



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00051

Native American Affairs: Emergency Drought Relief for Tribes

Inflation Reduction Act of 2022, Section 80004



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.

The mission of Reclamation's Native American Affairs Program is to ensure that federally recognized Indian Tribes have the opportunity to participate in Reclamation programs in a way that fulfills the Federal responsibility toward Tribes, respects Tribal sovereignty, and strengthens the unique government-to-government relationship.

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Native American Affairs: Emergency Drought Relief for Tribes

Inflation Reduction Act of 2022, Section 80004

prepared by

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Cover Photo – Water marks on rocks showing reduced levels of drought impacted Colorado River .
(Bureau of Reclamation)

Application Checklist

The following tables contain a summary of the information that applicants are required to submit.

√	Mandatory Application Components	Required Content	Page
	Mandatory Federal Forms: <ul style="list-style-type: none"> • SF-424: Application for Federal Assistance, Office of Management and Budget (OMB) • SF-424A: Budget Information – Non-Construction Programs (OMB) OR SF-424C: Budget Information – Construction Programs (OMB) • SF-424B: Assurances – Non-Construction Programs (OMB) OR SF-424D: Assurances – Construction Programs (OMB) 	D.2.2 F.3.1	6 22
	Unique Entity Identifier and System for Award Management (SAM) registration	C.2 D.2.3 E.2.5	4 6 16
	Technical Proposal	D.2.1 D.2.4	5 6
	Budget Proposal	D.2.5	9
	Budget Narrative	D.2.6	10

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Native American Affairs: Emergency Drought Relief for Tribes

A. Program Description

A.1. Background and Authorization

With the passage of the Inflation Reduction Act (Act) of 2022, Bureau of Reclamation (Reclamation) is authorized to provide emergency drought relief for federally recognized Indian Tribes in the 17 western states for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Reclamation water project. Reclamation's Native American Affairs and International Affairs Office (NAIAO) will implement the Emergency Drought Relief for Tribes Program authorized under the Act.

For more information on this program please visit <https://www.usbr.gov/inflation-reduction-act>.

This Notice of Funding Opportunity (NOFO) is issued under the authority of the Inflation Reduction Act,

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) EMERGENCY DROUGHT RELIEF FOR TRIBES—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

A.2. Objectives

This NOFO's objectives are to provide assistance to eligible Tribes that are impacted by the operation of Reclamation water projects with near-term drought relief projects; to assist eligible Tribes to develop, manage and protect their water and related resources to mitigate the adverse impacts of drought meeting one or more of the following:

1. Mitigate drought impacts,
2. Increase drought resiliency,
3. Reduce reliance on declining water sources,
4. Increase the efficiency of water deliveries,

5. Mitigate the loss of water and related Tribal trust resources, or
6. Address drinking water shortages.

These objectives are consistent with the purposes of the Act and Reclamation-wide objectives.

B. Federal Award Information

B.1. Total Funding and Expected Award Amount

The Act authorizes \$12,500,000, to remain available until September 30, 2026. .

Maximum award per proposal would be limited to \$500,000. Tribes may submit multiple proposals, however, the total amount of funding awarded to any single Tribe will not exceed \$1 million. It is anticipated that the total number of awards would be between 25-40 projects.

B.2. Expected Award Funding and Anticipated Dates

Anticipated Award Date: Summer 2024

Reclamation expects to contact potential award Tribal recipients and unsuccessful Tribal applicants in Spring 2024 (or later if necessary).

Anticipated Project Completion Date: Summer 2027

B.3. Instruments to Fund Selected Projects

Project awards will be made through Federal Financial Assistance grants or cooperative agreements as defined by 2 CFR 200 as applicable to each project. No P.L. 93-638 awards will be made as a result of this solicitation. If a cooperative agreement is awarded, the Tribe should expect Reclamation to have substantial involvement in the project, as follows:

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

B.4. Duration of Projects

Project benefits must be realized within two years of execution of a grant/cooperative agreement. Projects must be completed within three years of execution of the grant/cooperative agreement.

C. Eligibility Information

C.1. Eligible Applicants

To be considered for this program, applicants will meet all the following eligibility requirements:

- The Tribe must be a federally recognized Indian Tribe or tribal organization, as defined in 25 U.S.C. Section 5304,
- The Tribe must be located in one or more of the 17 western states identified in the Reclamation Act of June 17, 1902¹, as amended and supplemented, and
- The proposed project must provide near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Reclamation water project.

C.2. Ineligible Applicants

Reclamation conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this federal program.

If entities or key project personnel are identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving federal contracts, certain subcontracts, and certain federal assistance and benefits, Reclamation cannot award funds to them.

C.3. Eligible projects include, but are not limited to:

- Repair, rehabilitation, restoration, replacement, or improvement of drinking water systems adversely impacted by the operation of a Reclamation water project.
- Mitigation, restoration, or protection of water and related Tribal trust resources.
- Minor emergency rehabilitation, replacement, repair, or renovation of existing water related infrastructure benefiting Indian Tribes adversely impacted by drought (physical facilities that are planned, designed, constructed, and operated for the supply, treatment, pumping, storage, transmission, or distribution of water).

C.4. Ineligible projects include but are not limited to:

- Feasibility studies (as defined under Reclamation law, which require congressional authorization),
- Projects that lack definable products or deliverables,
- Specific employment positions within an Indian Tribe,
- Projects that generate data or analyses that have the potential to compromise any study or activities of a Department of the Interior reserved Indian water rights settlement activity or the Department of Justice in its pursuit of related reserved Indian water rights claims.
- Projects related to non-federal dams and associated structures,
- Costs associated with the administration of P. L. 93-638 contracts or agreements for projects that are unrelated to the Technical Assistance Program,
- Purchase of equipment as the sole purpose of the project,
- Projects in direct support of litigation of any kind,
- Projects that obligate Reclamation to provide perpetual funding. (For example, this has meant that Reclamation technical assistance funding will not be used to install gaging

¹ Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming

stations unless other sources of funding are available to pay for future operations and maintenance of the station), and

- Biological activities (e.g., fisheries work, including collection, analysis and evaluation of biological background data)

C.5. Cost Sharing or Matching

In accordance with Section 80004 (b) none of the funds provided by this section shall be subject to cost-sharing or matching requirements.

D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required to submit 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 NAI AO staff at bor-sha-fafoa@usbr.gov.

D.2. Content and form of Application Submission

All applications will conform to the requirements described in this document. Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete or noncompliant applications will be removed from competition.

D.2.1 Application Format and Length

The total technical proposal and criteria section (defined below) will be limited to a maximum of 10 consecutively numbered pages. 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.

D.2.2. Required Forms and other Application Content.

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

- **SF-424 Application for Federal Assistance.** A completed SF-424, Application for Federal Assistance signed by a person legally authorized to commit the Tribe to performance of the project must be submitted with the application. Applications must include a valid UEI. See section F for additional information.
- **SF-424A or SF-424C Budget Information Form.** A completed SF-424A/SF-424C Budget Information must be submitted with the application.
- **SF-424B or SF-424D Assurances Form.** A SF-424B Assurances for Non-Construction Programs signed by a person legally authorized to commit the Tribe to performance of the project must be submitted with the application.
- **Technical Proposal** (see Section D.2.4), **Budget Proposal** (see Section D.2.5), **Budget Narrative** (see Section D.2.6)

D.2.3. Unique Entity Identifier, System for Award Management (SAM), and Uniform Audit Reporting Statement

Each Tribal Applicant, unless the Tribal Applicant is an individual or federal awarding agency that is excepted from those requirements under 2 CFR 25.110 (b) or (c), or has an exception approved by the federal awarding agency under 2 CFR 25.110 (d), is required to:

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>.
- Provide a valid UEI in its application. You are required to register in SAM.gov prior to submitting a federal award application and obtain a Unique Entity Identifier (UEI). A UEI will be assigned to entities upon registering with SAM.
- Maintain an active SAM registration with current information at all times during which it has an active federal award or plan under consideration by a federal award agency.
- Submit a Single Audit report for each year that any federally recognized Indian Tribal government expends \$750,000 in U.S. dollars or more in federal award funds in the organization's fiscal year through the [Federal Audit Clearinghouse's Internet Data Entry System](#) in accordance with 2 CFR Section 200 subpart F. U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year.

D.2.4. Technical Proposal Content

Submission of a technical proposal is required. The technical proposal and evaluation criteria (limited to 10 pages) should include the following sections:

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 Tribe, and the name and address, e-mail address, and telephone of the Project Manager.

Project Location

Provide specific information on the geographic location of the area in which the Tribe will work, please include a map showing the geographic location. For example, {Tribe's Reservation} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town}. If you are selected for funding, Reclamation may request additional detail regarding your project location.

Background/ Problem Statement

Description of the problem to be solved by the proposed project as it relates to emergency drought mitigation and response as stated in Section 80004 of the Act. Include a brief description of the deficiencies/hazards/threats to Tribal water and related resources that will be addressed by the proposed drought mitigation activity and why it is a high priority for the Tribe.

Need for Activity

Describe how the operation of a Reclamation water project is impacting Tribal water resources, including but not limited to drinking water supplies and the loss of Tribal trust resources.

Describe the specific need to be addressed by the proposed drought mitigation activity including the current or historic drought conditions in the tribal or project area. Clearly indicate how the proposal will strengthen or improve the Tribe's ability to mitigate drought impacts and protect, manage, and/or develop its water and related resources.

Anticipated Results/Benefits

Briefly describe the expected benefits of the proposed drought mitigation activity related to the protection, management, and/or development of Tribal water and related resources. Results may include, but not be limited to: increasing the availability, reliability, or efficient use of water supplies; protecting, restoring or improving water related Tribal trust resources; developing alternative sources of water supply including water treatment, storing water and/or recharging groundwater supplies, and regulatory compliance; strengthening Tribal water resource management capability; completing a study, investigation, plan or water resource inventory addressing drought, drinking water supplies or Tribal trust resources; or improving Tribal water and related resource facilities to mitigate the impact of drought.

Technical Project Description

The technical project description should describe the work, including specific activities that will be accomplished. Include whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

This section provides an opportunity for you 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. The evaluation criteria in Section E.1. Technical Proposal: Evaluation Criteria of this announcement should thoroughly address each criterion and applicable sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

Copying and pasting the evaluation criteria and sub-criteria in Section E.1. Technical Proposal: Evaluation Criteria into your applications is suggested to ensure that all necessary information is adequately addressed.

As a part of the discussion, please address the following:

- 1. Proposed Scope of Activity:** Describe the activities proposed by the Tribe to address the needs outlined in the previous section. The level of detail should 1) support the commitment of resources to be applied to the activity to accomplish the desired results and 2) permit a comprehensive evaluation of the proposal. For each task, describe planned activities and expected outcomes and milestones. Describe the staff levels and expertise, the number of staff hours, and the schedule for completing each task. List significant challenges to be addressed and/or opportunities to be realized in the course of the proposed activity.
- 2. Environmental and Cultural Resource Considerations,** if applicable.
 - Will the proposed project impact the surrounding environment? If so, describe all earth-disturbing work and any work that will affect the air, water, or animal habitat, 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 the jurisdiction of the Clean Water Act as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- Are there any adverse impacts to groundwater quality that potentially fall within the jurisdiction of the Ground Water Rule? If so, please describe and estimate the adverse impacts the project may have.
- Are there any adverse impacts that may fall within the jurisdiction of the Safe Drinking Water Act? If so, please describe and estimate the adverse impacts the 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?
- Are there any known archeological sites in the proposed project area?
- 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?

3. Project Partners/Participants: List significant participants and the contribution(s) they will make or tasks for which they will be responsible. Include support or opposition to the project from significant stakeholders.

4. Overlap or Duplication of Effort. If applicable, Tribal applicants must state if the proposal submitted for consideration under this program does or does not in any way overlap (e.g., in terms of activities and costs), with any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be federal or non-federal. If any overlap exists, applicants must provide a description of the overlap in their application for review and detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced.

If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

5. Conflicts-of-Interest Disclosure Per the Financial Assistance Interior Regulation (FAIR), 2 CFR Section 1402.112, you should state in your application if any actual or potential conflict of interest exists at the time of submission.

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 sub recipients, the conflict of interest provisions in 2 CFR Section 200.318 apply.

Notification

Non-federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR Section 200.112. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Grants Officer (GO) in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

Restrictions on Lobbying

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

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.

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 Section 200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR Section 180).

D.2.5. Budget Proposal

Submission of a budget proposal is required. The total project cost is the sum of all allowable items of costs, including all voluntary tribal contributions, third-party contributions, and indirect costs, that are necessary to complete the project. 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 voluntary contribution by the Tribe, third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs.

- Costs to be reimbursed with the requested federal funding.
- Voluntary costs to be paid by the Tribe, though not required by legislation.
- Value of third-party contributions.

Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Section 200, available at the Electronic CFR (www.ecfr.gov). Tribes are strongly encouraged to review the procurement standards for federal awards found at 2 CFR Section 200.317 through Section 200.326 before developing their budget

proposal. Reclamation will not execute a financial assistance agreement until all funding (Federal and non-Federal funding) has been secured and made available to the Tribe or Tribal Government. This stipulation is needed because the Inflation Reduction Act funds must be obligated by September 30, 2026. Environmental and cultural resource compliance costs are considered project costs, including those costs incurred by Reclamation, and will need to be included as a separate line item.

You may include indirect costs that will be incurred during the project, which will not otherwise be recovered, as part of your project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization as a separate line item.

It is recommended that Tribes use the budget proposal format shown in APPENDIX A or a similar format that provides this information.

D.2.6. Budget Narrative

Submission of a budget narrative is required. The budget narrative provides a discussion of, or explanation for, items included in Section B of the SF-424A. If selected for award, successful Tribal applicants will need to submit detailed supporting documentation for all budgeted costs. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The narrative should describe the basis for and purpose of all cost elements. See APPENDIX A for examples.

D.2.7 Pre-award Costs

Pre-award costs may be included in the D.2.5 Budget Proposal and the D.2.6 Budget Narrative. If the proposed project is selected, the awarding Reclamation Grants Officer (GO) 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 Section 200 and all other requirements of this NOFO.

Costs incurred prior to 03/26/2024 are not eligible project costs under this NOFO and should not be included in the proposed project budget. In addition, please ensure that the budget proposal includes any project costs that may be incurred prior to award. For each cost, describe:

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

Costs for preparing and submitting an application in response to this NOFO, including the development of data necessary to support the proposal, are not eligible project costs under this NOFO and cannot be included in the project budget.

D.3. Application Submission Date and Time

Due Date of Application

04/11/2024 by 4:00 p.m. Mountain Standard Time

Late applications will not be considered unless it is determined that a delay was caused by Reclamation mishandling.

Application Delivery Instructions

Applications can be submitted electronically via email to bor-sha-fafoa@usbr.gov or hard copies can be sent by U.S. Mail or express delivery to the addresses below or electronically through www.grants.gov by the specified date and time.

or

Paper Applications can be delivered to Reclamation by the specified date and time:

By mail or United States Postal Service overnight services:

Bureau of Reclamation
Financial Assistance Operations Section
Attn: NOFO Team
P.O. Box 25007, MS 84-27133
Denver, CO 80225

By all other express delivery and courier services:

Bureau of Reclamation mail services
Attn: NOFO Team
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

Acknowledgement of Application Receipt

For mail-in and email application submission, Tribal applicants will receive an e-mail acknowledging receipt from Reclamation. Grants.gov automatically generates an electronic date and time stamp in the system upon receiving the application. Grants.gov sends an acknowledgement of receipt with the date and time stamp and a unique Grants.gov application tracking number to the applicant's authorized representative by email. This email from Reclamation or Grants.gov serves as proof of timely submission.

E. Application Review Information

E.1. Evaluation Criteria

Project proposals will address each of the applicable criteria and sub-criteria in the order presented to assist in the complete and accurate evaluation of the proposal. **Proposals should clearly demonstrate how the project will accomplish one of more of the objectives listed in Section B.** Projects will be prioritized to ensure the goals and objectives of the Act are addressed and may be further prioritized to ensure balance among the regions.

Projects that are a phase or part of a larger project should provide demonstrable benefits upon completion that are not dependent upon any other phases or the larger project.

E.1.1. Evaluation Criterion A—Project Need (30 points)

Up to **30 points** may be awarded based upon the extent to which the proposal demonstrates a compelling need to implement the project. Compelling need should be demonstrated through responses, as applicable, to a subset or all of the following:

- Identify any Reclamation water projects whose operations impact Tribal water resources. Describe how the impacts affect the development, management and/or protection of Tribal water and related resources.
- Describe how the operation of a Reclamation water project has resulted in an adverse impact on drinking water supplies or the loss of Tribal water or related trust resources.
- Has the Tribe or State declared a drought emergency? Describe how the lack or limited availability of water has affected the Tribe’s ability to develop, manage, or protect its water and related resources.
- How does federal funding assist in developing the project?
- What is the magnitude of the near-term and long-term impacts if the proposed project is not funded (e.g., access to water, regulatory, and social risk etc.)?
- Does the project address the health and safety of Tribe and its members, and if so, how?
- How urgent is the proposed project? Describe any factors that place Tribal drinking water supplies or water related trust resources in imminent jeopardy or threaten the beneficial use of a Tribal water resource. Describe the basis for any adverse impacts that are likely to result from such jeopardy or threats.
- Does project assist in complying with regulatory requirements related to water and related resources, and if so, how?
- Does the project accelerate drought response actions for an earlier realization of project benefits?

E.1.2. Evaluation Criterion B—Project Benefits (30 points)

Up to **30 points** may be awarded based upon evaluation of the benefits that are expected to result from implementing the proposed project/activity. This criterion considers a variety of project benefits to water and related resources, including increases to water availability, reliability and quality, improvements to water management, and/or reduction to conflicts between water users.

Describe the expected benefits and outcomes of the project. It is not necessary to answer all questions in the affirmative to score well on this criterion and points will be allocated based on the degree to which the project mitigates drought impacts as a whole.

- Does the project proposal bring near-term (within 2 years of execution of grant agreement) positive impacts to communities by bringing projects to completion or meaningfully advances progress?
- Does the proposed project provide or improve the availability of a reliable drinking water supply? If so, how?
- Does the proposed project protect, improve, or restore water related Tribal trust resources? If so, how?
- Does the project improve development, management, and/or protection of Tribal water and related resources impacted by the operation of Reclamation water project and drought, and if so, how?

- Does the project build or enhance the Tribe’s internal capacity to manage, develop and protect its water and related resources impacted by the operation of Reclamation water projects and drought, and if so, how?
- If the project includes data collection related to water quality impacted by drought:
 - How will data be analyzed and used to benefit the Tribe?
 - How will data analyses inform management decisions/ approaches?
- If the project improves water reliability or builds long-term drought resilience for a given Tribal community:
 - How and to what extent?
- Does the project assist with addressing current or future water shortages, and if so, how?
- Will the project build long-term resilience to drought, and if so, how?
- Will the project make additional water supplies available, and if so, how?
 - What is the estimated quantity of additional supply the project will provide and how was this calculated?
 - What percentage of the total water supply does the additional water supply represent?
- Does the project improve Tribal water system efficiencies and promote water conservation, and if so, how?
 - What is the estimated average annual quantity of conserved water and how was this calculated?
 - How will the conserved water be used?
- Does the project reduce conflicts related to drought between water users, including instream water necessary to protect aquatic ecosystems, and if so, how?
 - Does the project address heightened competition for finite water supplies or issues related to over-allocation of water rights, and if so, how?
 - Does the project promote and encourage collaboration among parties in a way that helps increase the reliability of the water supply, and if so, how?
 - Will the project help prevent a water-related crisis or conflict, and if so, how?
 - Is there frequently tension or litigation over water in the basin?
 - Are there non-Tribal partners in the project and what is their roles?
- Is the project supported by existing drought and water resource management plans, and if so, how?
- Does the project protect and enhance the environment, and if so, how?
- Projects that involve riparian and aquatic habitat improvements, must also improve water quality and quantity. Describe the environmental benefits as they relate to improved water quality and quantity.

E.1.3 Evaluation Criterion C—Project Implementation (30 points)

Up to **30 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Proposals that describe a detailed plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates) will receive the most points under this criterion. In responding to this criterion, provide the following information to demonstrate the capability to implement the project:

- Describe the implementation plan for the project including a budget and schedule that shows the stages and duration of the proposed work and associated costs.
- The plan should also include major tasks and milestones, identify staff with appropriate technical and project management expertise and describe their qualifications and roles in the proposed project or activity.
- Describe the Tribe's capacity to implement the proposed project.
- Describe any plans to contract activities. Describe the procurement standards that will be used to select successful contractors.
- Describe any permits that will be required, along with the process for obtaining such permits.
- Identify and describe any engineering or design work performed specifically in support of the proposed project.
- Describe any new policies or administrative actions required to implement the project.
- Identify staff with appropriate technical and project management expertise and describe their qualifications and roles in the proposed project or activity.
- Describe how the environmental compliance estimate was developed. Has the compliance cost been discussed with the local Reclamation office?

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. 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

The GO will screen applications to ensure they meet basic eligibility requirements. The GO will screen all application packages to ensure that: The Tribal applicant meets the completeness and eligibility requirements stated in this NOFO.

- The Tribal applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO.
- The application meets the content requirements of the NOFO package, including submission of a technical proposal and budget narrative.
- The application contains properly completed mandatory forms SF-424, Application for Financial Assistance and SF-424B/D, Assurances Form, a completed SF-424A/C, Budget Information Form.

A complete application must include all requirements described in the above bullets. Applications must satisfy basic eligibility screening requirements to be considered for further review. The GO reserves the right to remove an application from funding consideration during the initial screening if it is not submitted on time, does not include the appropriate SF-424 forms, does not include a technical proposal, or does not include a budget narrative. In that event, the GO will send a notification of elimination to the applicant. If an application is missing other information, Reclamation may reach out to request that information within a specified

timeframe. Applications must satisfy basic eligibility screening requirements to be considered for further review.

E.2.2. Application Review Committee

An Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation, will review the technical merit of the application. Evaluation criteria will comprise the total evaluation weight as stated in the paragraph E.1., “Technical Proposal: Evaluation Criteria,” of this NOFO.

Reclamation will score applications using the evaluation criteria and the ARC will also review the application to ensure that the project is eligible 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 and Programmatic Review

The “red-flag” and programmatic review of the top-ranking applications 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. The top-ranking projects will also be sent to the appropriate offices in Reclamation and the Department (e.g., Secretary’s Indian Water Rights Office), BIA, IHS, and EPA for review.

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 proposals have been selected for award consideration.

E.2.5. Federal Award Performance Integrity

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 (see 41 U.S.C. Section 2313).

Tribes, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a federal awarding agency previously entered and that is currently in the designated integrity and

performance system accessible through SAM. Reclamation will consider any comments by the Tribe, 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.

F. Federal Award Administration Information

F.1 Federal Award Notification

Upon approval, the NAIAO Program Manager or his/her designated appointee will notify the Tribes and each regional NAA Program Manager. The regional NAA Program Manager or NAA Area Office Coordinator and GO will work with the Tribe to refine the scope and budget and validate any work and cost items needed to complete the purpose of the project within the approved budget as part of the grant agreement execution process. This notice is not an authorization to begin performance.

F.1.1. Post Selection 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.

Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. Environmental compliance may be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation GO. Ground-disturbing activities may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation GO.

Budget Analysis and Business Evaluation

A Reclamation GO will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Reclamation GO 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, audit compliance, and adequacy of management standards, as established by applicable OMB circulars.

F.2 Administrative and National Policy Requirements

See the [“DOI Standard Terms and Conditions”](#) for the administrative and national policy requirements applicable to Reclamation and Department awards.

F.2.1 Automated Standard Application for Payments Registration

All Tribal 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 UEI Number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI Number and/or bureau. Note that if the Tribal applicant's entity is currently enrolled in the ASAP system with a bureau *other* than Reclamation, they must enroll specifically with Reclamation in order to process payments. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

F.2.2. Environmental and Cultural Resources Compliance and Costs

All projects being considered for award funding will require compliance with the National Environmental Policy Act (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), Endangered Species Act (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. Environmental and cultural resources compliance costs are considered project costs.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant.

Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

Under no circumstances may a Tribal applicant begin any monitoring, measurement, or other ground-disturbing activities before environmental and cultural resources compliance is complete and Reclamation 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. A Tribal applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3. Approvals and Permits

Tribes 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.2.4 Geospatial Data and Data Tools

All geospatial data collected for or produced through a Departmental financial assistance agreement is required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, Section 751-759C, codified at 43 U.S.C. Section 2801–2811. Reclamation requires all geospatial data collected for or produced through a Departmental financial assistance agreement to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, Section 751-759C, codified at 43 U.S.C. Section 2801–2811. The Department requires fully compliant metadata on all geographic information systems files developed for financial assistance projects. applicant is required to search GeoPlatform.gov to determine that no existing federal, state, local or private data meet the government’s needs and are available at no cost before acquiring or collecting additional geospatial data.

F.2.5. Intangible Property (2 CFR Section 200.315)

Title to intangible property acquired under a federal award vests upon acquisition in the non-federal entity (see Section 200.1 Intangible Property). 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).

F.2.6. Real Property, 2 CFR Section 200.311

Real property, equipment, and intangible property, that are acquired or improved with a federal award must be held in trust by the non-federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR Section 200.316 *Property trust relationship*). Title to real property acquired or improved under a federal award will vest upon acquisition in the non-federal entity. Except as otherwise provided by federal statutes or by Reclamation, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-federal entity must obtain disposition instructions from Reclamation. As required by 2 CFR Section 200.330 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.7. Wage Rate Requirements (Davis-Bacon Act) (if applicable)

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan

Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

F.2.8. Buy America Domestic Procurement Preference

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI

may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at:

www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award).
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant [PSC](#) or [NAICS](#) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does **not** include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

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

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

F.3. Reporting Requirements and Distribution

If the Tribal applicant is awarded an agreement as a result of this NOFO, the Tribal applicant will be required to submit the following reports during the term of the agreement. Recipients will also be required to have a system in place to comply with these reporting requirements (see 2 CFR Section 170.210 for additional information).

F.3.1. Interim Financial Reports

Tribes will be required to submit a fully completed form SF-425 Federal Financial Report in the frequency outlined in the financial assistance agreement. The SF-425 must be signed by a person legally authorized to obligate the Tribe.

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 will be submitted in the frequency outlined in the financial assistance agreement, which 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 Reports

Tribes 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.
- If applicable, a copy of the completed Watershed Restoration Plan.
- Photographs documenting the project are also appreciated.
- Tribes will be required to submit a Final SF-425 Federal Financial Report.

G. Federal Awarding Agency Contacts

Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Kelly Titensor, Native American Affairs Advisor:

By e-mail: ktitensor@usbr.gov
By phone: 202-578-5144

Reclamation Regional Native American Affairs Coordinator Contacts:

Columbia-Pacific Northwest – Melinda Hernandez-Burke, mhernandezburke@usbr.gov
Regional Office
1150 North Curtis Road
Boise, ID 83706

Missouri Basin and the Texas Rio Grande Arkansas River – Doug Davis,
douglasdavis@usbr.gov
Regional Office
PO Box 36900
Billings, MT 59101-6900

California Great-Basin – Kevin Clancy, kclancy@usbr.gov
Regional Office
2800 Cottage Way
Sacramento, CA 95825

Lower Colorado Basin – Kaylee Nelson, kdnelson@usbr.gov
Regional Office
500 Fir Street
Boulder City, NV 89005

Upper Colorado Basin – Ernie Rheume, erheume@usbr.gov
Regional Office
125 State Street
Salt Lake City, UT 84138

H. Other Information

H.1. Disclosures

H.1.1. Conflict of Interest Disclosures

Tribal recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their federal award, including those reported to them by any subrecipient under the award. Tribal recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any federal employee in the federal funding program or who otherwise may have been involved in the review and selection of the award.

H.1.2. Other Mandatory Disclosures

The non-federal entity or Tribal applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-

federal entities that receive a federal award including the terms and conditions outlined in 2 CFR Section 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR Section 200.338 *Remedies for noncompliance*, including suspension or debarment.

H.2. Data Availability (2 CFR Section 1402.315)

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification. The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for federal purposes, including to allow for meaningful third-party evaluation.

H.2.1. Freedom of Information Act

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. Section 552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. 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 U.S.C. Section 552(a)(4)(A)).

H.3. Compliance with Federal Laws

The following is a brief overview of National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA). This information is only relevant to proposals that include measurement, monitoring and field work. 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.

H.3.1. 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 proposal.

H.3.2. 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.

H.3.3 Endangered Species Act

Pursuant to Section 7 of the ESA, each federal agency is required to consult with the USFWS or the 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**.

Appendix A

Budget Detail and Narrative Template 01.2022 (attached).