applicable)

These forms may be obtained at [www.grants.gov/web/grants/forms/sf-424-family.html](http://www.grants.gov/web/grants/forms/sf-424-family.html).

- Title page
- Table of contents
- Technical proposal and evaluation criteria (limited to **35** pages):
  - Executive summary
  - Project location

- Technical project description
- Performance measures
- Evaluation criteria
- Project budget:
  - Funding plan and letters of commitment
  - Budget proposal
  - Budget narrative
- Environmental and cultural resources compliance
- Required permits or approvals
- Letters of project support
- Official resolution

**D.2.2.1. Mandatory Federal Forms**

The application must include the following standard Federal forms.

**D.2.2.1.1. SF-424 Application for Federal Assistance**

A fully completed SF-424, Application for Federal Assistance signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.

**D.2.2.1.2. SF-424 Budget Information**

A fully completed SF-424A Budget Information must be submitted with the application. An SF-424A can be used for construction and non-construction projects.

**D.2.2.1.3. SF-424 Assurances**

A SF-424B Assurances for Non-Construction Programs, or an SF-424D Assurances for Construction Programs, signed by a person legally authorized to commit the applicant to performance of the project shall be included. Questions regarding whether to use SF-424B or SF-424D should be emailed to the Notice of Funding Opportunity Team staff at [bor-sha-fafoa@usbr.gov](mailto:bor-sha-fafoa@usbr.gov). Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.

**D.2.2.1.4. SF-LLL Disclosure of Lobbying Activities**

A fully completed and signed SF-LLL, Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. *Note—this form cannot be submitted by a contractor or other entity on behalf of an applicant.*



**D.2.2.2. Title Page**

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, e-mail address, and telephone of the project manager.

**D.2.2.3. Table of Contents**

List all major sections of the application in the table of contents.

**D.2.2.4. Technical Proposal and Evaluation Criteria**

The technical proposal and evaluation criteria (35 pages maximum) include:

- (1) Executive summary
- (2) Project location
- (3) Technical project description
- (4) Performance measures
- (5) Evaluation criteria

**D.2.2.4.1. Executive Summary**

The executive summary should include:

- The date, applicant name, city, county, and state.
- Please indicate whether you are a Category A applicant, Category B applicant, or Category C applicant. If you are a Category B applicant, please briefly explain how you are acting in partnership with a Category A partner. Note: If you are a Category B applicant, you must include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). If you are a Category C applicant, please submit documentation to demonstrate that Category A entities in the service area have been notified and do not object to the project. See *Section D.2.2.8. Letters of Support and Letters of Partnership* for additional information regarding documentation requirements.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, concerns in your project area, and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

**Example:** *The Eagle Creek Watershed Council, in conjunction with Trout Unlimited, Colorado Parks and Wildlife, and Buckhorn Valley Metropolitan District, will improve instream flows in Abrams Creek, southwest of Eagle, Colorado. Abrams Creek, which supports a core conservation population of Green-Lineage cutthroat trout, suffers from low flows, affecting habitat for the trout and other aquatic species. The Council will pipe a 21,790 linear feet section of the JPO ditch and use the approximately 300 acre-feet of saved water for instream use. This increase to base flows in Abrams creek will benefit the target trout species, as well as other aquatic resources. This project, supported by the Eagle Creek Watershed Plan, has been endorsed by numerous elected officials, conservation groups, government agencies, and water users.*

- State the length of time and estimated completion date for the proposed project including the construction start date (mm/yr). ***Note: proposed projects should not have an estimated construction start date that is prior to September 1, 2022.***
- Whether or not the proposed project is located on a Federal facility.

#### D.2.2.4.2. Project Location

Provide specific information on the proposed project location or project area, including a map showing the geographic location. For example, [project name] is located in [county and state] approximately [distance] miles [direction, e.g., northeast] of [nearest town]. The project latitude is {##°##'N} and longitude is {###°##'W}.

#### D.2.2.4.3. Technical Project Description

Provide a more comprehensive description of the technical aspects of your project, including the work to be accomplished and the approach to complete the work. This description should provide detailed information about the project including materials and equipment and the work to be conducted to complete the project. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.

*Please do not include your project schedule and milestones here; that information is requested in response to the Project Implementation criterion below. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria. This section is solely intended to provide an understanding of the technical aspects of the project.*

*Please note, if the work for which you are requesting funding is a phase of a larger project, please only describe the work that is reflected in the budget and exclude any descriptions of other activities or components of the overall project.*

#### D.2.2.4.4. Performance Measures

All applicants are required to provide a brief summary describing the performance measure that will be used to quantify actual benefits upon completion of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts, as well as the overall effectiveness of the project. Please describe the performance measures for your project within the evaluation criteria section of your application (see *Section E.1.5. Evaluation Criterion E—Performance Measures*). *Program funding may be used to establish a monitoring and data management plan or to install necessary equipment to monitor progress. However, program funding may not be used to measure performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).*

#### D.2.2.4.5. Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your application.

**See *Section E.1. Evaluation Criteria* for additional details, including a detailed description of each criterion and sub criterion and points associated with each.**

*It is suggested that applicants copy and paste the evaluation criteria and subcriteria in Section E.1. Evaluation Criteria into their applications to ensure that all necessary information is adequately addressed.*

**D.2.2.5. Project Budget**

The project budget includes:

- (1) Funding plan and letters of commitment
- (2) Budget proposal
- (3) Budget narrative

If the proposed project is selected, a Grants Officer will review the proposed pre-award costs to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200, available at [www.ecfr.gov](http://www.ecfr.gov), and all other requirements of this NOFO. **In no case will costs incurred prior to July 1, 2021, be considered for inclusion in the proposed project budget for FY 2022 funding. In addition, proposed projects should not have an estimated construction start date that is prior to September 2022 (see Section C.3.3. Construction Start Date Restrictions).**

*Please note that the costs for preparing and applying in response to this NOFO, including the development of data necessary to support the application, are not eligible project costs under this NOFO and must not be included in the project budget. In addition, budget proposals must not include costs for the purchase of water or land, or to secure an easement other than a construction easement. These costs are not eligible project costs under this NOFO.*

**D.2.2.5.1. Funding Plan and Letters of Commitment**

Describe how the non-Federal share of project costs will be obtained. Reclamation will use this information in making a determination of financial capability.

Project funding provided by a source other than the applicant shall be supported with letters of commitment from these additional sources. Letters of commitment shall identify the following elements:

- The amount of funding commitment
- The date the funds will be available to the applicant
- Any time constraints on the availability of funds
- Any other contingencies associated with the funding commitment

Commitment letters from third-party funding sources should be submitted with your application. If commitment letters are not available at the time of the application submission, please provide a timeline for submission of all commitment letters. Cost-share funding from sources outside the applicant's organization (e.g., loans or State grants), should be secured and available to the applicant prior to award.

## Notice of Funding Opportunity Announcement No. R22AS00026

Reclamation will not make funds available for an award under this NOFO until the recipient has secured non-Federal cost-share. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

Please identify the sources of the non-Federal cost share contribution for the project, including:

- Any monetary contributions by the applicant towards the cost-share requirement and source of funds (e.g., reserve account, tax revenue, and/or assessments)
- Any costs that will be contributed by the applicant
- Any third-party in-kind costs (i.e., goods and services provided by a third party)
- Any cash requested or received from other non-Federal entities
- Any pending funding requests (i.e., grants or loans) that have not yet been approved and explain how the project will be affected if such funding is denied

In addition, please identify whether the budget application includes any project costs that have been or may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the project

### D.2.2.5.2. Budget Proposal

The total project cost (Total Project Cost), is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project.

**Table 1.—Total Project Cost Table**

SOURCE	AMOUNT
Costs to be reimbursed with the requested Federal funding	\$
Costs to be paid by the applicant	\$
Value of third-party contributions	\$
<b>TOTAL PROJECT COST</b>	<b>\$</b>

**Table 2.—Summary of Non-Federal and Federal Funding Sources**

<b>FUNDING SOURCES</b>	<b>AMOUNT</b>
<b>Non-Federal Entities</b>	
1.	
2.	
3.	
<b>Non-Federal Subtotal</b>	
<b>REQUESTED RECLAMATION FUNDING</b>	

The budget proposal should include detailed information on the categories listed below and must clearly identify *all* items of cost, including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must be provided for all budget items including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR Part 200.317 through Part 200.327 before developing their budget proposal.

It is also strongly advised that applicants use the budget proposal format shown below in Table 3 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

<b>Table 3.—Sample Budget Proposal Format</b>				
<b>BUDGET ITEM DESCRIPTION</b>	<b>COMPUTATION</b>		<b>Quantity Type</b>	<b>TOTAL COST</b>
	<b>\$/Unit</b>	<b>Quantity</b>		
<b>Salaries and Wages</b>				
Employee 1				\$
Employee 2				\$
Employee 3				\$
<b>Fringe Benefits</b>				
Full-Time Employees				\$
Part-Time Employees				\$

Table 3.—Sample Budget Proposal Format				
BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Travel				
Trip 1				\$
Trip 2				\$
Trip 3				\$
Equipment				
Item A				\$
Item B				\$
Item C				\$
Supplies and Materials				
Item A				\$
Item B				\$
Contractual/Construction				
Contractor A				\$
Contractor B				\$
Other				
Other				\$
TOTAL DIRECT COSTS				\$
Indirect Costs				
Type of rate	percentage	\$base		\$
TOTAL ESTIMATED PROJECT COSTS				\$

**D.2.2.5.3. Budget Narrative**

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited to, those listed in the following subsections. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the Electronic Code of Federal Regulations ([www.ecfr.gov](http://www.ecfr.gov)).

*D.2.2.5.3.1. Salaries and Wages*

Indicate the Project Manager and other key personnel by name and title. The Project Manager must be an employee or board member of the applicant. Other personnel should be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation. The labor rates must identify the direct labor rate separate from the fringe rate or fringe cost for each position. All labor estimates must be allocated to specific tasks as outlined in the applicant's technical project description. Labor rates and proposed hours shall be displayed for each task.

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.3. Reporting – Requirements and Distribution* for information on types and frequency of reports required.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

*D.2.2.5.3.2. Fringe Benefits*

Identify the rates/amounts, what costs are included in this category, and the basis of the rate computations. Federally approved rate agreements are acceptable for compliance with this item.

*D.2.2.5.3.3. Travel*

Identify the purpose of each anticipated trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation. *Note: travel costs incurred by contractors should not be included in this section but can be included in the contract cost estimate.*

*D.2.2.5.3.4. Equipment*

If equipment will be purchased, itemize all equipment valued at or greater than \$5,000. For each item, identify why it is needed for the completion of the project and how the equipment was priced. *Note: if the value is less than \$5,000, the item should be included under materials and supplies.*

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased.

If the applicant intends to use their own equipment for the purposes of the project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers within their Construction Equipment Ownership and Operating Expense Schedule (EP 1110-1-8) at <https://www.usace.army.mil/Cost-Engineering/EP1110-1-8/>.

*Note: If the equipment will be furnished and installed under a construction contract, the equipment should be included in the construction contract cost estimate.*

#### *D.2.2.5.3.5. Materials and Supplies*

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology). *Note: If the materials/supplies will be furnished and installed under a construction contract, the equipment should be included in the construction contract cost estimate.*

#### *D.2.2.5.3.6. Contractual*

Identify all work that will be accomplished by consultants or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all procurements with an anticipated aggregate value that exceeds the Simplified Acquisition Threshold (currently \$10,000) must use a competitive procurement method (see 2 CFR Part 200.320 – *Methods of procurement to be followed*). Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR Part 200.317 through Part 200.327 for additional information regarding procurements, including required contract content.

#### *D.2.2.5.3.7. Third-Party In-Kind Contributions*

Identify all work that will be accomplished by third-party contributors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. Third-party in-kind contributions, including contracts, must comply with all applicable administrative and cost principles criteria, established in 2 CFR Part 200, available at [www.ecfr.gov](http://www.ecfr.gov), and all other requirements of this NOFO.

#### *D.2.2.5.3.8. Environmental and Regulatory Compliance Costs*

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations (“compliance”). Every project funded under this program will have compliance activities undertaken by Reclamation and the recipient. Reclamation requires that applicants under this NOFO include line items in their budget proposal for costs associated with compliance.

Some of the projects funded under this NOFO typically incur relatively high compliance costs (e.g., between \$30,000 and \$90,000 per project). Please contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include a line item in your budget for Reclamation’s costs associated with



compliance activities and a separate line item for any compliance activities that will need to be completed by a contractor, if applicable. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient. In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient.

In no case may the total amount requested from Reclamation exceed the maximum of \$2,000,000 as provided in this NOFO. The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be re-allocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained.

*D.2.2.5.3.9. Other Expenses*

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. No profit or fee will be allowed.

*D.2.2.5.3.10. Indirect Costs*

Indirect costs are costs incurred by the applicant for a common or joint purpose that benefit more than one activity of the organization and are not readily assignable to the activities specifically benefitted without undue effort. Costs that are normally treated as indirect costs include, but are not limited to, administrative salaries and fringe benefits associated with overall financial and organizational administration, operation and maintenance costs for facilities and equipment, and payroll and procurement services. If indirect costs will be incurred, identify the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the applicant's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

Any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to 2 CFR Part 200, paragraph D.1., may elect to charge a *de minimis* rate of 10 percent of modified total direct costs (MTDC) which may be used indefinitely. For further information on MTDC, refer to 2 CFR Part 200.68 available at [www.ecfr.gov](http://www.ecfr.gov).

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, Office of Indirect Cost Services, at [www.doi.gov/ibc/services/finance/indirect-cost-services](http://www.doi.gov/ibc/services/finance/indirect-cost-services).

**D.2.2.6. Environmental and Cultural Resources Compliance**

Please answer the questions from *Section H.1. Environmental and Cultural Resource Considerations* in this section.

**D.2.2.7. Required Permits or Approvals**

Applicants must state in the proposal whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(D). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR Section 429, and that the development will not impact or impair project operations or efficiency.

**D.2.2.8. Letters of Support and Letters of Partnership**

Please include letters from interested stakeholders supporting the proposed project. To ensure your application is accurately reviewed, please attach all letters of support as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in the evaluation of the proposed project.

Category B applicants must submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). Letters of Partnership must be received by the application deadline for this NOFO, otherwise the applicant will be considered ineligible and the proposed project will not be evaluated.

Category C applicants must submit documentation to demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project (see *Section C.1 Eligible Applicants*). For example, documentation may include a copy of a letter that has been sent to Category A entities in the service area, and a self-certification that no written objections to the project were received.

Additional information regarding applicant eligibility may be requested during the application review process.

**D.2.2.9. Official Resolution**

Include an official resolution adopted by the applicant's board of directors or governing body, or, for State government entities, an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO, verifying:

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan
- That the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

**An official resolution meeting the requirements set forth above is mandatory.** If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to [bor-sha-fafoa@usbr.gov](mailto:bor-sha-fafoa@usbr.gov) up to 30 days after the application deadline.

### D.3. Unique Entity Identifier and System for Award Management

All applicants (unless the applicant has an exception approved by Reclamation under 2 CFR Section 25.110[d]) are required to:

- (i) be registered in the System for Award Management (SAM) before submitting its application;
- (ii) provide a valid unique entity identifier in its application; and
- (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

**Meeting the requirements set forth above is mandatory.** If the applicant is unable to complete registration by the application deadline, the unique entity identifier must be obtained, and SAM registration must be initiated within 30 days after the application deadline in order to be considered for selection and award. Reclamation will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. Additional information on how to complete SAM registration can be found at <https://sam.gov/content/entity-landing>.

### D.4. Submission Date and Time

The application submission deadline is:

- December 9, 2021, at 4:00 p.m. Mountain Standard Time.

Applications received after the application deadline will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., listing an incorrect organizational representative), the upload of documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

*Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act request (5 U.S.C. Section 552 as amended by P.L. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website, [www.usbr.gov/WaterSmart/](http://www.usbr.gov/WaterSmart/) after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.*

#### **D.4.1. Application Delivery Instructions**

The application may be submitted electronically through Grants.gov ([www.grants.gov](http://www.grants.gov)) or a hard copy may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as through GrantSolutions or by email or fax) be considered eligible for award.

By mail or USPS  
overnight services: Bureau of Reclamation  
Financial Assistance Operations  
Attn: NOFO Team  
P.O. Box 25007, MS 84-27133  
Denver, CO 80225

All other express  
delivery services  
and courier services: Bureau of Reclamation  
Attn: NOFO Team (MS 84-27133)  
Denver Federal Center  
Bldg. 67, Rm. 152  
6th Avenue and Kipling Street  
Denver, CO 80225

#### **D.4.2. Instructions for Submission of Project Application**

Each applicant should submit an application in accordance with the instructions contained in this section.

##### ***D.4.2.1. Applications Submitted by Mail, Express Delivery or Courier Services***

Please follow these instructions to submit your application by mail, express delivery, or courier services.

- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions.
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

##### ***D.4.2.2. Applications Submitted Electronically***

*If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov ([www.grants.gov](http://www.grants.gov)).* Applications submitted through GrantSolutions will **not** be accepted. Reclamation encourages applicants to submit their applications for funding electronically through the URL: [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html). Applicant resource documents and a full set of instructions for registering with Grants.gov

([www.grants.gov](http://www.grants.gov)) and completing and submitting applications online are available at:  
[www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html).

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html). ***In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.***
- Applicants have experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov you are encouraged to submit your application several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.

***Regardless of the delivery method used, you must ensure that your application arrives by the date and time deadline stated in this NOFO. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system.*** Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), the upload of documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

#### **D.4.2.3. Acknowledgement of Application Receipt**

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you via email that your application was received. If an application is submitted through Grants.gov, you will receive an email acknowledging receipt of the application from Grants.gov. In addition, you will receive an email whether your application was successfully retrieved from Grants.gov.

Notification will be sent to the points of contact identified on the SF-424 Application for Federal Assistance.

## **D.5. Intergovernmental Review**

This NOFO is not subject to E.O. 12372, "Intergovernmental Review of Federal Programs."

## **D.6. Automated Standard Application for Payments Registration**

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Data Universal Number System (DUNS) Number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or Agency.

**Notice of Funding Opportunity Announcement No. R22AS00026**

All of the information on the enrollment process for recipients, including the enrollment initiation form, can be requested by e-mail from [sha-dro-asap\\_enr@usbr.gov](mailto:sha-dro-asap_enr@usbr.gov).

Note that if your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

## Section E. Application Review Information

### E.1. Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any subcriterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget, not the larger project.

Information provided in response to these criteria will also be used to make determination whether the proposed project qualifies for up to 75 percent Federal cost-share contribution based on the requirements described above.

Evaluation Criteria: Scoring Summary	Points
A. Project Benefits	35
B. Collaborative Project Planning	25
C. Stakeholder Support	15
D. Readiness to Proceed	10
E: Performance Measures	5
F: Presidential and Department of the Interior Priorities	10
<b>Total</b>	<b>100</b>

*Note: Projects may be prioritized to ensure balance among the program task areas and to ensure that the projects address the goals and objectives of the NOFO.*

#### E.1.1. Evaluation Criterion A—Project Benefits (35 points)

Up to **35 points** may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will benefit ecological values that have a nexus to water resources or water resources management. Other benefits will also be considered for projects that have multiple benefits.

##### E.1.1.1. Sub-Criterion A.1—Benefits to Ecological Values

Please provide a general description of how your project will benefit ecological values by responding to the bullets listed below. *Note: More detailed information and support for specific project benefits, and the extent (quantification) of those benefits, by project type are addressed under subcriterion A.2. Your responses to A.1. should include brief narrative responses; calculations of specific project benefits should be included in your responses to A.2.*

- Please explain how the project will **benefit ecological values that have a nexus to water resources or water resources management**, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems that are supported by rivers, streams, and other water sources, or that are directly influenced by water resources management.
  - In your response, please identify the specific ecological values benefitted and how those ecological values depend on, or are influenced by, water resources or water resources management.
  - Please also explain whether the project will increase water supply reliability for ecological values by improving the timing or quantity of water available; improving water quality and temperature; or improving stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems, or through similar approaches.
- If the project will benefit multiple water uses (i.e., benefits to ecological values AND benefits to other water uses, e.g., municipal, agricultural, or tribal water uses), please explain how the project benefits other water uses.

***E.1.1.2. Sub-Criterion A.2—Quantification of Specific Project Benefits by Project Type***

Explain the extent of project benefits. Please respond to the following questions for each project type included in your application (i.e., please only respond to the section(s) of this subcriterion that are relevant to your project).

**Project benefits for water efficiency projects that result in quantifiable and sustained water savings or improved water management—and which increase water supply reliability for ecological values.**

- Describe the amount of estimated water savings (in acre-feet per year) that are expected to result directly from the project. Please include a specific quantifiable water savings estimate; do not include a range of potential water savings. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.
- Explain where the water that will be conserved is currently going (e.g., back to the stream, spilled at the end of the ditch, seeping into the ground) and how the water is currently being used. For example, are current losses returning to the system and being used by others? Are current losses entering an impaired groundwater table becoming unsuitable for future use? Are there any known benefits associated with where the current losses are going? For example, is seepage water providing additional habitat for fish or animal species?
- Explain in detail how water conserved as a result of the project will be used to increase water sustainability for ecological values. Will the project commit conserved water to remain instream? If so, please provide detailed support for that commitment. Will a formal mechanism (e.g., collaboration with a state agency or nonprofit organization, or other mechanisms allowable under state law) be used?



Or, if a formal mechanism will not be used, please describe the arrangement proposed to contribute conserved water for ecological benefits. Please explain the roles of any partners in the process and attach any relevant supporting documents.

- Describe the benefits that are expected to result from increased instream flows. Will increased instream flows assist in reducing basin-wide water supply and demand imbalances or in complying with an interstate compact? Will increased instream flows result in benefits to fish and wildlife? If so, please describe the species and expected benefit of the project. Will the increased instream flows result in benefits to habitat or other ecological benefits? If so, describe these benefits. Will the flows specifically benefit federally designated critical habitat?

**Project Benefits for Drought Resiliency Projects Related to Fish and Wildlife**

- What are the types and quantities of environmental benefits provided, such as the types of species and their numbers benefited; acreage of habitat improved, restored, or protected; or the amount of flow provided? How was this estimate calculated?
- If the project will make more water available, or make water available at a more advantageous time or location, how much additional water will be made available? Describe the amount of estimated water (in acre-feet per year) expected to be made available directly from the project. Please include a specific quantifiable water contribution estimate and describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined.
- How is the species or habitat impacted by drought?
- If the proposed project will benefit federally listed threatened or endangered species please consider the following elements:
  - Is the species subject to a recovery plan or conservation plan under the ESA?
  - What is the relationship of the species to water supply?
  - What is the extent of the proposed project that would reduce the likelihood of listing, or would otherwise improve the status of the species?
  - Is the species adversely affected by a Reclamation project?

**Project Benefits for Watershed Management Projects**

- If the project will result in long-term improvements to water quality (e.g., decrease sediment or nutrient pollution, improve water temperature, or mitigate impacts from floods or drought) please explain the extent of those benefits (i.e., magnitude and geographic extent). Please estimate expected project benefits to water quality and provide documentation and support for this estimate, including a detailed explanation of how the estimate was determined.
- If the project will benefit aquatic or riparian ecosystems within the watershed (e.g., by reducing flood risk, reducing bank erosion, increasing biodiversity, or preserving native species), please explain the extent of those benefits (i.e., magnitude and geographic extent). Please estimate expected project benefits to ecosystems and provide

documentation and support for this estimate, including a detailed explanation of how the estimate was determined.

- If the project will benefit specific species and habitats, please describe the species and/or type of habitat that will benefit and the status of the species or habitat (e.g., native species, game species, federally threatened or endangered, state listed, or designated critical habitat). Please describe the extent (i.e., magnitude and geographic extent) to which the project will benefit the species or habitat, including an estimate of expected project benefits and documentation and support for the estimate.
- Are there project benefits not addressed in the preceding questions? If so, what are these benefits?

**Project benefits for multi-benefits projects: If applicable, please describe the extent to which the project will benefit multiple water uses. Please do not repeat information included in your prior responses.**

- Please describe the extent to which the project will benefit agricultural, municipal, tribal, or recreation uses? Please explain how your estimate of benefits to multiple uses was calculated and provide support for your response.
- Will the project reduce water conflicts within the watershed?
- Will the project provide benefits to other water uses not mentioned above? If so, how and to what extent?

#### **E.1.2. Evaluation Criterion B—Collaborative Project Planning (25 points)**

Up to **25 points** may be awarded based on the extent to which the proposed project was developed as part of a collaborative process and advances an existing plan or strategy. Reclamation will use the following criteria to prioritize applications based on the extent to which the specific project proposed in your application was developed collaboratively. Please attach a copy of the applicable strategy or plan as an appendix to your application, or provide a link, **and identify the sections relevant to the project**. These pages will not be included in the total page count for the application.

- Was the proposed project described in your application developed as part of a collaborative process by:
  - A watershed group, as defined in section 6001 of the Cooperative Watershed Management Act?
  - Or
  - A water user and one or more stakeholders with diverse interests (i.e., stakeholders representing different water use sectors such as agriculture, municipal, tribal, recreational, or environmental)?
- Describe the strategy or plan that supports your proposed project.
  - When was the plan or strategy prepared and for what purpose?

- What types of issues are addressed in the plan? For example, does the plan address water quantity issues, water quality issues, and/or issues related to ecosystem health or the health of species and habitat within the watershed?
- Is one of the purposes of the strategy or plan to increase the reliability of water supply for ecological values?
- Does the project address an adaptation strategy specifically identified in a completed WaterSMART Basin Study or Water Management Options Pilot (e.g., a strategy to mitigate the impacts of water shortages resulting from climate change, drought, increased demands, or other causes).
- Was your strategy or plan developed collaboratively?
  - Who was involved in preparing the plan? Was the plan prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, tribal, environmental, recreation uses)? What was the process used for interested stakeholders to provide input during the planning process?
  - If the plan was prepared by an entity other than the applicant, explain why it is applicable.
- Describe how the plan or strategy provides support for your proposed project.
  - Does the proposed project implement a goal or need identified in the plan?
  - Describe how the proposed project is prioritized in the referenced plan or strategy.

**E.1.3. Evaluation Criterion C—Stakeholder Support (15 points)**

Up to **15 points** may be provided based on the level of stakeholder support for the proposed project and the extent to which the project will complement, and not duplicate, other ongoing efforts. Applications which demonstrate support for the project from a diverse array of stakeholders, and which will complement other ongoing activities, will receive the most points under this criterion.

- Please describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided? Are any stakeholders providing support for the project through cost-share contributions, or through other types of contributions to the project?
- Please explain whether the project is supported by a diverse set of stakeholders (appropriate given the types of interested stakeholders within the project area and the scale, type, and complexity of the proposed project). For example, is the project supported by entities representing agricultural, municipal, tribal, environmental, or recreation uses?
- Is the project supported by entities responsible for the management of land, water, fish and wildlife, recreation, or forestry within the project area? Is the project consistent with the policies of those agencies?
- Will the proposed project complement other ongoing water management activities by state, Federal, or local government entities, non-profits, or individual landowners within the project area? Please describe other relevant efforts, including who is undertaking

these efforts and whether they support the proposed project. Explain how the proposed project will avoid duplication or complication of other ongoing efforts.

- Is the project completely or partially located on Federal land or at a Federal facility? If so, explain whether the agency supports the project, whether the agency will contribute toward the project, and why the Federal agency is not completing the project.
- Is there opposition to the proposed project? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

#### **E.1.4. Evaluation Criterion D—Readiness to Proceed (10 Points)**

- Up to **10 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Applicants that describe a detailed implementation plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates, and a detailed budget) will receive the most points under this criterion.
- Describe the implementation plan for the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates. This may include, but is not limited to, design, environmental and cultural resources compliance, permitting, and construction/installation.
- The project budget outlining costs for specific tasks should identify costs associated with the tasks in your project schedule, and all contractor costs should be broken out to identify the specific tasks included in those costs.
- Describe any permits and agency approvals that will be required, along with the process and timeframe for obtaining such permits or approvals.
- Identify and describe any engineering or design work performed specifically in support of the proposed project, or that will be performed as part of the project. Priority will be given to projects that are further along in the design process and ready for implementation.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, please provide documentation. If the applicant does not yet have permission to access the project location, please describe the process and timeframe for obtaining such permission.
- Identify whether the applicant has contacted the local Reclamation office to discuss the potential environmental and cultural resource compliance requirements for the project and the associated costs. Has a line item been included in the budget for costs associated with compliance? If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation's costs and the contractor's costs. Describe any new policies or administrative actions required to implement the project.

*Note: Proposed projects must **not** include activities or costs for the purchase of water or land, or to secure a permanent easement. Costs associated with these activities are not eligible project costs and cannot be used to meet the non-Federal cost-share requirement.*

### E.1.5. Evaluation Criterion E—Performance Measures (5 points)

Up to **5 points** may be provided based on the extent to which the application describes a plan to monitor the progress and effectiveness of the project once complete.

*Note: program funding may be used to establish a monitoring and data management plan or to install necessary equipment to monitor progress. However, program funding may not be used to measure performance once the project is completed (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).*

- Please describe the performance measures that will be used to quantitatively or qualitatively define actual project benefits upon completion of the project. Include support for why the specific performance measures were chosen.
- All applicants are required to include information about plans to monitor improved streamflows, aquatic habit, or other expected project benefits. Please describe the plan to monitor the benefits over a five-year period once the project has been completed. Provide detail on the steps to be taken to carry out the plan.

### E.1.6. Evaluation Criterion F—Presidential and Department of the Interior Priorities (10 points)

Up to **10 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration’s priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad* and E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Consideration under this criterion is also given for Tribal benefits.

Please address only those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the application. **Without repeating benefits already described in previous criteria, describe in detail how the proposed project supports a priority(ies) below.**

1. **Climate Change:** E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity.
  - How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Please estimate the extent to which the project will build resilience to drought and provide support for your estimate.
  - In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?
  - Will the proposed project establish and use a renewable energy source?
  - Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?

- Does the proposed project include green or sustainable infrastructure to improve community climate resilience such as reducing the urban heat island effect, lowering building energy demands, or reducing the energy needed to manage water? Does this infrastructure complement other green solutions being implemented throughout the region or watershed?
  - Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?
  - Does the proposed project have a conservation or management component that will promote healthy lands and soils or serve to protect water supplies and its associated uses?
  - Does the proposed project contribute to climate change resiliency in other ways not described above?
2. **Disadvantaged or Underserved Communities:** E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.
- Will the proposed project serve or benefit a disadvantaged or historically underserved community? Benefits can include, but are not limited to, public health and safety through water quality improvements, new water supplies, or economic growth opportunities.
  - If the proposed project is providing benefits to a disadvantaged community, provide sufficient information to demonstrate that the community meets the applicable state criteria or meets the definition in Section 1015 of the Cooperative Watershed Act, (i.e., defined as a community with an annual median household income that is less than 100 percent of the statewide annual median household income for the state).
  - If the proposed project is providing benefits to an underserved community, provide sufficient information to demonstrate that the community meets the underserved definition in E.O. 13985, which includes populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.
3. **Tribal Benefits:** The Department of the Interior is committed to strengthening tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*, asserts the importance of honoring the Federal government's commitments to Tribal Nations.
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and safety through water quality improvements, new water supplies, or economic growth opportunities?
  - Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?

## E.2. Review and Selection Process

The Federal government reserves the right to reject any and all applications that do not meet the requirements or objectives of this NOFO. Awards will be made for projects most advantageous to the Federal Government. Award selection may be made to maintain balance among the eligible projects listed in this NOFO. The evaluation process will be comprised of the steps described in the following subsections.

### E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be initiated up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed SF-424, Application for Financial Assistance and form SF-424B, Assurances for Non-Construction Programs, or SF-424D, Assurances for Construction Programs and a completed SF-424A, Budget Information for Non-Construction Programs and Construction Programs.
- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 30 days after the application deadline).
- The application and funding plan meets or exceeds the minimum non-Federal cost-share requirements identified in this NOFO.
- The proposed project can be completed within three years.

Reclamation reserves the right to remove an application from funding consideration if it does not pass all initial screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner, if possible.

### E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1 Evaluation Criteria*. Applications will be scored against the evaluation criteria by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO.

During ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

### **E.2.3. Red-Flag Review**

Following the results of the ARC review, Reclamation offices will review the top- ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

In addition, during this review, Reclamation will address any specific concerns or questions raised by members of the ARC, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share as required.

### **E.2.4. Managerial Review**

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose applications have been selected for award consideration.

### **E.2.5. Pre-Award Clearances and Approvals**

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately one to three months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

#### **E.2.5.1. Environmental Review**

Reclamation will forward all applications to the appropriate Reclamation Regional or Area Office for completion of environmental and cultural resource compliance. To the extent possible, environmental and cultural resource compliance will be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award will be made contingent on completion of environmental and cultural resource compliance. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities may not occur until compliance is complete and a notice to proceed is issued by the awarding Grants Officer.

Even in cases where environmental and cultural resource compliance work has been completed previously or is being completed by another Federal agency, Reclamation must still review and adopt such compliance and issue a notice to proceed before ground-disturbing activities may be initiated. See *Section D.2.2.5.3.8. Project Budget: Environmental and Regulatory Compliance Costs* for additional information on compliance and associated costs.



#### **E.2.5.2. Budget Analysis and Business Evaluation**

A Reclamation Grants Officer will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Grants Officer will consider several factors that are important, but not quantified, such as:

- Allowability, allocability, and reasonableness of proposed costs.
- Financial strength and stability of the applicant.
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance.
- Adequacy of personnel practices, procurement procedures, and accounting policies and procedures, as established by applicable Office of Management and Budget circulars.

### **E.3. Federal Award Performance Integrity Information System**

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. Section 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR Section 200.205 *Federal awarding agency review of risk posed by applicants*.

### **E.4. Anticipated Announcement and Federal Award Date**

Reclamation expects to contact potential award recipients and unsuccessful applicants in spring 2022, subject to the timing and amount of final FY 2022 appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

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## **Section F. Federal Award Administration Information**

### **F.1. Federal Award Notices**

Successful applicants will receive by electronic mail, a notice of selection signed by a Reclamation Grants Officer. This notice is not an authorization to begin performance.

### **F.2. Administrative and National Policy Requirements**

#### **F.2.1. Environmental and Cultural Resources Compliance**

All projects being considered for award funding will require compliance with NEPA before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, Clean Water Act (CWA), ESA, National Historic Preservation Act (NHPA), consultation with potentially affected tribes, and consultation with the State Historic Preservation Office.

Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is responsible to ensure that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

Reclamation requires that applicants under this NOFO include line items in their budget proposal for costs associated with compliance. Some of the projects funded under this NOFO typically incur relatively high compliance costs (e.g., between \$30,000 and \$90,000 per project). Please contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include a line item in your budget for Reclamation's costs associated with compliance activities and a separate line item for any compliance activities that will need to be completed by a contractor, if applicable. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient. In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient.

In no case may the total amount requested from Reclamation exceed the maximum of \$2,000,000 as provided in this NOFO. The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be re-allocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained.

*Note, if mitigation is required to lessen environmental impacts, the applicant may, at Reclamation's discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly.*

***Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete and a Reclamation Grants Officer provides written notification that all such clearances have been obtained. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.***

### **F.2.2. Approvals and Permits**

Recipients shall adhere to Federal, State, Territorial, Tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Recipients shall also coordinate and obtain approvals from site owners and operators.

### **F.2.3. Requirements for Agricultural Operations under**

#### **P.L. 111-11, Section 9504(a)(3)(B)**

In accordance with Section 9504(a)(3)(B) of P.L.111-11, grants and cooperative agreements under this authority will not be awarded for an improvement to conserve irrigation water unless the applicant agrees to both of the following conditions:

- not to use any associated water savings to increase the total irrigated acreage of the applicant and
- not to otherwise increase the consumptive use of water in the operation of the applicant, as determined pursuant to the law of the state in which the operation of the applicant is located.

### **F.2.4. Title to Improvements P.L.111-11, Section 9504(a)(3)(D)**

If the activities funded through an agreement awarded under this NOFO result in a modification to a portion of a federally owned facility that is integral to the existing operations of that facility, the Federal government shall continue to hold title to the facility and the improvements thereto. Title to improvements, P.L.111-11, Section 9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

### **F.2.5. Operation and Maintenance Costs under P.L.111-11, Section 9504(a)(3)(E)(iv)**

The non-Federal share of the costs for operation and maintenance of any infrastructure improvement funded through an agreement awarded under this NOFO shall be 100 percent.

## **F.2.6. Liability under P.L.111-11, Section 9504(a)(3)(F)**

### **F.2.6.1. In General**

Except as provided under Chapter 171 of Title 28, U.S.C. (commonly known as the Federal Tort Claims Act), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved through an agreement awarded under this NOFO, the title of which is not held by the United States.

### **F.2.6.2. Tort Claims Act**

Nothing in this section increases the liability of the United States beyond that provided in Federal Tort Claims Act.

## **F.2.7. Intangible Property (2 CFR Part 200.315)**

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see Section 200.59 Intangible Property [of this CFR]). The non-Federal entity must use that property for the originally-authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in Section 200.313(e) Equipment [of this CFR].

The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

The non-Federal entity is subject to applicable regulations governing patents and inventions, including government wide regulations issued by the Department of Commerce at 37 CFR Part 401, *Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements*.

The Federal government has the right to:

- obtain, reproduce, publish, or otherwise use the data produced under a Federal award and
- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

## **F.2.8. Freedom of Information Act**

In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 USC 552(a)(4)(A)).

Published research findings means when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

### **F.2.9. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B)**

In accordance with Section 9504(a)(3)(B) of P.L. 111-11, grants and cooperative agreements under this authority will not be awarded for an improvement to conserve irrigation water unless the applicant agrees to both of the following conditions:

- Not to use any associated water savings to increase the total irrigated acreage of the applicant
- Not to otherwise increase the consumptive use of water in the operation of the applicant, as determined pursuant to the law of the State in which the operation of the applicant is located

### **F.2.10. Title to Improvements P.L. 111-11, Section 9504(a)(3)(D)**

If the activities funded through an agreement awarded under this NOFO result in a modification to a portion of a federally owned facility that is integral to the existing operations of that facility, the Federal government shall continue to hold title to the facility and the improvements thereto. Title to improvements, P.L. 11111, Section 9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

## **F.3. Reporting—Requirements and Distribution**

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement.

### **F.3.1. Financial Reports**

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report on at least a semi-annual basis and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the recipient. The reports will be submitted through GrantSolutions.

### **F.3.2. Interim Performance Reports**

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement.

Interim performance reports submitted on at least a semi-annual basis, that include:

- a comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period;
- the reasons why established milestones were not met, if applicable;
- the status of milestones from the previous reporting period that were not met, if applicable;
- whether the project is on schedule and within the original cost estimate; and
- any additional pertinent information or issues related to the status of the project.

### **F.3.3. Final Performance Reports**

Recipients will be required to submit a final performance report encompassing the entire period of performance. The final performance report must include, but is not limited to, the following information:

- whether the project objectives and goals were met;
- discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits;
- how the project addresses ecological benefits and improves long-term resiliency to drought;
- how the project demonstrates collaboration, if applicable; and
- photographs documenting the project are also appreciated.

Note: Reclamation may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on Reclamation's website or as requested.

## **F.4. Conflicts of Interest**

### **F.4.1. Applicability**

This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and

services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR Part 200.318 apply.

#### **F.4.2. Requirements**

Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the application or project, may have been a former Federal employee who, within the last 1 year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

#### **F.4.3. Notification**

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department's awarding agency or pass-through entity in accordance with 2 CFR Part 200.112, Conflicts of Interest. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

#### **F.4.4. Restrictions on Lobbying**

Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 U.S.C. Section 1352.

#### **F.4.5. Review Procedures**

The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

#### **F.4.6. Enforcement**

Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR Part 200.338, *Remedies for Noncompliance*, including suspension or debarment (see also 2 CFR Part 180).



## **F.5. Data Availability**

### **F.5.1. Applicability**

The Department is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

### **F.5.2. Use of Data**

The regulations at 2 CFR Part 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

### **F.5.3. Availability of Data**

The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:

- the scientific data relied upon;
- the analysis relied upon; and
- the methodology, including models, used to gather and analyze data.

## **F.6. Releasing Applications**

Following awards of funding, Reclamation may post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

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## Section G. Agency Contacts

There will be no pre-application conference. Organizations interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

### G.1. Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of the Notice of Funding Opportunity Team, at [bor-sha-fafoa@usbr.gov](mailto:bor-sha-fafoa@usbr.gov). Please note that staff availability on the day of the NOFO closing will be limited.

### G.2. Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Mr. Josh German or Ms. Robin Graber, as follows:

By mail: Bureau of Reclamation  
Attn: Josh German and/or Robin Graber  
P.O. Box 25007, MS 86-69200  
Denver, CO 80225

By e-mail: Josh German: [jgerman@usbr.gov](mailto:jgerman@usbr.gov)  
Robin Graber: [rgraber@usbr.gov](mailto:rgraber@usbr.gov)

By phone: Josh German: 303-445-2839  
Robin Graber: 303-445-2764

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## Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. While these statutes are not the only environmental laws that may apply, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your projects.

### H.1. Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on NEPA, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States?” If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?

- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

## H.2. Background on Federal Environmental and Cultural Resource Laws

### H.2.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund an award under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the project:

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental effects, is completion of an **EIS and Record of Decision**. An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. It is not anticipated that projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? or 95 percent?). The best source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area

Reclamation office. See [www.usbr.gov/main/offices.html](http://www.usbr.gov/main/offices.html) with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).

### H.2.2. National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the **potential to cause effects to historic properties**, before it can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

If an application is selected for initial award, the recipient will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways, depending on how complex the issues are, including:

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to a month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
  - A determination as to whether additional information is necessary.
  - Evaluation of the significance of identified cultural resources.
  - Assessment of the effect of the project on historic properties
  - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.
  - A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each project.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See [www.usbr.gov/cultural/crmstaff.html](http://www.usbr.gov/cultural/crmstaff.html) for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance it is possible that a cultural resources survey has already been completed.

### H.2.3. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service to ensure any action it authorizes, funds, or carries out is not likely to **jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat**.

Before Reclamation can approve funding for the implementation of a proposed project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. A rough overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required, and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.



ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, [www.usbr.gov/main/offices.html](http://www.usbr.gov/main/offices.html) with questions regarding ESA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).