BUREAU OF RECLAMATION

Funding Opportunity Announcement No. BOR-DO-20-F013

Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2021

Mission Statements

The U.S. Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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 make the benefits of the Reclamation program available to Indian Tribes and to fulfill Reclamation's Indian Trust responsibilities.

Funding Opportunity Announcement No. BOR-DO-20-F013

Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2021

prepared by

Bureau of Reclamation
Native American and International Affairs Office

Cover Image: Meandering Stream. (Reclamation)

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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 2021
Announcement Type:	Funding Opportunity Announcement (FOA)
Funding Opportunity Number:	BOR-DO-20-F013
Catalog of Federal Domestic Assistance (CFDA) Number:	15.519
Dates: (See FOA Sec. D.4)	Application due date: Wednesday, October 28, 2020 at 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See FOA Sec. C.1)	Federally recognized Indian tribes or tribal organizations in the 17 Western States identified in the Reclamation Act of June 17, 1902 including 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 FOA Sec. C.2)	None required
Federal Funding Amount: (See FOA Sec. B.1)	Up to $200,000 per applicant for a project that can be completed within two fiscal years
Estimated Number of Agreements to be Awarded: (See FOA Sec. B.1)	Approximately 5-10 projects per fiscal year contingent on available appropriations.

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Application Checklist

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

√	What to Submit	Required Content	Form or Format	When to Submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424B, SF-424C, SF-424D, and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	
	Title page	See Sec. D.2.2.2		*
	Table of contents	See Sec. D.2.2.3		*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4		*
	Background data	See Sec. D.2.2.4		*
	Project description	See Sec. D.2.2.4		*
	Evaluation criteria	See Sec. E.1		*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5		*
	Budget proposal	See Sec. D.2.2.5	Page 10	*
	Budget narrative	See Sec. D.2.2.5		*
	Environmental and cultural resources compliance	See Sec. D.2.2.6		*
	Required permits or approvals	See Sec. D.2.2.7		*
	Letters of support	See Sec. D.2.2.8		*
	Official Resolutions	See Sec. D.2.2.9		**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 18	***

* Submit materials with your application.

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

*** Should be completed by application deadline; however, please refer to the applicable section of the FOA for extended completion date.

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Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
BIA	Bureau of Indian Affairs
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
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FEMA	Federal Emergency Management Agency
FOA	Funding Opportunity Announcement
FONSI	Finding of No Significant Impact
FY	fiscal year
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
SAM	System of Award Management
SPOC	Single Point of Contact
Reclamation	Bureau of Reclamation
TAP	Technical Assistance Program
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WaterSMART	Sustain and Manage America's Resources for Tomorrow

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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 Indian tribes and tribal organizations. The TAP establishes cooperative working relationships, through partnerships with Indian tribes and tribal organizations, 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 FY 2021 funds available for the TAP through Reclamation's six Regional Offices.

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

A.2. Objective of this Funding Opportunity Announcement

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

Through this FOA, Reclamation provides funding for projects that increase water reliability consistent with sections 3 and 4 of the October 19, 2018, Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.

A.3. Statutory Authority

TAP is administered in accordance with the Reclamation Act of 1902, as amended and supplemented. 43 United States Code (USC) 373d authorizes Reclamation to enter into financial assistance agreements with Indian tribes and tribal organizations to increase opportunities to develop, manage, and protect tribal water and related resources.

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Section B. Award Information

B.1. Total Project Funding

Reclamation will determine the final amount of funding available for award under this FOA once final FY 2021 appropriations have been made. The amount of funding available for awards under this FOA 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 $1.0 million will be available in FY 2021.

B.2. Project Funding Limitations

Multiple applications for funding may be submitted for consideration (for example, an applicant may submit more than one application in any FY). However, no more than $200,000 will be awarded in any FY to any one applicant under this FOA.

All work on a project funded under this FOA should be completed within two years from the date of the award.

The federal funding amount per award will not exceed $200,000.

B.3. Environmental and Cultural Resources Compliance

All projects selected for funding under this FOA will be required to comply with Federal environmental and cultural resources laws and other regulations. Projects funded under this FOA may require the completion of an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA), which can be costly. Please consider this when developing your project budget. See Section D.2.2.5 Project Budget for additional information.

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 Services 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, Agency Contacts.

Section C. Eligibility Information

C.1. Eligible Applicants

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

- A federally recognized Indian tribe or tribal organization, as defined in 25 U.S.C. 5304; and
- 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.3. Eligible Projects

C.3.1 Eligible Projects

To be eligible for funding under this FOA, 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 FOA 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 two years.
- 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 Length of Projects

Proposed project activities should be completed within two years of award.

Reclamation will determine the capability of an applicant to complete the proposed project within the timeframe identified in the application.

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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 FOA by contacting:

By mail:	Bureau of Reclamation Financial Assistance Operations Branch Attn: Matthew Reichert P.O. Box 25007, MC 84-27815 Denver, CO 80225
By e-mail:	dolson@usbr.gov
By telephone:	(303) 445-3697

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

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

- Mandatory Federal Forms

  - SF-424 Application for Federal Assistance
  - SF-424 Budget Information (A or C Form, as applicable to the project)
  - SF-424 Assurances (B or D Form, as applicable to the project)
  - SF-LLL Disclosure of Lobbying Activities (if applicable)

  These forms may be obtained at
  www.grants.gov/web/grants/forms/sf-424-family.html

- Title page

- Table of contents

- Technical proposal and evaluation criteria (limited to *20* pages)

  - Executive summary
  - Background data
  - Technical project description
  - Evaluation criteria

- Project budget

  - Budget proposal
  - Budget narrative
  - Funding plan and letters of commitment for third party contributions

- Environmental and cultural resources compliance

- Required permits or approvals

- Letters of Project Support

- Official Resolution

It is highly recommended that application packages be structured in the order identified above.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms:

SF-424 Application for Federal Assistance

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

SF-424 Budget Information
A fully completed SF-424A Budget Information Non-Construction Programs, or an SF-424C Budget Information Construction Programs must be submitted with the application.

SF-424 Assurances
A SF-424B Assurances Non-Construction Programs, or an SF-424D Assurances Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included. Questions regarding whether to use SF-424B or SF-424D should be referred to the Grants Management Point of Contact under Agency Contacts. Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.

SF-LLL Disclosure of Lobbying Activities
A fully completed and signed SF-LLL, Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

D.2.2.2. Title Page
Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, e-mail address, and telephone of the project manager.

D.2.2.3. Table of Contents
List all major sections of the proposal in the table of contents.

D.2.2.4. Technical Proposal and Evaluation Criteria
The technical proposal and evaluation criteria (*20* pages maximum) include:

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

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 FOA.

- 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.

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 subcriterion and points associated with each.)

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

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

D.2.2.5. Project Budget

The project budget includes:

(1) Budget proposal
(2) Budget narrative
(3) Letters of commitment, when applicable

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 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 FOA**.**

In no case will costs incurred prior to July 1, 2020, be considered for inclusion in the proposed project budget.

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

Budget Proposal

The Total Project Cost is the sum of all allowable items of costs, including voluntary committed contributions, including third-party contributions, that are necessary to complete the project. The budget proposal should include detailed information on the categories listed below and must clearly identify ***all*** project costs, including those that will be contributed as non-Federal contributions by the applicant (voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must be provided for all budget items including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.326 before developing their budget proposal.

It is also strongly advised that applicants use the budget proposal format shown below in Table 1 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 1.—Sample Budget Proposal Format

BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	$/Unit	Quantity		
Salaries and Wages				
Employee 1				$
Employee 2				$
Employee 3				$
Fringe Benefits				
Full-Time Employees				$
Part-Time Employees				$
Travel				
Trip 1				$
Trip 2				$
Trip 3				$
Equipment				
Item A				$
Item B				$
Item C				$
Supplies and Materials				
Item A				$
Item B				$
Third-party In-kind Contributions				
Contributor A				$
Contributor B				$
Contractual/Construction				
Contractor A				$
Contractor B				$
Other				
Other				$
TOTAL DIRECT COSTS				**$**
Indirect Costs				
Type of rate	percentage	$base		**$**
TOTAL ESTIMATED PROJECT COSTS				**$**

Budget Narrative

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

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

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.3.2. Program Performance Reports* for information on types and frequency of reports required.

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

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

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

Equipment.—If equipment will be purchased as part of the project, itemize all equipment valued at or greater than $5,000. For each item, identify why it is needed for the completion of the Project and how the equipment was priced. *Note: if the value is less than $5,000, the item should be included under materials and supplies.* If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased.

If the applicant intends to use their own equipment for the purposes of the project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers within their Construction Equipment Ownership and Operating Expense Schedule (EP 1110-1-8) at www.publications.usace.army.mil/USACE-Publications/Engineer-Pamphlets/u43545q/313131302D312D38/.

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

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

Contractual.—Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all contracts with an anticipated value of $10,000 or more must use a competitive procurement method. Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.326 for additional information regarding procurements, including required contract content.

Third-Party In-Kind Contributions.—Identify all work that will be accomplished by third-party contributors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. Third-party in-kind contributions, including contracts, must comply with all applicable administrative and cost principles criteria, established in 2 CFR 200, available at www.ecfr.gov, and all other requirements of this FOA.

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"). Every project funded under TAP will have environmental compliance costs associated with activities undertaken by Reclamation and the recipient.

To estimate environmental compliance costs, please contact compliance staff at your local Reclamation Office for additional details regarding the type and costs of compliance that may be required for your project. *Note, support for your compliance costs estimate will be considered during review of your application.* See *Section G. Agency Contacts* of this FOA for a list of Reclamation staff by region to contact regarding compliance costs and requirements. Environmental compliance costs are considered project costs and must be included as a line item in the project budget and will be cost shared accordingly.

The amount of the line item should be based on the actual expected environmental compliance costs for the project, including Reclamation's cost to review environmental compliance documentation. Environmental compliance costs will vary based on project type, location, and potential impacts to the environment and cultural resources.

How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. The amount of funding required for Reclamation to conduct any environmental compliance activities, including Reclamation's cost to review environmental compliance documentation, will be withheld from the Federal award amount and placed in an environmental compliance account to cover such costs. If any portion of the funds

budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the project, if appropriate.

Costs associated with environmental and regulatory compliance must be included in the budget. Environmental compliance costs include costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Clean Water Act (CWA), and other regulations depending on the project. Such costs may include, but are not limited to:

- The cost incurred by Reclamation to determine the level of environmental compliance required for the project
- The cost incurred by Reclamation, the recipient, or a consultant to prepare any necessary environmental compliance documents or reports
- The cost incurred by Reclamation to review any environmental compliance documents prepared by a consultant
- The cost incurred by the recipient in acquiring any required approvals or permits, or in implementing any required mitigation measures

Other Expenses.—Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. Profit and fees are not allowable.

Indirect Costs.—Indirect costs that will be incurred during the development or construction of a project, which will not otherwise be recovered, may be included as part of the applicant's project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the recipient's 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 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 available at www.ecfr.gov.

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the de minimis 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, and Indirect Cost Services at www.doi.gov/ibc/services/finance/indirect-cost-services. If selected for award, the applicant will be required to coordinate review and approval of the indirect cost rate with their cognizant agency within 9 months of award. Reimbursement of indirect costs will not be allowable until the recipient enters into the indirect cost rate agreement.

Total Costs.—Indicate total amount of project costs, including the Federal and non-Federal cost share amounts.

Funding Plan and Letters of Commitment

If voluntary contributions, including third-party contributions, are necessary to complete the project, describe how the non-Federal share of project costs will be obtained. Reclamation will use this information in determining financial capability to implement the project.

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

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

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

If tribal or third-party contributions are necessary to complete the project, Reclamation will not make funds available for an award under this FOA until the recipient has secured the contributions. Reclamation will execute a financial assistance agreement once tribal or third-party contributions have been secured or Reclamation determines that there is sufficient evidence and likelihood that these contributions will be available to the applicant subsequent to executing the agreement.

Please describe the sources of contribution for the project, including:

- Any monetary contributions by the applicant or third parties.

- Any "in-kind" contributions by the applicant or third parties such as labor, services, equipment, or material.

- Any funding requested or received from non-Federal entities.

- Any pending funding requests that have not yet been approved and explain how the project will be affected if such funding is denied.

In addition, please identify any project costs that have been or may be incurred prior to award that you would like to be considered for approval as a pre-award project cost. For each cost, describe:

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

Note: Approval of pre-award costs is at the discretion of the awarding Grants Officer. The Grants Officer must determine that the proposed pre-award costs meet the applicable administrative and cost principles criteria established in 2 CFR 200, available at www.ecfr.gov, including, but not limited to, the procurement standards (2 CFR §§200.317 through 200.326) and contract cost and price (2 CFR §200.323).

Please include the following chart (Table 2) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

FUNDING SOURCES	AMOUNT
Non-Federal Entities	
1.	
2.	
3.	
Non-Federal Subtotal	
Other Federal Entities	
1.	
2.	
3.	
Other Federal Subtotal	
REQESTED RECLAMATION FUNDING	

D.2.2.6. Environmental and Cultural Resources Compliance

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

D.2.2.7. Required Permits or Approvals

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

Note that improvements to Federal facilities that are implemented through any project awarded funding through this FOA must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B). Reclamation may also

require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR Section 429, and that the development will not impact or impair project operations or efficiency.

D.2.2.8. Letters of Support

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 FOA will not be included with your application.

D.2.2.9 Official Resolution

Include 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 FOA, 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. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted up to 30 days after the application deadline.

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

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

(i) Be registered in the System for Award Management (SAM) before submitting its application;

(ii) Provide a valid unique entity identifier in its application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

Meeting the requirements set forth above is mandatory. If the applicant is unable to obtain a unique entity identifier or complete registration by the application deadline, the unique entity identifier must be obtained, and SAM registration must be initiated within 30 days after the application deadline in order to be considered for selection and award. Reclamation will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Reclamation is ready to make an award, Reclamation 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:

Wednesday, October 28, 2020, 4:00 p.m. Mountain Daylight Time

Proposals received after the application deadline indicated above will not be considered unless it can be determined that the delay was caused by Reclamation mishandling.

Please note that any application submitted for funding under this FOA may be subjected to a Freedom of Information Act request (5 USC Section 552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website, after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

D.4.1. Application Delivery Instructions

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

By mail or USPS overnight services:

Bureau of Reclamation
Financial Assistance Operations Branch
Attn: Matthew Reichert
P.O. Box 25007, MS 84-27815
Denver, CO 80225

All other express delivery:

Bureau of Reclamation Mail Services
Attn: Matthew Reichert
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

By courier services:

Bureau of Reclamation
Attn: Matthew Reichert
Denver Federal Center
Bldg. 67, Room 581
6th Avenue and Kipling Street
Denver, CO 80225

D.4.2. Instructions for Submission of Project Application

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

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

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

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

D.4.2.2. Applications Submitted Electronically

If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov (www.grants.gov). Reclamation encourages applicants to submit their applications for funding electronically through the URL: www.grants.gov/applicants/apply-for-grants.html. Applicant resource documents and a full set of instructions for registering with Grants.gov (www.grants.gov). and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at www.grants.gov/applicants/apply-for-grants.html. In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.

- Applicants have experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov you are encouraged to submit your application several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.

Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in this FOA. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or by a problem with the Grants.gov application system. Please note that difficulties related to an applicant's organizational representative or other issues with an applicant's Grants.gov account are not considered problems with the Grants.gov system.

D.4.2.3. Acknowledgement of Application Receipt.

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you in writing that your application was received.

If an application is submitted through Grants.gov, you will receive an email acknowledging receipt of the application from Grants.gov. In addition, Reclamation will notify you in writing whether your application was successfully downloaded from Grants.gov.

D.5. Intergovernmental Review

This FOA is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of States that have elected to participate in the intergovernmental review process can be found at www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-Review-_SPOC_01_2018_OFFM.pdf. Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's website, www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-Review-_SPOC_01_2018_OFFM.pdf.

D.6. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Data Universal Number System (DUNS) number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form and the enrollment mailbox can be found at www.usbr.gov/mso/aamd/asap.html.

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

Section E. Application Review Information

E.1. 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 FOA.

Evaluation Criteria Scoring Summary	Points
E.1.1. Project Need	35
E.1.2. Project Benefits	30
E.1.3. Project Implementation	25
E.1.4. Alignment with Department of the Interior Priorities	10
Maximum Points	100

Please note, 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 (35 points)

Up to 35 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?

- What is the timeframe for completing the critical action?

- 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?

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, 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 over-allocation 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 (25 points)

Up to **25 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. 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—Alignment with Department of the Interior Priorities (10 Points)

Up to **10 points** may be awarded based on the extent to which the project aligns with the Department's priorities. Please describe how the project furthers and supports the applicable priorities. 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.

1. Creating a conservation stewardship legacy second only to Teddy Roosevelt

a. Utilize science to identify best practices to manage land and water resources and adapt to changes in the environment;

b. Examine land use planning processes and land use designations that govern public use and access;

c. Revise and streamline the environmental and regulatory review process while maintaining environmental standards;

d. Review DOI water storage, transportation, and distribution systems to identify opportunities to resolve conflicts and expand capacity;

e. Foster relationships with conservation organizations advocating for balanced stewardship and use of public lands;

f. Identify and implement initiatives to expand access to DOI lands for hunting and fishing;

g. Shift the balance towards providing greater public access to public lands over restrictions to access.

2. Utilizing our natural resources

a. Ensure American Energy is available to meet our security and economic needs;

b. Ensure access to mineral resources, especially the critical and rare earth minerals needed for scientific, technological, or military applications;

c. Refocus timber programs to embrace the entire 'healthy forests' lifecycle;

d. Manage competition for grazing resources.

3. Restoring trust with local communities

a. Be a better neighbor with those closest to our resources by improving dialogue and relationships with persons and entities bordering our lands;

b. Expand the lines of communication with Governors, state natural resource offices, Fish and Wildlife offices, water authorities, county commissioners, Tribes, and local communities.

4. Striking a regulatory balance

a. Reduce the administrative and regulatory burden imposed on U.S. industry and the public;

b. Ensure that Endangered Species Act decisions are based on strong science and thorough analysis.

5. Modernizing our infrastructure

a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure;

b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs;

c. Prioritize DOI infrastructure needs to highlight:

i. Construction of infrastructure;
ii. Cyclical maintenance;
iii. Deferred maintenance.

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 FOA. 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 FOA. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1. Initial Screening

All application packages will be screened to ensure that:

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

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

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1 Evaluation Criteria.* 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 FOA.

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 FOA. 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

Additional information regarding the policies, procedures and other types of documentation that the applicant may be asked to provide as part of the business evaluation can be found in Attachment 3 to this FOA.

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 United States Code [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

Reclamation expects to contact potential award recipients and unsuccessful applicants in within 90 days of the FOA closing or slightly later if necessary. Financial assistance 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

F.2.1. Environmental and Cultural Resources Compliance

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

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

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 FOA.

F.2.2. Approvals and Permits

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

F.3. Reporting—Requirements and Distribution

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

F.3.1. Financial Reports

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

F.3.2. Interim Performance Reports

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

Interim performance reports submitted on at least a semi-annual basis, that include 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. 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.4. Conflicts of Interest

F.4.1. Applicability

This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

F.4.2. Requirements

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

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

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

F.4.3. Notification

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

F.4.4. Restrictions on Lobbying

Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 4 3 CFR Part 18 and 31 USC 13 52.

F.4.5. Review Procedures

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

F.4.6. Enforcement

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

F.5. Data Availability

F.5.1. Applicability

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

F.5.2. Use of Data

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

F.5.3. Availability of Data

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

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

F.6. Releasing Applications

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

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Section G. Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this FOA 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 the attention of Matt Reichert, Grants Management Specialist, as follows:

Bureau of Reclamation
Financial Assistance Operations Branch
Attn: Matthew Reichert
P.O. Box 25007, Mail Code: 84-27815
Denver, CO 80225
mreichert@usbr.gov
(303) 445-3865

G.2. Reclamation Program Coordinator Contact

Indian tribes and tribal organizations with questions regarding this FOA, 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.

Great Plains Region

Douglas Davis
Native American Affairs Program Manager
Great Plains Regional Office
P.O. Box 36900
Billings, MT 59107-6900
douglasdavis@usbr.gov
(406) 247-7710

List of tribes in the Great Plains Region:
www.usbr.gov/native/regions/gp/Great%20Plains%20Region%20Tribes.pdf

Lower Colorado Region

Pam Adams
Native American Affairs Program Manager
Lower Colorado Region
P.O. Box 61470
Boulder City, NV 89006-1470
padams@usbr.gov
(702) 293-8501

List of tribes in the Lower Colorado Region
www.usbr.gov/native/regions/lc/Lower%20Colorado%20Region%20Tribes.pdf

Mid-Pacific Region

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

List of tribes in the Mid-Pacific Region:
www.usbr.gov/native/regions/mp/Mid-Pacific%20Region%20Tribes.pdf

Pacific Northwest Region

Matt Howard
Native American Affairs, Program Manager
Pacific Northwest Regional Office
1150 North Curtis Road
Boise, ID 83706-1234
mhoward@usbr.gov
(208) 378-5003

List of tribes in the Pacific Northwest Region:
www.usbr.gov/native/regions/pn/Pacific%20Northwest%20Region%20Tribes.pdf

Upper Colorado Region

Brian Parry
Native American Affairs Program Manager
Upper Colorado Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138-1102
bparry@usbr.gov
(801) 524-3674

List of tribes in the Upper Colorado Region:
www.usbr.gov/native/regions/uc/Upper%20Colorado%20Region%20Tribes.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 FOA. 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 FOA, 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 FOA. 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 one 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 two months.

- Among the types of historic properties that might be affected by projects proposed under this FOA 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 one day to one month.

- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and

complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.

- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

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

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.