



— BUREAU OF —
RECLAMATION

WaterSMART Grants: Small-Scale Water Efficiency Projects

Notice of Funding Opportunity No. R21AS00257



Mission Statements

The 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.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Chief Engineer
Funding Opportunity Title:	WaterSMART Grants: Small-Scale Water Efficiency Projects
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R21AS00257
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507
Dates: (See NOFO Sec. D.4)	Application due Date: Thursday, March 18, 2021, 4:00 p.m. Mountain Daylight Time (MDT)
Eligible Applicants: (See NOFO Sec. C.2.1)	<p>Category A: States; Indian Tribes; irrigation districts; water districts; state, regional, or local authorities, whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority.</p> <p>Category B: Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described in Category A.</p> <p>All applicants must be located in the Western United States or United States Territories, including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico.</p>
Recipient Cost Share: (See NOFO Sec. C.2)	50 percent or more of total project costs.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$75,000 per applicant. Total project costs should generally be \$200,000 or less
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 30-40 projects contingent upon 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	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	Page 13	*
	Table of contents	See Sec. D.2.2.3	Page 13	*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4	Page 13	*
	Project description	See Sec. D.2.2.4	Page 14	*
	Evaluation criteria	See Sec. E.1	Page 27	*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5	Page 15	*
	Budget proposal	See Sec. D.2.2.5	Page 16	*
	Budget narrative	See Sec. D.2.2.5	Page 18	*
	Environmental and cultural resources compliance	See Sec. D.2.2.6	Page 21	*
	Required permits or approvals	See Sec. D.2.2.7	Page 21	*
	Official Resolutions	See Sec. D.2.2.8	Page 21	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 22	***

* Submit materials with your application.

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

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

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Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
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
EQIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
MDT	Mountain Daylight Time
MTDC	modified total direct costs
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resource Conservation Service
OM&R	operations, maintenance, and replacement
P.L.	Public Law
SAM	System of Award Management
SCADA	Supervisory Control and Data Acquisition and Automation
Reclamation	Bureau of Reclamation
USACE	United States Army Corps of Engineers
USDA	U.S. Department of Agriculture
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow

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Contents

	Page
Synopsis	iii
Application Checklist	v
Acronyms and Abbreviations	vii
Section A. Funding Opportunity Description.....	1
A.1. Program Information.....	1
A.2. Objective of this Notice of Funding Opportunity	2
A.3. Statutory Authority.....	2
A.4. Other Related Funding Opportunities	2
A.5. Collaboration with the Natural Resources Conservation Service	3
Section B. Award Information.....	5
B.1. Total Funding.....	5
B.2. Project Funding Limitations.....	5
B.3. Environmental and Cultural Resource Compliance	5
B.4. Assistance Instrument	6
Section C. Eligibility Information.....	7
C.1. Eligible Applicants.....	7
C.2. Cost-Sharing Requirements.....	7
C.3. Eligible Projects	8
Section D. Application and Submission Information.....	11
D.1. Address to Request Application Package	11
D.2. Content and Form of Application Submission	11
D.3. Unique Entity Identifier and System for Award Management.....	22
D.4. Submission Date and Time.....	22
D.5. Intergovernmental Review.....	25
D.6. Automated Standard Application for Payments Registration	25
Section E. Application Review Information	27
E.1. Technical Proposal: Evaluation Criteria.....	27
E.2. Review and Selection Process.....	31
E.4. Anticipated Announcement and Federal Award Date.....	34
Section F. Federal Award Administration Information	35
F.1. Federal Award Notices.....	35
F.2. Administrative and National Policy Requirements	35
F.3. Reporting—Requirements and Distribution.....	38
F.4. Conflicts of Interest.....	39
F.5. Data Availability	40
F.6. Releasing Applications.....	41
Section G. Agency Contacts	43
G.1. Reclamation Financial Assistance Contact	43
G.2. Reclamation Program Coordinator Contact	44
Section H. Other Information.....	45
H.1. Environmental and Cultural Resource Considerations	45
H.2. Background on Federal Environmental and Cultural Resource Laws	46

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Section A. Funding Opportunity Description

A.1. Program Information

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to support stakeholder efforts to stretch scarce water supplies and avoid conflicts over water. WaterSMART provides support for the Department's priorities, including creating a legacy of conservation stewardship, sustainably developing our energy and natural resources, modernizing our infrastructure through public-private partnerships, striking a regulatory balance, and restoring trust with local communities by improving relationships and communication with states, tribes, local governments, communities, landowners and water users. WaterSMART also supports Reclamation's priorities, including increasing water supplies, leveraging science and technology to improve water supply reliability, addressing ongoing drought, and improving water supplies for tribal and rural communities.

Through Small-Scale Water Efficiency Projects, Reclamation provides assistance to States, Tribes, irrigation districts, water districts, and other entities with water or power delivery authority to undertake small-scale water efficiency projects that have been prioritized through planning efforts led by the applicant. These projects conserve and use water more efficiently; mitigate conflict risk in areas at a high risk of future water conflict; and accomplish other benefits that contribute to water supply reliability in the western United States. For further information on WaterSMART Grants, please see www.usbr.gov/watersmart/index.html.

This Small-Scale Water Efficiency Projects Notice of Funding Opportunity (NOFO) supports Small-Scale Water Efficiency Projects that have been prioritized through planning efforts led by the applicant. These projects are generally in the final design stage, environmental and cultural resources compliance have been initiated or already completed, and the non-Federal funding, necessary permits, and other required approvals have been secured.

Through this NOFO, Reclamation provides funding for projects that improve use of technology to increase water reliability consistent with Section 4 of the October 19, 2018, Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.

Small-Scale Water Efficiency Projects are a component of Reclamation's WaterSMART Grants Program, which also includes Water and Energy Efficiency Grants and Water Marketing Strategy Grants. For further information on the WaterSMART Grants Program, please see www.usbr.gov/watersmart/index.html.

A.2. Objective of this Notice of Funding Opportunity

The objective of this NOFO is to invite States, Indian Tribes, irrigation districts, water districts, and other organizations with water or power delivery authority to leverage their money and resources by cost sharing with Reclamation on small-scale on-the-ground projects that seek to conserve, better manage, or otherwise make more efficient use of water supplies.

Proposed projects that are supported by an existing water management and conservation plan, System Optimization Review, or other planning effort led by the applicant are prioritized. This prioritization will help ensure that projects funded under this NOFO are well thought out, have public support, and have been identified as the best way to address water management concerns.

A.2.1 Streamlined Application and Selection Process

Reclamation has simplified the evaluation criteria and streamlined the application process for this category of WaterSMART Grants to ensure the process works for smaller entities. Simplified evaluation criteria are intended to provide each applicant with an opportunity to succinctly explain how the proposed project would meet a defined need identified through a prior planning effort. Reclamation has also clarified the budget documentation necessary under this NOFO in recognition of the small-scale nature of the projects being funded.

A.3. Statutory Authority

This NOFO is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364), as amended.

A.4. Other Related Funding Opportunities

Reclamation provides funding for water management projects through several other programs under WaterSMART. Through WaterSMART Grants, Reclamation provides two additional funding opportunities. Water and Energy Efficiency Grants focus on projects that result in quantifiable and sustained water savings and projects that increase hydropower use. Through Water Marketing Strategy Grants, Reclamation provides support for entities exploring actions that can be taken to develop or facilitate water marketing.

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

Reclamation also provides financial assistance for watershed group development, restoration planning, and watershed management project design (Phase I) and watershed management project implementation through the Cooperative Watershed Management Program. For information on the NOFOs listed here, please visit the WaterSMART Program website: www.usbr.gov/watersmart/index.html.

A.5. Collaboration with the Natural Resources Conservation Service

Reclamation and the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) are collaborating to align program resources in areas where our mission areas overlap (17 Western States), to improve the impact of the agencies' respective drought resiliency and water efficiency investments. In 2011, NRCS and Reclamation began efforts to coordinate water conservation activities in California. Beginning in 2012, Reclamation made changes to WaterSMART Water and Energy Efficiency Grants to support similar collaboration on a West-wide basis. Applicants under the WaterSMART Grants program receive additional consideration in the evaluation process for delivery system improvements that complement on-farm improvements supported by NRCS such as through their Environmental Quality Incentives Program (EQIP). Contingent on available appropriations, NRCS provides dedicated EQIP funding to support on-farm water efficiency improvements by producers served by water delivery infrastructure improved through a WaterSMART Grant. In fiscal year (FY) 2017, Reclamation and NRCS began working together to expand this partnership to include collaboration on a broader range of activities, including projects funded through this NOFO.

Please note that on-farm improvements themselves are not eligible activities for funding under this NOFO. NRCS will have a separate application process for the on-farm components of selected projects.

Under this NOFO, consideration will be given under *Section E.1.1. Evaluation Criterion A—Project Benefits* for proposals that describe on-farm efficiency work that is currently being completed or is anticipated to be completed in collaboration with NRCS in the area (e.g., with a direct connection to the district's water supply). Please contact your local NRCS office for more information regarding NRCS assistance. You can find the contact information for your state NRCS office on the USDA's website, www.nrcs.usda.gov/wps/portal/nrcs/main/national/contact/states/.

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Section B. Award Information

B.1. Total Funding

Approximately \$3 million is available for this NOFO, with per-project and recipient funding limits as described in *Section B.2. Project Funding Limitations*. Reclamation will determine the final amount of funding available for award under this NOFO once final FY 2021 appropriations have been made. The total amount of funding for awards under this NOFO will depend on the demand for funding under this and other categories of WaterSMART Grants.

Applications submitted under this NOFO may also be considered if additional funding becomes available in FY 2021 or thereafter.

B.2. Project Funding Limitations

No more than one award will be made to an applicant per FY under this NOFO.

The Federal share of any one proposed project shall not exceed 50 percent of the total project costs. Generally, the non-Federal share of project costs must be expended at the same or greater rate as the Federal share of project costs.

Up to \$75,000 in Federal funds per proposal will be available through this NOFO to implement small-scale on-the-ground water efficiency projects. To be considered a small-scale project, total project costs should generally be \$200,000 or less. The budget proposal must include the cost of all equipment, materials and supplies, and labor or contractual costs to complete the project. Note: The Application Review Committee (ARC, See *Section E.2.2. Application Review Committee*) has final discretion to determine whether a project is “small-scale.”

Projects that have a total project costs totaling more than \$200,000 should be submitted under the WaterSMART Grants: Water and Energy Efficiency Grants NOFO. Reclamation will not award funding for the same activity under both this NOFO and this year’s Water and Energy Efficiency Grants NOFO.

B.3. Environmental and Cultural Resource Compliance

All projects selected for funding under this NOFO will be required to comply with Federal environmental and cultural resource laws and other regulations. Projects funded under this NOFO 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

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

Substantial involvement by Reclamation may include:

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

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

Section C. Eligibility Information

C.1. Eligible Applicants

Under P.L. 111-11, Section 9502, applicants eligible to receive an award under this NOFO include:

1. **Category A:**
 - States, Indian Tribes, irrigation districts, and water districts;
 - State, regional, or local authorities, whose members include one or more organizations with water or power delivery authority; and
 - Other organizations with water or power delivery authority.

2. **Category B:** Nonprofit conservation organizations that are acting in partnership with and with the agreement of an entity described in Category A. Category B applicants must include with their application a letter from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the proposal.

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

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

- Federal governmental entities
- Institutions of higher education
- Individuals
- 501(c)4 organizations
- 501(c)6 organizations

C.2. Cost-Sharing Requirements

Applicants must be capable of cost sharing **50 percent** or more of the total project cost. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost-share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions 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. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award.

Notice of Funding Opportunity No. R21AS00257

Please see *Section D.2.2.8. Official Resolution* and *Section D.2.2.5. Funding Plan and Letters of Commitment* for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

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

C.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. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. Applicants should refer to 2 CFR §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

Reclamation will provide funding for small-scale on-the-ground water efficiency projects which seek to implement work identified in an applicant's water planning efforts.

Example projects include, but are not limited to:

- Canal lining/piping
- Municipal metering
- Irrigation flow measurement
- Supervisory Control and Data Acquisition and Automation (SCADA).
- Irrigation measures

Other projects that are similar to those tasks listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

C.3.2. Ineligible Projects

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

- Projects considered normal operations, maintenance, and replacement (OM&R)
- Reclamation, reuse, and desalination projects
- Water purchases
- Construction of buildings for administration purposes
- Pilot projects
- Installation of high-efficiency indoor appliances and fixtures, including toilets and urinals

The subsections below explain more about these types of ineligible projects.

C.3.2.1. Operations, Maintenance, and Replacement

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

Examples of ineligible OM&R projects include:

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

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

C.3.2.2. Reclamation, Reuse, and Desalination

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

C.3.2.3. Water Purchase

Proposals to use Federal funding to purchase water are not eligible under this NOFO. Applicants seeking funding to purchase water in a drought emergency should request emergency drought assistance under Reclamation's Drought Response Program. For more information about the requirements for receiving emergency drought assistance, please see www.usbr.gov/drought/.

C.3.2.4. Building Construction

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

C.3.2.5. Pilot Projects

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

C.3.2.6. High-Efficiency Appliances and Fixtures

Proposals to install high-efficiency indoor appliances and fixtures, including toilets, either directly or through rebate programs, are not eligible for Federal funding under this NOFO.

C.3.3. Construction Start Date Restrictions

Proposed projects shall not have a construction start date that is prior to January 31, 2022.

C.3.4. Length of Projects

In general, proposed projects should be completed within two years of award. Applications for projects requiring more time will be considered for funding only under limited circumstances.

Reclamation retains the right to make a determination about the feasibility of a project to be completed within the timeframe identified in the application.

Section D. Application and Submission Information

D.1. Address to Request Application Package

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

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by contacting:

By mail: Bureau of Reclamation
Financial Assistance Support Section
Attn: Mr. Matthew Reichert
P.O. Box 25007, MS 84-27814
Denver, CO 80225

By email: SHA-DRO-FAFOA@usbr.gov

By phone: 303-445-3865

OR

By mail: Bureau of Reclamation
Financial Assistance Support Section
Attn: Mr. Ned Weakland
P.O. Box 25007, MS 84-27814
Denver, CO 80225

By email: SHA-DRO-FAFOA@usbr.gov

By phone: 303-445-3757

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 total technical proposal and criteria section (defined below) shall be limited to a maximum of **15** consecutively numbered pages. If this section exceeds **15** pages, only the first **15** pages will be evaluated. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

Notice of Funding Opportunity No. R21AS00257

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and will not be 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)

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 15 pages)
 - Executive summary
 - Project location
 - Project description and milestones
 - Evaluation criteria
- Project budget
 - Funding plan and letters of commitment
 - Budget proposal
 - Budget narrative
- Environmental and cultural resources compliance
- Required permits or approvals
- Letters of project support
- Official resolution

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.

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, email 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 (15 pages maximum) include:

- (1) Executive summary
- (2) Project location
- (3) Project description and milestones
- (4) Evaluation criteria

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- Please indicate whether you are a Category A applicant or a Category B applicant. If you are a Category B applicant, please briefly explain how you are acting in partnership with a Category A partner. **Note:** If you are a Category B applicant, you must include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the proposal (see *Section C.1. Eligible Applicants* for additional information).
- A one paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, expected benefits and how those benefits relate to the water management issues you plan to address. This information will be used to create a summary of your project for Reclamation's website if the project is selected for funding.

Notice of Funding Opportunity No. R21AS00257

***Example:** The Newton Water Users Association, located in northern Utah, will upgrade the Jones Pipeline from 1.1 miles of transit pipe to high density polyethylene or polyvinyl chloride pipe. The project will also upgrade meters and isolation valves at 14 or the 28 customer turnouts along the Jones Pipeline. The upgrade will reduce seepage losses and enable the Association and stakeholders to better manage the water supply. The project will also make the Jones Pipeline compatible with the recently pressurized main canal and will enable agricultural customers to make future on-farm irrigation improvements. The project meets the goals of the Association's Water Management and Conservation Plan in 2015.*

- State the length of time and estimated completion date for the proposed project including the construction start date (month/year). **Note: Proposed projects shall not have a construction start date that is prior to January 31, 2022, for FY 2021 funding. See Section C.3.3. Construction Start Date Restrictions for additional information.**
- Whether or not the proposed project is located on a Federal facility.

Project Location

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

Project Description and Milestones

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

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

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

Evaluation Criteria

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

(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.)

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

Project costs for environmental and cultural compliance and engineering/design that were incurred or are anticipated to be incurred prior to award should 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 NOFO. **In no case will costs incurred prior to July 1, 2020, be considered for inclusion in the proposed project budget.**

Note: Proposed projects shall not have a construction start date that is prior to January 31, 2022. See Section C.3.3. Construction Start Date Restrictions for additional information.

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

Funding Plan and Letters of Commitment

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

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

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

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

Notice of Funding Opportunity No. R21AS00257

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

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

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

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

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

Budget Proposal

The total project cost (Total Project Cost), is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project (Table 1). Note: The budget proposal must include the cost of all equipment, materials and supplies, and labor or contractual costs to complete the project. Applicants must include the costs of all equipment, materials and supplies, and labor required to complete the project in the budget proposal (Table 2).

Table 1.—Total Project Cost Table

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

Section D. Application and Submission Information

Table 2.—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				\$
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				\$
Contractual/Construction				
Contractor A				\$
Contractor B				\$
Other				
Other				\$
TOTAL DIRECT COSTS				\$
Indirect Costs				
Type of rate	percentage	\$base		\$
TOTAL ESTIMATED PROJECT COSTS				\$

Notice of Funding Opportunity No. R21AS00257

The budget proposal should include detailed information on the categories listed on the next page and must clearly identify all cost items, including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, including 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 2 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs. It is not necessary to include separate columns indicating which cost is being contributed as non-Federal cost share or which costs will be reimbursed with Federal funds.

Note: The costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's application are not eligible project costs and should not be included in the budget proposal (2 CFR §200.460).

Budget Narrative

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

Salaries and Wages

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

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including the final financial and performance reports. Please see *Section F.3. Reporting Requirements and Distribution* 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.

Section D. Application and Submission Information

Within the budget narrative, please provide a certification that the labor rates included in the budget proposal represent the actual labor rates of the identified personnel and are consistently applied to Federal and non-Federal activities. If the proposal is selected for award and the awarding Grants Officer determines that the provided rates fall within Bureau of Labor Statistic averages for personnel with similar job descriptions, no further documentation for this item of cost shall be requested during budget negotiations.

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

Travel related expenses are not eligible for reimbursement under this NOFO and should not be included within the proposed budget.

Equipment

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

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment 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 (USACE) 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.

If the proposal is selected for award and the awarding Grants Officer determines that the proposed rates fall within those outlined within the USACE publication, no further documentation for this item of cost shall be requested during budget negotiations.

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, past experience, engineering estimates, or other methodology). *Note: If the materials/supplies will be furnished and installed under a contract, the equipment should be identified as a contractual cost in the budget proposal.*

Contractual

Identify all work that will be accomplished by consultants or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that

Notice of Funding Opportunity No. R21AS00257

will be used to select the consultant or contractor and the basis for selection. Please note that all procurements with an anticipated aggregate value that exceeds the Simplified Acquisition Threshold (currently \$10,000) must use a competitive procurement method (see 2 CFR §200.320 – *Methods of procurement to be followed*). Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.326 for additional information regarding procurements, including required contract content.

If the proposal is selected for award and the awarding Grants Officer determines that the contractual engineering services costs for design engineering and/or construction management costs within the budget proposal do not exceed 8 percent of total project construction costs, then no further documentation for this item of cost shall be requested during budget negotiations.

Third-Party In-Kind Contributions

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

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 this program will have environmental compliance activities undertaken by Reclamation and the recipient.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the recipient. Where environmental or cultural resources compliance requires significant participation by Reclamation, costs incurred by Reclamation will be added as a line item to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Any costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

Other Expenses

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

Indirect Costs

Indirect costs are costs incurred by the applicant for a common or joint purpose that benefit more than one activity of the organization and are not readily assignable to the activities specifically benefitted without undue effort. Costs that are normally treated as indirect costs include, but are not limited to, administrative salaries and fringe benefits associated with overall financial and organizational administration, operation and maintenance costs for facilities and equipment, and payroll and procurement services.

Section D. Application and Submission Information

If indirect costs will be incurred, identify the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the applicant's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

Any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to 2 CFR 200, paragraph D.1., may elect to charge a *de minimis* rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. For further information on MTDC, 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.

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 NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(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. Official Resolution

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

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

Notice of Funding Opportunity No. R21AS00257

An official resolution meeting the requirements set forth above is mandatory. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to SHA-DRO-FAFOA@usbr.gov up to 30 days after the application deadline.

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

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

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

Meeting the requirements set forth above is mandatory. If the applicant is unable to complete registration by the application deadline, the unique entity identifier must be obtained, and SAM registration must be initiated within 30 days after the application deadline in order to be considered for selection and award. You can find additional information on how to complete a SAM registration here: sam.gov/SAM/pages/public/loginFAQ.jsf.

D.4. Submission Date and Time

Thursday, March 18, 2021, 4:00 p.m. Mountain Daylight Time (MDT)

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

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

D.4.1. Application Delivery Instructions

The applications 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 Support Section
Attn: Mr. Matthew Reichert
P.O. Box 25007, MS 84-27814
Denver, CO 80225

All other express delivery:

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

By courier services:

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

D.4.2. Instructions for Submission of Project Application

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

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

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

- Applicants should submit one copy of all application documents for hardcopy submissions. **Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.**
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to funding commitment letters or official resolutions.

Notice of Funding Opportunity No. R21AS00257

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

D.4.2.3. Acknowledgement of Application Receipt.

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

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

D.5. Intergovernmental Review

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

D.6. 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 prior to award. 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. Recipients with multiple DUNS numbers, must separately enroll within ASAP for each unique DUNS Number and/or Agency. For all the information on the enrollment process for recipients, including requesting the enrollment initiation form, contact the enrollment mailbox at sha-dro-ASAP_ENR@usbr.gov.

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

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Section E. Application Review Information

E.1. Technical Proposal: Evaluation Criteria

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

Evaluation Criteria Scoring Summary	Points:
A. Project Benefits	35
B. Planning Efforts Supporting the Project	35
C. Project Implementation	10
D. Nexus to Reclamation	10
E. Department of the Interior and Reclamation Priorities	10
Total	100

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 Benefits (35 points)

Up to **35 points** may be awarded based upon evaluation of the benefits that are expected to result from implementing the proposed project. This criterion considers a variety of project benefits, including the significance of the anticipated water management benefits and the public benefits of the project. This criterion prioritizes projects that modernize existing infrastructure in order to address water reliability concerns, including making water available for multiple beneficial uses and resolving water related conflict in the region.

- Describe the expected benefits and outcomes of implementing the proposed project.
 - What are the benefits to the applicant’s water supply delivery system?
 - If other benefits are expected explain those as well. Consider the following:
 - Extent to which the proposed project improves overall water supply reliability

Notice of Funding Opportunity No. R21AS00257

- The expected geographic scope benefits from the proposed project (e.g., local, sub-basin, basin)
- Extent to which the proposed project will increase collaboration and information sharing among water managers in the region
- Any anticipated positive impacts/benefits to local sectors and economies (e.g., agriculture, environment, recreation, tourism)
- Extent to which the project will complement work done in coordination with NRCS in the area (e.g., with a direct connection to the district's water supply). Describe any on-farm efficiency work that is currently being completed or is anticipated to be completed in the future using NRCS assistance through EQIP or other programs.

Please note, on-farm improvements themselves are *not* eligible activities for funding under this NOFO. This criterion is intended to focus on how the WaterSMART Grant project will complement ongoing or future on-farm improvements. NRCS will have a separate application process for the on-farm components of selected projects that may be undertaken in the future, separate of the WaterSMART Grant project.

E.1.2. Evaluation Criterion B—Planning Efforts Supporting the Project (35 points)

Up to **35 points** may be awarded based on the extent to which the proposed on-the-ground project is supported by an applicant's existing water management plan, water conservation plan, System Optimization Review, or identified as part of another planning effort led by the applicant. This criterion prioritizes projects that are identified through local planning efforts and meet local needs.

Describe how your project is supported by an existing planning effort.

- Does the proposed project implement a goal or address a need or problem identified in the existing planning effort?
- Explain how the proposed project has been determined as a priority in the existing planning effort as opposed to other potential projects/measures.

E.1.3. Evaluation Criterion C—Project Implementation (10 points)

Up to **10 points** may be awarded based upon the extent to which the applicant is capable of proceeding with the proposed project 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.

- Describe the implementation plan for the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates.

Section E. Application Review Information

- 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.
- Describe the timeline for completion of environmental and cultural resource compliance. Was the timeline for completion of environmental and cultural resource compliance discussed with the local Reclamation office?

E.1.4. Evaluation Criterion D— Nexus to Reclamation (10 points)

Up to **10 points** may be awarded based on the extent that the proposal demonstrates a nexus between the proposed project and a Reclamation project or activity. Describe the nexus between the proposed project and a Reclamation project or activity, including:

- Is the proposed project connected to a Reclamation project or activity? If so, how? Please consider the following:
 - Does the applicant receive Reclamation project water?
 - Is the project on Reclamation project lands or involving Reclamation facilities?
 - Is the project in the same basin as a Reclamation project or activity?
 - Will the proposed work contribute water to a basin where a Reclamation project is located?
- Will the project benefit any tribe(s)?

E.1.5. Evaluation Criterion E— Department of the Interior and Bureau of Reclamation Priorities (10 points)

Up to **10 points** may be awarded based on the extent that the proposal demonstrates that the project supports Department and Reclamation priorities. Please address those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the Priorities listed, and whether the connection to the priority(ies) is well supported in the proposal.

Department Priorities

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;

Notice of Funding Opportunity No. R21AS00257

- 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 Department 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 Department 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 Department infrastructure needs to highlight:
 1. Construction of infrastructure
 2. Cyclical maintenance
 3. Deferred maintenance

Bureau of Reclamation Priorities

1. *Increase Water Supplies, Storage, and Reliability under WIIN and other Authorities to Benefit Farms, Families, Businesses, and Fish and Wildlife*
2. *Streamline Regulatory Processes and Remove Unnecessary Burdens to Provide More Water and Power Supply Reliability*
3. *Leverage Science and Technology to Improve Water Supply Reliability to Communities*
4. *Address Ongoing Drought*
5. *Improve the Value of Hydropower to Reclamation Power Customers*
6. *Improve Water Supplies for Tribal and Rural Communities*
7. *Title Transfer*

E.2. Review and Selection Process

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

E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed SF-424, Application for Financial Assistance and form SF-424B, Assurances Non-Construction Programs, or SF-424D, Assurances Construction Programs and a completed SF-424A, Budget Information Non-Construction Programs or SF-424C, Budget Information Construction Programs.

Notice of Funding Opportunity No. R21AS00257

- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 30 days after the application deadline).
- The application and funding plan meet or exceeds the minimum non-Federal cost-share requirements identified in this NOFO.

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 ARC, made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO. The ARC also has the discretion to determine whether a project is a Small-Scale Water Efficiency Project. If the ARC determines that the project is too large to be considered a small-scale project, the project may be determined ineligible under this NOFO.

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, review of applications will also take into consideration applicable Federal laws, executive guidance, and regulatory requirements described in Attachment A.

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

E.2.3. Red-Flag Review

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

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

E.2.4. Managerial Review

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose 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 (approximately one to three months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

E.2.5.1. Environmental Review

Reclamation will forward all 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, including any construction or installation activities, may not occur until environmental compliance is complete and a notice to proceed is issued.

Even in cases where environmental compliance work has been completed previously or is being completed by another Federal agency, Reclamation must still review and adopt such environmental compliance and issue a notice to proceed before ground disturbing activities may be initiated.

E.2.5.2. Budget Analysis and Business Evaluation

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

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

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in summer 2021 subject to the timing and amount of final FY 2021 appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

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 Clean Water Act (CWA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected tribes, and consultation with the State Historic Preservation Office.

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

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the recipient. Where environmental or cultural resources compliance requires significant participation by Reclamation, costs anticipated to be incurred by Reclamation will be added as a line item to the budget during development of the financial assistance agreement and cost shared accordingly. Any costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

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

Notice of Funding Opportunity No. R21AS00257

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

F.2.2. Approvals and Permits

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

F.2.3. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B)

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

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

Exception for tribes: requirements regarding irrigated acreage and consumptive use applicable to tribes are described in P.L. 116-9, Section 8501.

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

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

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

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

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

F.2.6.1. In General

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

F.2.6.2. Tort Claims Act

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

F.2.7. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see 2 CFR §200.59 Intangible Property). The non-Federal entity must use that property for the originally-authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR §200.313(e) Equipment.

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

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

The Federal government has the right to:

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

F.2.8. Freedom of Information Act

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

Notice of Funding Opportunity No. R21AS00257

Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 USC 552[a][4][A]).

Published research findings means when:

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

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

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

F.2.9. National Defense Authorization Act

Applicants may not use funding awarded under this NOFO to purchase certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (P.L. No. 115-232) (2 CFR §200.216).

F.3. Reporting—Requirements and Distribution

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

F.3.1. Financial Reports

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report on at least an 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 an 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 Reports

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

- Whether the project objectives and goals were met
- Discussion of the benefits achieved by the project
- 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 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.

Notice of Funding Opportunity No. R21AS00257

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 43 CFR Part 18 and 31 U.S.C. 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 NOFO may direct questions to the Reclamation personnel identified below.

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of Mr. Matthew Reichert, Grants Management Specialist, as follows:

By mail: Bureau of Reclamation
Financial Assistance Support Section
Attn: Mr. Matthew Reichert
P.O. Box 25007, MS 84-27814

Denver, CO 80225

By email: SHA-DRO-FAFOA@usbr.gov

By phone: 303-445-3865

OR

By mail: Bureau of Reclamation
Financial Assistance Support Section
Attn: Mr. Ned Weakland
P.O. Box 25007, MS 84-27814
Denver, CO 80225

By email: SHA-DRO-FAFOA@usbr.gov

By phone: 303-445-3757

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Robin Graber, Program Analyst, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Division
Attn: Ms. Robin Graber
P.O. Box 25007, MS 84-51000
Denver, CO 80225

By email: rgraber@usbr.gov

By phone: 303-445-2764

Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals that include measurement, monitoring and field work. While these statutes are not the only environmental laws that may apply, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. 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 should consider the following list of questions focusing on the NEPA, NHPA, and ESA 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.

Notice of Funding Opportunity No. R21AS00257

- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

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

H.2.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund an award under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the 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 **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

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

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

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

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area Reclamation office. See www.usbr.gov/main/offices.html with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).

H.2.2. National Historic Preservation Act

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

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

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
 - A determination as to whether additional information is necessary.
 - Evaluation of the significance of identified cultural resources.
 - Assessment of the effect of the project on historic properties.
 - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.

Notice of Funding Opportunity No. R21AS00257

- A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See www.usbr.gov/cultural/crmstaff.html 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.

Section H. Other Information

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.

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Attachment A: Additional Federal Laws, Executive Guidance, and Regulatory Requirements

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, review of applications will take into consideration applicable Federal laws, executive guidance, and regulatory requirements described below:

- President's September 2, 2020 memorandum, entitled *Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities*;
- *Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence* (E.O. 13933); and
- Guidance for Grants and Agreements in Title 2 of the Code of Federal Regulations (2 CFR), as updated in the Federal Register's 85 FR 49506 on August 13, 2020, particularly on:
 - Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR part 200.205);
 - Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (P.L. No. 115—232) (2 CFR part 200.216);
 - Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (Executive Order [EO]. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (§§ 200.300, 200.303, 200.339, and 200.341);
 - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR part 200.322); and
 - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 CFR part 200.340).