



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00013

Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2024



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.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Native American and International Affairs Office
Funding Opportunity Title:	Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R24AS00013
Assistance Listing Number:	15.519
Dates: (See NOFO Sec. D.4)	Application due date: Tuesday, March 12, 2024, at 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	Federally recognized Indian Tribes in the 17 Western States identified in the Reclamation Act of June 17, 1902 as amended and supplemented, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.
Recipient Cost Share: (See NOFO Sec. C.2)	None required
Federal Funding Amount: (See NOFO Sec. B.2)	The total Federal funding amount will not exceed \$400,000 per applicant. Applicants may submit more than one application for funding consideration. However, no more than \$400,000 will be awarded to any one applicant under this NOFO.
Period of Performance: (See NOFO Sec C.3.3)	All work on a project funded under this NOFO should be completed within 2 years from the date of the execution of a grant/cooperative agreement.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 10-15 projects contingent upon available appropriations.

Application Checklist

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

✓	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) • SF-424B: Assurances - Non-Construction Programs (OMB) 	See Sec. D.2.2.1	9
✓	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See Sec. D.3	15
✓	Technical Proposal (Use Project Narrative Attachment Form to upload in grants.gov)	See Sec. D.2.2.2	9
✓	Budget Narrative (Use Budget Narrative Attachment Form to upload in grants.gov)	See Sec D.2.2.3	11
✓	Recommended Application Components:	Required content	Page
	Environmental and cultural resources compliance	See Sec. D.2.2.4	12
	Required permits or approvals	See Sec. D.2.2.5	12
	Overlap or duplication of effort statement	See Sec D.2.2.6	12
	Conflict of interest disclosure statement	See Sec D.2.2.7	13
	Uniform audit reporting statement	See Sec D.2.2.8	14
	Letters of support	See Sec. D.2.2.11	15
	Personnel Qualifications	See Sec. E.1.3	23
	OMB Form 4040-0013: Certification Regarding Lobbying		
	SF-LLL: Disclosure of Lobbying Activities (if applicable) (OMB)		

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIN	Employee Identification Number
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
IBC	Interior Business Center
MTDC	Modified total direct costs
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOFO	Notice of Funding Opportunity
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System of Award Management
TAP	Technical Assistance Program
UEI	Unique Entity Identifier
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service

Table of Contents

	<i>page</i>
Section A. Funding Opportunity Description	1
A.1. Program Information	1
A.2. Objective of this Notice of Funding Opportunity (NOFO)	1
A.3. Statutory Authority	1
A.4. Other Funding Opportunities	2
Section B. Award Information.....	3
B.1. Total Funding	3
B.2. Project Funding Limitations	3
B.3. Number of Awards	3
Section C. Eligibility Information	5
C.1. Eligible Applicants	5
C.2. Cost Sharing Requirements	5
C.3. Eligible Project Types	6
Section D. Application and Submission Information	9
D.1. Address to Request Application Package.....	9
D.2. Content and Form of Application Submission	9
D.3. Unique Entity Identifier and System for Award Management.....	16
D.4. Submission Date and Time.....	17
D.5. Intergovernmental Review	19
D.6. Funding Restrictions.....	19
Section E. Application Review Information	22
E.1. Technical Proposal: Evaluation Criteria	22
E.2. Review and Selection Process	26
E.3. Federal Award Performance Integrity Information System.....	28
E.4. Anticipated Announcement and Federal Award Date	28
Section F. Federal Award Administration.....	29
F.1. Federal Award Notices.....	29
F.2. Administrative and National Policy Requirements.....	29
See the “DOI Standard Terms and Conditions” for the administrative and national policy requirements applicable to Reclamation and Department awards.	29
F.3. Reporting—Requirements and Distribution	34
F.4. Disclosures	36
F.4.1 Conflicts of Interest Disclosures	36
F.6. Releasing Applications	36
Section G. Federal Awarding Agency Contacts.....	38
G.1. Reclamation Financial Assistance Contact	38
G.2. Reclamation Program Coordinator Contact	38

Section H. Other Information..... 40
H.1. Environmental and Cultural Resource Considerations 40
H.2. Background on Federal Environmental and Cultural Resource Laws 41

Tables

page
1.—Summary of Non-Federal and Federal Funding Sources..... 12
2.—Evaluation Criteria Scoring Summary 22

Section A. Funding Opportunity Description

A.1. Program Information

The Bureau of Reclamation (Reclamation), through the Native American Affairs Technical Assistance Program (TAP), provides financial and technical assistance to federally recognized Indian Tribes. The TAP establishes cooperative working relationships, through partnerships with Indian Tribes, to assist Tribes as they develop, manage, and protect their water and related resources. Reclamation's Native American and International Affairs Office, Washington, D.C., plans to make Fiscal Year (FY) 2024 funds available for the TAP through Reclamation's five Regional Offices.

For further information on the TAP please visit:
www.usbr.gov/native/programs/TAPprogram.html

A.2. Objective of this Notice of Funding Opportunity (NOFO)

The objective of this NOFO is to invite federally recognized Indian Tribes to submit proposals for financial assistance for projects and activities that develop, manage, and protect tribal water and related resources.

This NOFO also implements the Biden-Harris Administration's priorities including Presidential Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008), and Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985). E.O. 13985 is supported by this NOFO as it increases opportunities for Indian Tribes to develop, manage, and protect their water and related resources.

A.3. Statutory Authority

TAP is administered in accordance with the Reclamation Act of 1902, as amended and supplemented. Consolidated Appropriations Resolution, 2003, Division D - Energy and Water Development Appropriations, Title II, Sec. 201, Public Law (P. L.) 108-7 (43 USC 373d) authorizes Reclamation to enter into grants and cooperative agreements with federally recognized Indian Tribes to increase opportunities to develop, manage, and protect tribal water and related resources.

A.4. Other Funding Opportunities

Reclamation provides funding through other programs that may assist Tribes in developing, managing, and protecting their water and related resources. Tribes are eligible recipients in the programs outlined below.

Through **WaterSMART Grants**, Reclamation also provides other funding opportunities. Through **Small-Scale Water Efficiency Projects**, Reclamation provides funding for small-scale water management projects that have been identified through previous planning efforts. Reclamation has developed a streamlined selection and review process to reflect the small-scale nature of these projects.

Through the **Drought Response Program**, Reclamation provides funding to help build resilience to drought. Through **Drought Contingency Planning**, Reclamation supports developing 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 **Applied Science Grants**, Reclamation provides funding to support projects to develop hydrologic information and water management tools and to improve modeling and forecasting capabilities.

Funding is available under the **Cooperative Watershed Management Program (Phase I)** to support watershed group development, watershed restoration planning, and watershed management project design.

Through **Environmental Water Resources Projects**, funding is provided 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. Projects under this new category of funding may be eligible for up to 75% Federal funding. Sponsors of Drought Resiliency Projects, Water and Energy Efficiency Grants, or Cooperative Watershed Management Program Phase II projects that are focused on environmental benefits and that meet other requirements should apply under this new funding opportunity.

For additional information regarding these NOFOs, please visit the WaterSMART program website: www.usbr.gov/watersmart/.

Small Storage Program—Funding is available for planning, design, and construction of surface water and groundwater storage projects with a storage capacity of not less than 200 acre-feet and not greater than 30,000 acre-feet. Additional information regarding eligibility and timing for this opportunity is available at the Small Storage program website: <https://www.usbr.gov/smallstorage/>.

Section B. Award Information

B.1. Total Funding

Reclamation will determine the final amount of funding available for award under this NOFO once final FY 2024 appropriations have been made. The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other elements of the Native American Affairs TAP.

Budgetary constraints limit the number of projects that may be funded. It is anticipated that \$4.0 million will be available in FY 2024. Additional projects may be funded under this NOFO if additional funds become available in 2024 or subsequently.

B.2. Project Funding Limitations

The total Federal funding amount will not exceed \$400,000 per applicant. Applicants may submit more than one application for funding consideration. However, no more than \$400,000 will be awarded to any one applicant under this NOFO.

All work on a project funded under this NOFO should be completed within 2 years from the date of execution of the grant/cooperative agreement.

B.3. Number of Awards

Reclamation anticipates that 10-15 awards will be made under this NOFO. The total number of awards will depend on the amount requested by each applicant and the amount of Federal funding available for award under this NOFO.

B.4. Assistance Instrument

Award will be made through financial assistance grants or cooperative agreements, as applicable to each project.

If a cooperative agreement is awarded, Reclamation will have substantial involvement in the project. Reclamation can perform technical work through Regional and Area Offices, the Technical Service Center or water quality labs. For cooperative agreements, substantial involvement by Reclamation may include, but not be limited to, the following:

- 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.
- Technical support and other services provided to the Tribe towards the objectives of the proposal.

Reclamation's involvement in a cooperative agreement must be discussed in the project scope and all associated costs must be included in the budget. If the project is selected, the amount of funding required for Reclamation's activities will be withheld from the Federal award amount. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Federal Awarding Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award to fund activities must be:

- Federally recognized Indian Tribes located in the 17 Western States identified in the Reclamation Act of June 17, 1902, as amended and supplemented: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

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

- Federal governmental entities.
- State governmental entities.
- Local governmental entities.
- Individuals.

C.2. Cost Sharing Requirements

There is no requirement for a non-Federal cost-share contribution; however, partnering and collaboration is encouraged. If included, a non-Federal contribution may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions is 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. If the proposal includes non-Federal contributions, the applicant should include a description of the source, nature, amount or estimated value, and the intended use of any contributions to be provided in accordance with the following provisions.

C.2.1. 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/.

C.2.2. 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions, available at www.ecfr.gov.

C.2.3. Other

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 Project Types

C.3.1 Eligible Projects

To be eligible for funding under this NOFO, projects must be directly related to the development, management, or protection of tribal water and related resources.

Eligible activities may include, but are not limited to:

- Water need and water infrastructure assessments.
- Water management plans and studies.
- Short-term water quality or water measurement data collection and assessment to inform new management approaches.
- Training for tribal staff and managers in areas of water resources' development, management and protection.
- Minor repair, rehabilitation or replacement of existing tribally owned, water-related structures and facilities to restore original capability.
- Minor infrastructure installation projects such as: Efficient land-scape irrigation.
- Drilling domestic or stock watering wells.
- On-the-ground activities related to riparian and aquatic habitat with the goal to maintain or improve water quantity or water quality:
 - Restoring wetlands.
 - Controlling erosion.
 - Stabilizing streambanks.
 - Constructing ponds.
- Developing water basin plans.

- Distinct, stand-alone water related activities that are part of a larger 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 description of other activities or components of the overall project.

C.3.2 Ineligible Projects

Project activities that are not eligible for funding under this NOFO include, but are not limited to:

- Feasibility studies (as defined under Reclamation law, which require express congressional authorization).
- Activities that lack definable products or deliverables.
- Specific employment positions within an Indian Tribe.
- Activities with a duration of more than 2 years from date of execution of a grant/cooperative agreement.
- Activities that generate data or analyses that have the potential to compromise any study or activities of a U.S. Department of the Interior (Department) Indian water rights negotiation or the Department of Justice in its pursuit of related Indian water rights claims.
- Activities related to non-Federal or non-tribal dams and associated structures.
- Activities providing funding for the administration of contracts or agreements under P.L. 93-638 that are unrelated to the TAP.
- Purchase of equipment as the sole purpose of the activity.
- Water purchases including the purchase or leasing of water rights or water shares.
- Activities in direct support of litigation of any kind.
- Activities that will obligate Reclamation to provide, or are not sustainable unless Reclamation does provide, on-going funding, such as an obligation to provide future funding for operation, maintenance, or replacement.
- Biological activities such as:
 - fisheries work (including collection, analysis and evaluation of background data);
 - habitat restoration unless directly related to water quality and quantity; and
 - ecosystem based activities such as biological surveys, air quality monitoring, and watershed -scale management.

C.3.3 Period of Performance

Proposed project activities should be completed within 2 years of execution of a grant/cooperative agreement

Section 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 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 NOFO Team at 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 evaluation criteria section of the application shall be limited to a maximum of 20 consecutively numbered pages. If this section of the application exceeds 20 pages, only the first 20 pages will be evaluated. Other required application content will not count towards the page limitation. 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.

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

Applications will be screened for timeliness, completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding. The application must include the items identified as Mandatory Application Components in the Application Checklist located on page ii to be considered complete. Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424family.html.

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete or noncompliant applications not including required materials will be eliminated from competition.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be reviewed at www.grants.gov/web/grants/forms/sf-424-family.html.

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. The SF-424 must contain a valid Unique Entity Identifier (UEI). Applications that fail to include a properly signed SF-424 by the submission deadline will be considered ineligible will not pass initial screening.

Applicants requesting more than \$100,000 in Federal funding, must certify to the statements in [43 CFR Part 18, Appendix A-Certification Regarding Lobbying](#). The Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

Failure to submit a signed SF-424 with a valid (UEI) number will result in the elimination of the application from further consideration.

SF-424A Budget Information A fully completed SF-424A Budget Information Non-Construction Programs must be submitted with the application. *Failure to submit a SF-424A will result in the elimination of the application from further consideration.*

SF-424B Assurances A SF-424B Assurances Non-Construction Programs 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-424B will result in the elimination of the application from further consideration.

D.2.2.2. Technical Proposal Content

Submission of a technical proposal is mandatory and must be received by the application deadline. Failure to submit this information will result in the elimination of the application from further consideration.

Information provided in this section shall be limited to a maximum of **20** consecutively numbered pages. If this section exceeds **20** pages, only the first **20** pages will be evaluated. The technical proposal and evaluation criteria should include:

- (1) Executive summary
- (2) Background data
- (3) Technical project description
- (4) Evaluation criteria

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.

Table of Contents List all major sections of the proposal in the table of contents.

Executive Summary The executive summary should include:

- The date, applicant name, city, county, and state.
- A one paragraph project summary that specifies the work proposed, including how funds will be used to accomplish specific project activities and briefly identifies how the proposed project contributes to accomplishing the goals of this NOFO.
- State the length of time and estimated completion date for the proposed project.
- Whether or not the proposed project is located on a federal facility or will involve Federal land.

Background Data Provide appropriate background information about the general project area. Provide a map, if appropriate, showing the geographic location of the project (include pertinent information such as reservation boundaries, state, county, and direction from nearest town). Identify any immediate needs or potential issues with respect to the health and safety of tribal members that the project is intended to address.

If applicable, describe the sources of water supply, water rights involved, water system, and current water uses (i.e., agricultural, municipal, domestic, or industrial). Identify any potential health and safety issues or shortfalls in water supply.

Identify any past working relationships with Reclamation. This should include the date(s), name of the Reclamation office(s), and a description of the projects(s).

Technical Project Description and Milestones The technical project description should describe the work in detail, including specific activities that will be accomplished. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal. The technical project description must include milestones for the completion of the project, including, but not limited to, environmental compliance, permitting, final design, and construction.

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 description of other activities or components of the overall project.

Evaluation Criteria (See Section E.1. Technical Proposal: Evaluation Criteria for additional details, including a detailed description of each criterion and sub-criterion and points associated with each.)

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

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

D.2.2.3. Project Budget

The 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. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

Table 1. Summary of Non-Federal and Federal Funding Sources

FUNDING SOURCES	AMOUNT
Non-Federal Entities	
1.	\$
2.	\$
3.	\$
Non-Federal Subtotal	\$
REQUESTED RECLAMATION FUNDING	\$

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A or Cost Classification categories identified on the SF-424C. The budget narrative must clearly identify ***all*** items of cost (**total estimated project 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. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. 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 CFR (www.ecfr.gov).

Budget Proposal and Funding Plan The 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. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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.

Please note: The Budget Narrative Attachment Form in Grants.gov is to be used to upload the budget proposal.

Failure to submit a budget proposal will result in the elimination of the application from further consideration.

Project costs for environmental and cultural compliance and engineering/design that were incurred or are anticipated to be incurred prior to award may be included in the proposed project budget *if incurred on or after Monday, January 22, 2024*.

Incurrence of pre-award costs is not authorized without prior written approval of the awarding Grants Officer. Per 2 CFR 200.458, pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

- In no case will costs incurred prior to January 22, 2024, be considered for inclusion in the final approved project budget.
- *Please note that the 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 must not be included in the 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
 - How the expenditure benefits the project

If the proposed project is selected, the awarding Reclamation 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, and all other requirements of this NOFO.

D.2.2.4. Environmental and Cultural Resources Compliance

If the project includes monitoring, measurement, or other field work, environmental and cultural resources compliance may be required. Proposals that include on the ground activities should answer the questions from Section H.1. Environmental and Cultural Resource Considerations in this section.

D.2.2.5. Required Permits or Approvals

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.

D.2.2.6 Overlap or Duplication of Effort Statement

Applicants must provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or

commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants must also state if the proposal submitted for consideration under this program does or does not in any way duplicate 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 such a circumstance exists, applicants must 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.

D.2.2.7. Conflict of Interest Disclosure Statement

Conflict of Interest Disclosure Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §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§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 §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 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.

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 §18 and 31 U.S.C §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 §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and nonprofit organizations expending \$750,000 in U.S. dollars or more in Federal award funds in your organization’s fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse’s Internet Data Entry System in accordance with 2 CFR §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. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9 Letters of Funding Commitment

If a project is selected for award under this NOFO and cost share funding is anticipated to be provided by a source other than the applicant, the third-party cost share must be supported with letters of commitment prior to award. Letters of commitment should identify the following elements:

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

Cost-share funding from sources outside the applicant’s organization (e.g., loans of State grants) should be secured and available to the applicant prior to award.

Reclamation will not execute a financial assistance agreement until non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that the non-Federal funds will be available to the applicant after executing the agreement.

D.2.2.10 Official Resolution

If selected, the applicant must provide prior to award an official resolution adopted by the applicant’s Tribal Council, board of directors or governing body that is 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 Tribal Council, 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. Reclamation will not make an award to any applicant that has not satisfied the Official Resolution submission requirement. If the applicant is unable to submit the official resolution by the application deadline the official resolution may be submitted to bor-sha-fafoa@usbr.gov.

D.2.2.11. Letters of Support

If appropriate, please include letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support/partnership letters as an appendix. *(Note: this will not count against the application page limit.)* Letters of support received after the application deadline for this NOFO will not be included with your application.

D.2.2.12. Disclosure of Lobbying Activities (if applicable)

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.3. Unique Entity Identifier and System for Award Management

Each applicant (unless the 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:

- (i) Be registered in the System for Award Management (SAM) before submitting an application. Instructions for registering are available at sam.gov/content/home.
- (ii) Provide a valid unique entity identifier in its application; and
- (iii) 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. Reclamation will not make a Federal award to any applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements.

Register with the System for Award Management

Each applicant must be registered in SAM before submitting an application.

Register on the [SAM.gov](https://sam.gov) website. “Help” tab on the website contains User Guides and other information to assist you with registration. The [Grants.gov Register with SAM page](#) also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity’s IRS information.

See the “Submission Requirements” section of this document below for more information on SAM.gov registration.

There is no cost to register with SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; please be aware you can register and request help for free.

Obtain a UEI Number

Provide a valid unique entity identifier 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 and UEI Number

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. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

D.4. Submission Date and Time

The application deadline is:

Tuesday, March 12, 2024, 4:00 p.m. Mountain Daylight Time

Applications must be submitted electronically through www.grants.gov. 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 Grants.gov serves as proof of timely submission.

The applicant may submit a paper application if approved by the Reclamation Grants Officer. Applications sent by mail without prior approval will be rejected and deemed ineligible.

The applicant may request an exemption from the required electronic application submission due to exigent circumstances, by submitting an email request to the Reclamation Grants Officer for approval. Applicants may email exemption requests to bor-sha-fafoa@usbr.gov. All emailed exemption requests must include the following information:

1. the NOFO Number and the language: “Request for FY [insert year]” in the subject line of the email,
2. the NOFO title and number,
3. the application due date of the specified NOFO,
4. the Assistance Listing number,
5. the name of the applicant organization and UEI number(s),
6. the authorized organizational representative name and contact information (phone and email address),
7. the name and email of the point of contact regarding matters involving the application, and
8. justification to prevent an electronic application submission.

The Grants Officer must receive requests no later than 2 weeks or 14 days before the application due date listed within the NOFO. Reclamation will acknowledge requests for exemption from required electronic application submission with a written approval or disapproval via email from the Grants Officer within 7 business days.

Unless the applicant has received an approved exemption, we strongly encourage applicants to use grants.gov to submit proposals. Under no circumstances will Reclamation consider applications received through any other method (such as e-mail or fax) as eligible for award.

Applicant resource documents and a full set of instructions for registering with grants.gov and completing and submitting applications online are available on grants.gov. Application submission requires prior registration through grants.gov, which may take up to 21 days. In addition, please note 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.

D.4.1. Application Delivery Instructions

Applications must be submitted electronically through Grants.gov (www.grants.gov).

The applicant may submit a paper application if approved by the Reclamation Grants Officer and if the applicant is found to be under exigent circumstances (i.e., Federally declared disaster area). Applications sent by mail without prior approval will be rejected and deemed ineligible.

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 Electronically

Electronic applications must be submitted through Grants.gov. Reclamation encourages applicants to submit their applications for funding electronically through www.grants.gov/applicants/apply-for-grants.html. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are also available at: www.grants.gov/applicants/apply-for-grants.html.

Application submission 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. *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.

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), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

D.4.2.2. Acknowledgement of Application Receipt.

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov.

D.5. Intergovernmental Review

This NOFO is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

D.6. Funding Restrictions

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable

only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity and are limited to costs related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting. If the proposed project is selected, the pre-award costs will be reviewed 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 and all other requirements of this funding opportunity.

Note: Any incurrence of costs in the performance of the project prior to the issuance of a financial assistance award is at the applicant's own risk. No legal liability on the part of Reclamation for any payment may arise until funds are made available, in writing, by a Reclamation Grants Officer.

D.6.2 Project Cost Restrictions

Proposal costs. The costs for preparing and submitting an application in response to this funding opportunity, including developing data necessary to support the proposal, are not eligible project costs and must not be included in the project budget.

Other project costs. The costs for the purchase of water or land, or to secure an easement other than a construction easement are not eligible project costs under this funding opportunity.

Costs for Monitoring, Measurement, and Fieldwork: Cost for monitoring, measurement, and fieldwork should not exceed 50 percent of the Reclamation grant funding.

D.6.3 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 ("environmental compliance"). Projects funded under this program may have environmental compliance activities undertaken by Reclamation and the successful applicant.

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.

D.6.4 Indirect Costs

The applicant may include indirect costs that will be incurred during the development or construction of a 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. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the project budget may include a de minimis rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to [2 CFR§200.68](#).

If the applicant does not have a federally approved indirect cost rate agreement and are 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 <https://ibc.doi.gov/ICS/icrna>.

If the applicant does not have a Federally approved indirect cost rate agreement and are 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.

If Reclamation does select the proposed project for award, applicant must submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to the applicant’s organization is the cognizant agency for indirect costs, unless otherwise assigned by OMB. If the Department of the Interior is the applicant’s organization’s cognizant agency, the Interior Business Center will negotiate the indirect cost rate. Contact the Interior Business Center by phone at 916-930-3803 or email at ICS@ibc.doi.gov. Visit the [IBC website](#), for information regarding email submission forms.

Applicants must have an active Federal award before submitting an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Section E. Application Review Information

E.1. Technical Proposal: Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each of the following criteria and sub-criteria in the order presented to assist in the complete and accurate evaluation of your proposal. **Applications will be evaluated against the evaluation criteria (listed below), which comprise a total of 100 points.** Please note that projects may be prioritized to ensure balance among the Regions and to ensure that the projects address the goals and objectives of the NOFO.

Table 2. Evaluation Criteria Scoring Summary

Evaluation Criteria	Points
E.1.1. Project Need	30
E.1.2. Project Benefits	30
E.1.3. Project Implementation	30
E.1.4. Biden-Harris Administration and the Department of the Interior Priorities	10
Maximum Points	100

If the work described in your application is a phase of a larger project, please only discuss the benefits that will result directly from the work discussed in your application and that is reflected in the budget, not the overall project. Projects that are a phase or a part of a larger project should provide demonstrable benefits upon completion that are not dependent upon any other phases or the larger project.

It is suggested that applicants copy and paste the evaluation criteria and sub-criteria immediately below into their applications to ensure that all necessary information is adequately addressed.

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

Up to **30 points** may be awarded based upon extent to which the proposal demonstrates a compelling need to implement the project based on the following:

- How does Federal funding assist in developing the project?
- What is the magnitude of the impacts if the proposed project is not funded (e.g., public health and safety, regulatory, and social risk etc.)?
- Does the project assist in addressing health and safety of the Tribe and its members, and if so, how?
- How urgent is the proposed project?
- Does project assist in complying with regulatory requirements related to water and water resources, and if so, how?
- What is the status of the Tribe's capacity to manage, develop and protect its water and related resources?
- Are there current or historic drought conditions in the tribal or project area?

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 resources, including increases to water reliability and quality, improvements to water management, and/or reduction to conflicts between water users.

Describe the expected benefits and outcomes of the project. In doing so, please answer all the questions applicable to the project. It is not necessary to answer all these questions in the affirmative to score well on this criterion and points will be allocated based on the degree to which the project provides water resource benefits as a whole.

- Does the project improve development, management, and/or protection of tribal water and related resources, 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, and if so, how?
- Does the project include data collection related to water quality?
 - How will data be analyzed and used to benefit the Tribe?
 - How will data analyses inform management decisions/approaches?
- Does the project include data collection related to water supply?
 - How will data be analyzed and used to benefit the Tribe?
 - How will data analyses inform management decisions/approaches?
- Does the project improve water reliability or build long-term drought resilience for a given tribal community, and if so, 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 between water users, 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 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. Applicants 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 that includes an estimated schedule that shows the stages and duration of the proposed work, during the two-year period of performance. The implementation 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 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.1.4. Evaluation Criterion D—Biden-Harris Administration and Department of the Interior Priorities (10 points)

Up to **10 points** may be awarded based upon the extent to which the proposed project demonstrates support for the Biden-Harris Administration’s priorities, including Presidential Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008). Presidential Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985) is implemented through this NOFO.

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 proposal. Without repeating benefits already described in previous criteria, describe in detail how the proposed project supports a priority(ies) below.

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?
- 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?
- Will the proposed project establish and utilize a renewable energy source?
- Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?
- Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?
- 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?

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. First Level Screening

Financial Assistance will conduct an initial review of each application submitted in response to the NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If the GO determines the Applicant is ineligible or non-responsive, the GO will notify the Applicant. All application packages will be screened to ensure that:

- The applicant meets the eligibility, completeness, and timeliness requirements stated in this NOFO.
- The 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, 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, and a completed SF-424A, Budget Information for Non-Construction Programs.

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be considered for funding. Reclamation reserves the right to remove an application from funding consideration during the initial screening if it is not submitted on time; does not include a SF-424; does not include a technical proposal or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant. If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1 Evaluation Criteria* in Section E. Application Review Information. 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 proposed 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 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 proposals 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. 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 proposals to the appropriate Reclamation Regional or Area Office for completion of environmental compliance. To the extent possible, environmental 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 compliance. The financial assistance agreement will describe how compliance will be carried out and how the costs will be paid. Ground disturbing activities may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Grants Officer.

In some circumstances, environmental compliance may be completed by another Federal agency. If this occurs or if there is an existing environmental compliance document the environmental compliance document will need to be reviewed and adopted by Reclamation and a notice to proceed must be issued by the awarding Grants Officer before ground disturbing activities can begin.

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, 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] §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 §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Date

Anticipated Award Date: Winter 2024

Reclamation estimates contacting potential award recipients and unsuccessful applicants within 90 days of the NOFO closing or soon after. Grants or cooperative agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances.

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

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 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 Unique Entity Identifier (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 Agency.

All of the information on the enrollment process for recipients, including the enrollment initiation form, can be requested by email from 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.

F.2.2. 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, the CWA, the ESA, the NHPA, consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

Note: 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 also responsible for ensuring 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 and should be included in the project budget.**

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 costs anticipated to be incurred by Reclamation as a line item to the budget during development of the financial assistance agreement and cost shared accordingly. 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.

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 Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An 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

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.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful 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.

Any spatially explicit data or tools developed in the performance of an award made under this NOFO must be developed in industry standard formats that are compatible with geographic information system (GIS) platforms.

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

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §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 §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. However, per 2 CFR 200.315 (b) 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 §401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

F.2.6. Real Property, 2 CFR §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 §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 §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. 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/.

F.2.7.1 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.

F.2.7.2 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 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. Recipients will also be required to have a system in place to comply with these reporting requirements (see 2 CFR §170.210 for additional information).

F.3.1. Financial Reports

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report (FFR) on a semi-annual basis and will submit a Final FFR within 120 days of performance period end date. Reporting due dates will be identified in the Notice of Award Terms and Conditions. The SF-425 must be signed by a person legally authorized to obligate the recipient. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

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 a semi-annual basis, that include the following information:

- 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.
- Any additional pertinent information or issues related to the status of the project.

F.3.3. Final Performance Report

Recipients will be required to submit a final performance report encompassing the entire period of performance within 120 days of the period of performance end date. 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 met the objectives of the Tribe or tribal organization.
- 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.

F.3.4 Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4. Disclosures

F.4.1 Conflicts of Interest Disclosures

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. 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. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

The Non-Federal entity or 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 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 §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §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.

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.

F.7 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. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available.

In response to a 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. 552(a)(4)(A)).

Published research findings mean 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.

Section G. Federal Awarding Agency Contacts

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

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to:

Name: Christina Munoz
Email: bor-sha-fafoa@usbr.gov
Phone: 720-614-2192

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R24AS00013 in the subject.**

G.2. Reclamation Program Coordinator Contact

Indian Tribes and tribal organizations with questions regarding this NOFO, applicant and project eligibility, and the application review process or learning more about the other forms of technical assistance that Reclamation provides to Tribes and Tribal organizations, should direct questions to the appropriate Regional point of contact.

Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions

Douglas Davis
Native American Affairs Program Manager
Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Office
PO Box 36900
Billings, MT 59107-6900
douglasdavis@usbr.gov
(406) 247-7710

List of Tribes in the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions:
<https://www.usbr.gov/native/support/Tribes/GreatPlainsTribes.pdf>

Lower Colorado Basin Region

Kaylee Nelson
Acting Native American Affairs Program Manager
Lower Colorado Basin Regional Office

PO Box 61470
Boulder City, NV 89006-1470
kdnelson@usbr.gov
(702) 293-8073

List of Tribes in the Lower Colorado Basin Region

<https://www.usbr.gov/native/support/Tribes/LowerColoradoTribes.pdf>

California-Great Basin Region

Kevin Clancy
Native American Affairs Program Manager
California-Great Basin Regional Office
2800 Cottage Way, Federal Office Building
Sacramento, CA 95825-1898
kclancy@usbr.gov
(916) 978-5194

List of Tribes in the California-Great Basin Region:

<https://www.usbr.gov/native/support/Tribes/Mid-PacificTribes.pdf>

Columbia-Pacific Northwest Region

Melinda Hernandez-Burke
Native American Affairs Program Manager
Columbia-Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234
mhernandezburke@usbr.gov
(208) 215-0065

List of Tribes in the Columbia-Pacific Northwest Region:

<https://www.usbr.gov/native/support/Tribes/PacificNorthwestTribes.pdf>

Upper Colorado Basin Region

Ernest Rheaume
Native American Affairs Program Manager
Upper Colorado Basin Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138-1102
erheaume@usbr.gov
(970) 317-1487

List of Tribes in the Upper Colorado Basin Region:

https://www.usbr.gov/native/support/Tribes/UpperColoradoTribes_508.pdf

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 and to help you budget appropriately for the associated compliance costs.

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, the State Historic Preservation Office, or the Tribal Historic Preservation Officer 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 proposal:

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 **Interior 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 **EA/Finding of No Significant Impact (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 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 a proposal 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 1 month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the Tribal Historic Preservation Officer, 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 2 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 proposal.

You should contact your Tribal Historic Preservation Officer, 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 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 1 day to 1 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 with questions regarding ESA compliance issues.