

Report to New Mexico Soil and Water Conservation Districts

*New Mexico Department of Agriculture, Agricultural Programs and Resources
Division*

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<https://nmdeptag.nmsu.edu/apr/soil-and-water-districts.html>

September 2023

September 1st	Annual report of activities and annual plan for the past fiscal year due to SWCC, SWCC region commissioner, and NMDA Specialist.
October 30 th	1 st quarterly budget report due to DFA-LGD (cc: to SWCC, SWCC region commissioner, and NMDA Specialist)
October 31 st	Water Quality and Conservation Grant 1 st quarterly report and budget due to the SWCC and NMDA Specialist

OMA Notification Requirements

Remember that if you have to hold a district board meeting at a date, time or location that deviates from the information you advertised in your Open Meetings Act resolution, you must advertise it accordingly. Here are the guidelines:

Regular Meeting – 10 Days Prior

Special Meeting – 3 Days Prior

Emergency Meeting – 24 Hours Prior

1. Local Government entities participating in the Local Election Act:

Please be aware of the following remaining deadlines.

September 5, 2023, Deadline for a write-in candidate to file a Declaration of Candidacy between 9:00 AM and 5:00 PM in the office of the County Clerk of the County in which the candidate resides. NMSA 1-22-8.1(C)

IMPORTANT ELECTION DATES:

Write-In Candidate Filing Day: **September 5, 2023**

Registration Closes: **October 10, 2023**

Absentee Voting Begins: **October 10, 2023**

Early In-Person Voting Begins: **October 21, 2023**

Election Day: **November 7, 2023**

2. NMDA's Healthy Soil Program grants: FY24 invoices are rolling in, and FY25 planning is underway

There are 19 SWCDs participating in NMDA's Healthy Soil Program this year, with each sponsoring one or more Individual Applicant projects. Five of those same 19 districts are pulling double duty by also implementing their own Healthy Soil Program grant-funded projects at the Eligible Entity level. No matter what type of Healthy Soil Program project your district is involved in, we offer the reminder to **invoice NMDA for approved project expenses at least monthly**. Keeping to that timeframe helps projects stay on track – and it avoids all parties having to manage mounds of months-old paperwork at the end of the fiscal year.

While Fiscal Year 2024 projects are getting underway, NMDA's Healthy Soil Program team is working on the program rollout for Fiscal Year 2025. As part of our commitment to year-over-year program improvement, we invite SWCD staff and board members alike to **email your Healthy Soil Program suggestions as soon as possible to hsp@nmda.nmsu.edu**. That's also where you can request a real-time presentation – in-person or virtual – about the Healthy Soil Program. NMDA will do its best to accommodate such requests.

Lastly, we encourage everyone to **subscribe to our weekly Healthy Soil Program e-newsletter** using the form at the bottom of [the Healthy Soil Program website](#). The weekly newsletter will keep you informed of soil health news and events – including an October 18 webinar all about NRCS conservation planning, particularly as it relates to Individual Applicants applying for grants from NMDA's Healthy Soil Program. [Click here to register for the October 18 webinar](#).

3. Agricultural Workforce Development Program

The New Mexico Department of Agriculture (NMDA) Agricultural Workforce Development (AWD) Program grant application period opened June 19, 2023 and will continue until funds are fully allocated or by March 29, 2024, whichever comes first. Internships can begin after July 1, 2023 and must be completed by May 31, 2024.

NMDA's AWD Program offers incentives to the state's agricultural businesses to hire interns. The AWD Program is intended to provide hands-on educational opportunities for students aspiring to careers in agriculture, as well as young or beginning farmers and ranchers.

The AWD Program is the result of the [Agricultural Workforce Development Program Act](#), which was signed into law in 2019.

NMDA will reimburse qualified agricultural businesses up to 50 percent of the actual cost of hiring a qualified intern, not to exceed \$15,000 per internship. An agricultural business may request funding to hire as many as three interns per calendar year. Each intern must be provided with **at least one hundred thirty (130) hours** of work experience, not exceeding one (1) year in duration per intern.

Agricultural business operators, please read the **Agricultural Workforce Development FAQs** carefully before submitting an application at:

<https://nmdeptag.nmsu.edu/agricultural-workforce-development-faqs.html>

To avoid submitting an incomplete application, agricultural business operators should follow these steps:

1. Find an intern(s) interested in the internship opportunity with your agriculture business. It is preferred that interns are New Mexico residents, but it is not a requirement.
2. Complete and submit the AWD grant application at <https://grants.nmda.nmsu.edu/submit>

Please note:

- NMDA will *not* match agricultural businesses with potential interns.
- Agricultural businesses must identify an intern prior to applying for funding.
- Interns must be 18 years or older by the start of the internship.
- Immediate family members of the agricultural business are NOT eligible to participate.
- Participating agricultural businesses must pay minimum wage (or higher) to each intern, as well as carry workers' compensation insurance for each intern.

4. District Operations Funding

Each year the legislature provides appropriations for SWCD operations. The appropriation available for distribution this year is \$819,410.00. A spreadsheet is attached showing this year's allocation per SWCD.

5. Funding for Range Improvement Informational Session

The Border Soil and Water Conservation District invites SWCDs and producers to attend their Funding for Range Improvements Informational Session. This event will take place Thursday, September 7th at 5:00 pm, at the Elida Community Center.

Speakers will discuss funding opportunities for brush spraying, brush removal, Healthy Soil funding and more. Please see the attached agenda for more information.

For more information and/or to register please contact Deena Kinman at 575-760-1273 or by email BorderSWCD@gmail.com.

6. USDA Seeks Proposals for Joint Chiefs' Landscape Restoration Partnership

The U.S. Department of Agriculture (USDA) is asking for proposals for the [Joint Chiefs' Landscape Restoration Partnership](#) to improve forest health on public and private lands. USDA's Natural Resources Conservation Service (NRCS) and the Forest Service are seeking the proposals by **Sept. 4, 2023**, for fiscal year 2024.

Joint Chiefs' project proposals are developed at the local level through a collaborative process between NRCS, Forest Service, communities and partners. Proposals may address one, two, or all three program objectives: reduce the risk of wildfire; protect water quality and supply; or improve wildlife habitat for at-risk species. Past partners have included Tribes, county and state governments, non-profit organizations, the private business sector, and individual stakeholders. The collaboration process and partnerships will depend on the specific community needs of each project. Proposals are submitted by the local NRCS and Forest Service offices to the national agency offices. They are then reviewed and vetted at multiple levels in the agencies based on Tribal, local, state, and regional priorities.

NRCS and Forest Service national offices will evaluate the proposals and an announcement for the selected projects is planned for late fall 2023.

For more information see the full press release here: https://www.nrcs.usda.gov/news/usda-seeks-proposals-for-joint-chiefs-landscape-restoration-partnership-0?utm_campaign=0623hiringengineers

7. Southwest Drought Learning Network



The [registration](https://docs.google.com/forms/d/e/1FAIpQLSfO-V1zrw2oloyAg7duN6XMuR4fnpbuytl0GERBArSh6eDuGQ/viewform) for the SWDLN 2023 annual meeting is now available at <https://docs.google.com/forms/d/e/1FAIpQLSfO-V1zrw2oloyAg7duN6XMuR4fnpbuytl0GERBArSh6eDuGQ/viewform>. The meeting will be held at the [Southwestern Indian Polytechnic Institute](#) in Albuquerque, New Mexico on September 27 & 28, 2023. We are also considering hosting a field trip during the afternoon of the 26th; more details to follow should it work into the schedule.

The planning team is working on the agenda and hope to have a draft ready to share with you soon. Some of the highlights of the meeting will include success stories and learning experiences from resource managers in the region, discussing drought related needs specific to the Southwest, and DLN team planning for the upcoming year. Don't forget the most important part of the meeting, catching up with old friends, meeting new people, and maybe even finding new way to collaborate.

8. NMWDOC Fall Conference

NMWDOC will be hosting the 2023 Fall Conference on October 4-6, 2023 at Isleta Resort & Hotel. The Resort is located at 11000 Broadway Blvd SE, Albuquerque, NM 87105.

Save the Date. Please block-out your calendars for this exciting upcoming conference.

Book your Rooms Now! The Isleta Casino and Resort is our host hotel. Group rates have been provided at a cost of \$121 per night plus tax. Group rate code is: NMW1023. Cut off date for group rate is September 20, 2023. Please contact them directly for room reservations

at 1-877-747-5382 **NOTE:** Balloon Fiesta starts the day after our conference ends, so demand for room is expected to be high...**book early!**

More details to Come. We will send out a follow-up email with lots of additional conference & agenda details in the coming weeks.

Contact. If you have any questions, please send an email to: asanchez@sscafca.com.

9. African Rue Field Day

The Border Soil and Water Conservation District invites SWCDs and producers to an African Rue Field Day, to be held Thursday, October 5th at 10:00 am. Participants will meet at the Elida Community Center, where they will leave for a tour of African Rue within the Border SWCD. The intent of this Field Day is to help everyone, not just land managers, identify and manage this dangerous plant and educate other agencies such as SWCD's as to the threat of this weed. Lunch will be provided.

For more information and/or to register, please contact Deena Kinman at 575-760-1273 or by email BorderSWCD@gmail.com.

10. New Mexico State Forestry Conservation Seedling Program

Orders for the Fall 2023 Conservation Seedling Sale will begin July 3rd and **will end October 6th**. Distribution will begin September 11th and will go through October 13th.

For more than forty years, the Division has offered low-cost seedlings to landowners to plant for reforestation, erosion control, windbreaks, or Christmas tree plantations. Since 1960, more than four million trees have been planted throughout New Mexico that were purchased through this program.

For questions about prices and minimum order size refer to ordering information or visit: <https://www.emnrd.nm.gov/sfd/seedlings/>.

11. 2023 Wildland Urban Fire Summit

Join us this year in Ruidoso for the NM Wildland Urban Fire Summit! WUFS is New Mexico's leading event for wildfire preparedness and planning. Join your peers, community leaders, fire service professionals, and federal, state, tribal, and local governments for this in person event. Local community members will share regional history and discuss living in and adapting to the Wildland Urban Interface.

Highlights:

- Field trips to Moon Mountain/McBride Fire site, Bonito Lake/Little Bear Fire site, and Smokey Bear Historical Park
- FACNM social/networking hour on Wednesday, October 11th
- Lunch with Wildland Fire Coordinators on Thursday, October 12th

- Featured presentations: Volunteer/Community Organizations Active in Disaster & Elements of Fire Insurance
- **[Register here: 2023 Wildland Urban Fire Summit Registration](#)**

12. 6th Annual BGNDRF WIN Workshop

The Brackish Groundwater National Desalination Research Facility's 6th Annual Water Innovations and Networking (WIN) Workshop will be held October 24th-25th 2023.

The goal of the WIN Workshop is to provide clients of the Bureau of Reclamation's Brackish Groundwater National Desalination Research Facility (BGNDRF) the opportunity to share their work with a broader audience in a rich environment for networking with potential customers, investors, partners, and other interested parties.

Registrants can register to present a 3-minute pitch. Pitches may be on any topic relevant to WIN Workshop participants. This gives audience members greater opportunity to participate and increases networking opportunities for all. If you have an idea to share, be sure to register to get it on the agenda by 9/15/2023.

For more information, please visit: <https://www.eventbrite.com/e/6th-annual-bgndrf-win-workshop-tickets-643669802707?aff=oddtcreator>

13. Four WaterSMART Notices of Funding Opportunities Available

The **Planning and Project Design Grants** is a new funding opportunity representing an efficient approach to streamline the WaterSMART application process by combining three funding opportunities into one. This funding opportunity includes the existing Drought Contingency Planning funding opportunity, expands the existing water marketing funding opportunity to create Water Strategy Grants, and introduces a new funding category for Project Design Grants.

[Click here to access the Planning and Project Design Grants funding opportunity on grants.gov.](#)

It is also accessible by searching grants.gov for funding opportunity number R23AS00109. There are two application submission periods under this funding opportunity. **Applications for the first submission period are due by October 17 and applications for the second submission period are due by April 2, 2024.**

The **Drought Resiliency Projects (DRP)** funding opportunity supports the implementation of drought mitigation projects that build long-term resilience to drought. Through this funding opportunity, Reclamation provides financial assistance for projects that, when implemented, will increase water supply reliability and improve water management.

[Click here to access the DRP funding opportunity on grants.gov.](#)

It is also accessible by searching grants.gov for funding opportunity number R24AS00007. **Applications are due by October 31.**

An updated WaterSMART schedule has been attached for your reference.

Attached and below is information on four notices of funding opportunities (NOFOs) for various WaterSMART Program grants from the Bureau of Reclamation. Attachments A and B are also included for your reference in preparing proposal budgets and are standard for each NOFO.

R24AS00007 <https://www.usbr.gov/drought/>

WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024 (posted on 08/07/2023)

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=349782>; closes 10/31/2023.

R23AS00106 <https://www.usbr.gov/watersmart/aquatic/index.html>

WaterSMART Aquatic Ecosystem Restoration Projects for Fiscal Year 2023 (originally posted on 03/14/2023)

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=346822>; closes 01/24/2024.

R23AS00109 <https://www.usbr.gov/watersmart/projectdesign/index.html>

WaterSMART Planning and Project Design Grants For FY 2023 and FY 2024 (posted on 08/07/2023)

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=349785>; closes 04/02/2024.

Applications for the first submission period are due by October 17 and applications for the second submission period are due by April 2, 2024.

R23AS00362 <https://www.usbr.gov/watersmart/cwmp/index.html>

WaterSMART Cooperative Watershed Management Program Phase I for Fiscal Year 2023 (posted on 08/07/2023)

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=349783>; closes 09/23/2024.

14. Sixth National Cohesive Wildland Fire Management Strategy Workshop

The workshop is happening **November 6-10th, 2023 in Santa Fe, NM**. Registration is currently open for the event and there is a call for “Not Your Typical Poster Presentations,” which invites participants to share their Cohesive Strategy implementation experiences, failures, and other lessons learned (deadline September 15th).

Please see further details at <http://cohesivestrategyworkshop.org/>.

15. NMACD Annual Meeting

We are looking forward to our 77th Annual Conference! This year, the conference will be held at the Embassy Suites in Albuquerque, NM. After completing the event registration online, we advise that you call the hotel to book your room for the event at 1-800-EMBASSY. Be sure to let them know that you are part of the “NMACD” group.

Reservation cut-off date is October 7, 2023. Or click here to book:

<https://www.hilton.com/en/book/reservation/rooms/?ctyhocn=ABQEMES&arrivalDate=2023-11-06&departureDate=2023-11-08&groupCode=CES90L&room1NumAdults=1&cid=OM%2CWW%2CHILTONLINK%2CEN%2CDirectLink>

Early Bird Registration ends on October 31, 2023. If you have any questions related to registration, or about the conference, please call Debbie Hughes at 575-361-1413 or via email at conserve@nmacd.org

Meeting will be November 6-8 at the Embassy Suites, 1000 Woodward Pl NE, Albuquerque, NM 87102. Visit <https://www.nmacd.org/> to register and book your room.

16. Soil Health Institute: Nationwide Study on 30 U.S. Farms Shows Positive Economic Impact of Soil Health Management Systems

Today (August 9), the Soil Health Institute and National Association of Conservation Districts announced the results of a nationwide study that demonstrates how improving soil health can help farmers build resilience and improve profitability across a diversity of soil types, geographies, and cropping systems.

This multi-year and data-driven collaboration among the Soil Health Institute (SHI), the National Association of Conservation Districts (NACD), and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) assessed the economics of soil health management systems (SHMS) for a range of crops including canola, chickpea, corn, cotton, dried bean, grain sorghum, millet, pea, peanut, rye, soybean, sunflower, walnut, and wheat. Some of the operations also raised dairy cows, beef cattle, chickens, and hogs. SHI and NACD conducted extensive interviews with 30 farmers with an established history of successful implementation of a wide range of SHMS, including cover crops, no-till, reduced till, strip till, planting green, rotational grazing, livestock integration, and manure incorporation across 20 states. Interviews were designed to learn about farmers' experiences with adopting those systems and to evaluate their economics by comparing the costs and benefits before and after practice adoption.

"Increasing the efficiency as well as resilience of farms and farm communities has never been more important," said **Jeremy Peters, NACD Chief Executive Officer**. "We recognize that farmers must weigh the costs, risks, and overall benefits when introducing new practices into their operations. This project shows that soil health management systems are both feasible and profitable. Conservation Districts can provide hands-on technical assistance to producers

to design a system of practices that make sense for their land, while helping enroll producers into programs that offer financial incentives that fit their business model."

Key findings include:

- Across 29 farms, SHMS increased net farm income by an average of \$65/acre (1 organic farm was excluded due to high revenue from price premiums).
- On average, when implementing SHMS, it cost producers \$14/acre less to grow corn, \$7/acre less to grow soybean and \$16/acre less to grow all other crops.
- Yield increases due to SHMS were reported for 42% of farms growing corn, 32% of farms growing soybean, and 35% of farms growing other crops.
- Farmers also reported additional benefits of adopting SHMS, such as decreased erosion and soil compaction, earlier access to fields in wet years, and increased resilience to extreme weather.

"Soil health management practices help producers increase profits, reduce costs, and limit risks while conserving our nation's resources," said **NRCS Chief Terry Cosby**. "The results experienced by these 30 diverse farmers from across the country show the financial benefits of implementing soil health management systems across many different production systems, and highlight how critical voluntary conservation programs are to the viability of U.S. agriculture."

Individual farmer videos, 2-page economic factsheets, and 1-page narratives have been created for each of the 30 farmers interviewed to support soil health education and outreach. Results from the wide range of farms, production systems, and geographies included in this national study indicate that many more farmers may also benefit economically from adopting SHMS, thereby expanding the associated on-farm and environmental benefits for farmers and society.

For more information about the economic case studies, including videos, producer narratives and fact sheets, please visit: <https://soilhealthinstitute.org/our-work/initiatives/economics-of-soil-health-systems-on-30-u-s-farms/>

17. New Mexico 30 by 30 Committee releases 2023 Annual Report

On July 18, the New Mexico 30x30 Committee released its 2023 Annual Report, summarizing its activities over the past year to meet the objectives of Executive Order 2021-052 Protecting New Mexico's Lands, Watersheds, Wildlife, and Natural Heritage. In fiscal year 2023, the Committee developed a framework for accomplishing the State's 30 by 30 goals, conducted tribal government and public outreach activities, and drafted a common set of definitions for "Conserved Lands" and "Climate Stabilization Areas" that can be used to measure progress under Executive Order 2021-052. The report concludes with a preview of work the Committee expects to do in fiscal year 2024.

Access the full report here: <https://www.emnrd.nm.gov/wp-content/uploads/30x30-NM-Report-2023.pdf>

18. NM Environment Department's Clean Water State Revolving Fund



Clean Water State Revolving Fund

Loan and Grant Funding Available
Interest Rates from 0-0.01%

PLANNING, DESIGN AND CONSTRUCTION LOANS
WATER QUALITY INFRASTRUCTURE PROJECTS

PROGRAM ELIGIBILITY

- ☐ Centralized Wastewater Treatment Projects
- ☐ Energy Efficiency at WWTP's, including solar
- ☐ Stormwater Projects
- ☐ Landfills
- ☐ Water Conservation efforts, including water meters and reuse
- ☐ Address Emerging Contaminants to include PFAS in:
 - ☐ wastewater
 - ☐ stormwater
 - ☐ nonpoint source pollution



WHAT ARE EMERGING CONTAMINANTS?

- ☐ PFAS and other forever chemicals
- ☐ Microplastics and Nanoplastics
- ☐ Pharmaceuticals and Personal Care
- ☐ Nanomaterials

The first step in identifying emerging
contaminants are in your wastewater.

CONTACT US



NMENV-cpbinfo@state.nm.us



505-469-3365



APPLY HERE



<https://www.env.nm.gov/funding-opportunities/>

19. Biden-Harris Administration Announces Investments in Urban Agriculture, Food and Market Access through President Biden's Investing in America Agenda- One of the new Urban Service Centers is located in Albuquerque

The Biden-Harris Administration announced a series of investments that will increase market access and revenue streams for producers while strengthening the food system and giving consumers better access to locally grown foods and healthier choices. These investments include 17 new Urban Service Centers and 10 new urban county committees.

The new Urban Service Centers will be staffed by Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS) employees and will offer farm loan, conservation, disaster assistance and risk management programs. They're also home to urban county committees, which help with local administration of FSA programs.

For more information, please visit: https://www.usda.gov/media/press-releases/2023/07/21/biden-harris-administration-announces-investments-urban-agriculture?utm_campaign=620urbanag&utm_medium=email&utm_source=govdelivery

20. NM Fire Information: Stay Informed about Fires & Post-Fire Recovery Efforts

New Mexico Fire Information (<https://nmfireinfo.com/information/>) is an interagency effort by federal and state agencies in New Mexico to provide timely, accurate, fire and restriction information for the entire state. The agencies that support the site are the Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, State of New Mexico, and U.S. Forest Service. The site is updated as often as new information is available from the Southwest Coordination Center, individual forests, national parks, state lands, tribal lands and BLM offices. The aim is to provide one website where the best available information and links related to wildfire and restrictions can be accessed.

21. Rolling Quorums

NMDA would like to remind all SWCD and Watershed District boards to be careful when emailing and hosting conference calls. A rolling quorum needs to be avoided. The definition and examples are stated below, directly from the Attorney General's Open Meetings Act Compliance Guide.

Rolling Quorums (Open Meetings Act Compliance Guide 2015 page 7):

The Act's requirement for open, public meetings applies to any discussion of public business among a quorum of a public body's members. Usually, a quorum of a public body's members meets together to discuss public business or take action. However, a quorum may exist for purposes of the Act even when the members are not physically present together at the same time and place. For example, if three members of a five-member board discuss public business in a series of telephone or email conversations, the discussion is a meeting of

a quorum. This is sometimes referred to as a “rolling” or “walking” quorum. The use of a rolling quorum to discuss public business or take action violates the Act because it constitutes a meeting of a quorum of the public body’s members outside of a properly noticed, public meeting.

22. Assistance Programs posted on NMDA’s Website

NMDA has compiled a list of all state and federal assistance programs available. Please look over these assistance programs and feel free to pass along any of this information that might be beneficial to individuals or groups within your SWCD.

Please visit: <https://nmdeptag.nmsu.edu/assistance-programs.html>

Budget Narrative Guidance

A budget estimate and budget narrative for your project are required. The information in the budget narrative must correspond to Section B of the SF-424A. All budgeted costs, including any costs that will be paid by the applicant or contributed by third-parties, must comply with the cost principles of 2 CFR Part 200, [Subpart E - Cost Principles](#) and be:

- Allowable ([§ 200.403 Factors affecting allowability of costs](#)),
- allocable to the agreement ([§ 200.405 Allocable costs](#)) and
- reasonable in amount ([§ 200.404 Reasonable costs](#))

SECTION B – BUDGET CATEGORIES	
6. Object Class Category*	
a.	Personnel
b.	Fringe Benefits
c.	Travel
d.	Equipment
e.	Supplies
f.	Contractual
g.	Construction
h.	Other Direct Costs
i	Total Direct Costs (sum 6a-6h)
j.	Indirect Costs
k.	TOTALS (sum 6i and 6j)

**Other than personnel and fringe benefits costs, all construction-related costs should be included under Object Class Category 6g., Construction.*

A thorough budget narrative will aid the administrative review and processing of a recommended award. Amounts included in a budget and budget narrative are estimates; in the event of an award, payments will be based on actual expenditures. The following is guidance for your use in preparing a thorough budget narrative. The budget narrative provides a discussion of, or explanation for, items included in the above budget items. The guidance follows the order of the budget items. The Budget Detail and Narrative template (Attachment B) is a suggested format to present the breakdown of your estimated costs, by category, needed to accomplish project activities.

*Cost-share instructions (if applicable): The budget must include at least the minimum Federal to non-Federal required cost share. Cost share encompasses all contributions to the project incurred and paid for during the project. This includes payments for personnel, supplies, equipment, activities and items necessary for the project. In-kind Cost Share encompasses all third party contributions to the project that do not involve a payment or reimbursement and represent donated items or services that are necessary to the performance of the project. This includes volunteer personnel hours, donated existing equipment, donated existing supplies, etc.

a. Personnel

This category includes salaries and wages of employees of the applicant organization that will be working directly on the project. Generally, salaries of administrative and/or clerical personnel are included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they can be included in this section; however, a justification should be included in the budget narrative. Recommend reviewing [§ 200.430 Compensation - personal services](#) for more information on the specific requirements regarding compensation costs, including the Standards for Documentation of Personnel Expenses at §200.430(i).

Narrative: For key personnel such as the project manager or principal investigator, identify the name and position/title. Other personnel should be identified by position only. For all positions, identify the project tasks that will be performed. Compensation rates can be expressed as hourly rates and number of hours or annual salary and percentage effort that will be contributed to each task, but must be consistent with your organization's accounting and timekeeping policies. Include estimated hours for compliance with reporting requirements, including the final project report and evaluation. For multi-year projects, identify the level of effort anticipated for each budget year and any estimates increases in compensation rates. Within the budget narrative, provide a certification that the labor rates included in the budget proposal represent the actual labor rates of the identified personnel/positions and are consistently applied to Federal and non-Federal activities. *Note: The annual/hourly labor rate must not include fringe benefits.*

Examples:

Hourly rate: *(Position) will assist the project manager in the performance of all tasks for each budget year as described below. The hourly rate for year two includes a 3% increase which is the average annual increase in compensation for all employees. The hourly rate is based on the average of all personnel occupying this position. Compensation rates are consistently applied to Federal and non-Federal activities.*

Task 1:	50 hrs Y1 x \$25hr + 0 hrs Y2 x \$26hr =	\$1,250
Task 2:	80 hrs Y1 x \$25hr + 100 hrs Y2 x \$26 =	\$4,600
Task 3:	80 hrs Y1 x \$25hr + 80 hrs Y2 x \$26 =	\$4,080
Task 4:	80 hrs Y1 x \$25hr + 110 hrs Y2 x \$26 =	\$4,860
Total:	\$7,250 Y1 \$7,540 Y2	\$14,790

Percentage: *(Name, title) will be the project manager and responsible for the day to day direction of the project, participate in the derivation and culture of invasive mussel cells (Task 1), and perform most molecular biology procedures(Tasks 2-4). His salary is \$71,400 for both budget years and it is anticipated that he will spend 40% of his time on the project in Year one (\$28,560) and 60% during Year two (\$42,840), approximately \$71,480 for the entire project period. The budgeted rates represent the actual labor rates for the identified personnel and positions and are consistently applied to Federal and non-Federal activities.*

b. Fringe Benefits

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Fringe costs should also include employer contributions required by law such as payroll taxes such as FICA, unemployment, and workers compensation. Fringe does **not** include federal income taxes, employee portion FICA, or other such costs. Recommend reviewing [§ 200.431 Compensation - fringe benefits](#) for more information on the allowability and allocability of fringe benefits. *Note: Car allowances and cars furnished to employees for personal and work use are unallowable as a fringe benefit, regardless of whether the costs is reported as taxable income, and must be excluded from fringe benefit rates.*

Narrative: Fringe benefits can be expressed as an hourly rate or percentage of personnel costs. In the narrative, identify the fringe benefit rates/amounts for each position. If the fringe benefit rate is less than 35% of the estimated employee compensation, no additional information is necessary. If the fringe benefit rate is more than 35%, provide a description and breakdown of the benefits. If the rate is established within a negotiated indirect cost rate agreement (NICRA), provide a copy of the agreement with the application. *Note: Do not combine the fringe benefit costs with direct salaries and wages in the personnel category.*

Examples:

Hourly amount (less than 35% of compensation): *Fringe benefits are based on hours for each staff member and include benefits and required taxes paid for each position. Fringe rates have been computed at \$8.55 per hour for the Director and \$6.97 per hour for the Project Coordinator and are applied to the 475 and 275 hour estimates for each position.*

Percentage rate: *The City's fringe benefits costs are estimated at 50% of employee compensation costs and consists of FICA (8%), unemployment insurance (6%) workers compensation (1%), medical and dental (18%), retirement (3%) and annual/sick leave/holidays (14%).*

NICRA: agreement provided, which shows the appropriate fringe benefit rates for each position.

c. Travel

Travel costs are expenses incurred by personnel in the performance of project activities. Costs can be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided that the method used is applied to the entire trip and not to selected days of the trip. All charges must be consistent with those normally allowed under similar circumstances for non-Federally funded activities and any established travel policies. Recommend reviewing [§ 200.475 Travel costs](#) for more information.

Narrative: Provide a narrative describing any travel employees are anticipated to perform. Include the purpose of the travel and how it relates to project tasks, the origin and destination of the trip, number of personnel traveling, length of stay and all travel costs including airfare, per diem, lodging, transportation, and miscellaneous travel expenses. Identify the basis for rates used, (e.g. GSA Per Diem Rates, published prices) and the total of each planned trip. If travel details are unknown, then the basis for proposed costs should be explained (i.e. historical information).

Example:

The budget includes \$800 in estimated travel costs for the principal investigator to travel to Denver for the required project presentation. Airfare is estimated at \$345 based on published prices. Rental car costs are estimated at \$146 based on a quote from a rental car company at the airport. Lodging is estimated at \$195 for one night and a per diem of \$57/day for meals and incidentals for two days of travel. Lodging and per diem are based on GSA rates for Denver/Aurora geographic area.

The budget includes \$1,100 in travel costs for the project facilitator to travel to stakeholder meetings in the watershed. The number of meetings and locations are not known at this time, but the estimate is based on travel costs for 10 meetings with an estimated 100mi roundtrip for each meeting ($1000 \text{ mi} \times 0.57/\text{mi} = \570). One or more meetings may also require an overnight stay so the estimate includes 2 nights lodging at \$150/night (\$300) and per diem for 4 days ($\$56.00 \times 4 = \224). Lodging and per diem rates are based on GSA rates for the Durango, CO geographic area.

d. Equipment

Equipment is defined in [§200.1](#) as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the applicant organization for financial statement purposes, or \$5,000. Recommend reviewing [§ 200.439 Equipment and other capital expenditures](#) for additional information on the allowability of equipment costs and [§ 200.313 Equipment](#) for information regarding the title, use, management and disposition requirements for equipment acquired under a Federal award.

Narrative: If equipment will be purchased, itemize all equipment valued at or greater than your organization's capitalization threshold for financial statement purposes. If your organization's capitalization threshold is greater than \$5,000, identify 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 (published price, quote, etc.). Include in the narrative a comparison of rental and/or lease costs over the purchase of the equipment item. *Note: Do not include equipment that will be purchased and/or installed as part of a construction- related activity. Construction costs must be included in Object Class Category 6g.*

Example:

This project includes the production of lines of cultured cells from invasive mussel species, and long-term cell culture success is heavily reliant on storage of cells and reagents at ultracold temperatures. The requested new freezer will be used for both primary and back-up storage of cells and reagents to ensure that ultracold storage continues uninterrupted in the event of equipment failure. The \$10,000 estimate is based on the published price for a Thermo Scientific Revco RLE Series Ultra-low Freezer. Rental cost of similar freezers range from \$475-\$530 per month, or approximately \$18,000 over the term of the agreement.

e. Supplies

Supplies is defined in [§200.1](#) as all tangible personal property other than those described in the definition of *equipment*. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by your organization for financial statement purposes or \$5,000, regardless of the length of its useful life. Recommend reviewing [§ 200.453 Materials and Supplies Costs, Including the Costs of Computing Devices](#), regarding the allowability of costs. Supply items must be direct costs to the project and not duplicative of supply costs in the indirect rate. For post-award requirements regarding supplies, recommend reviewing [§ 200.314 Supplies](#). For financial management requirements related to supplies, recommend reviewing [§ 200.302\(b\)\(4\)](#)

Narrative: List all expendable supplies noting their purpose in the project and the basis of cost (e.g. vendor quotes, catalogue prices, prior invoices, etc.). For each item, provide the estimated unit cost, quantity, and total cost. General categories may be used, but if a category is viewed as too general or the associated amount is too high, further itemization may be requested.

Example:	Pressure gage \$102/ea. x 2 =	\$204
	Compression tubing \$20/lf. x 10 =	\$200
	Peristaltic pump \$3,180/ea. x 1 =	\$3,180
	Instrument consumables \$1500 (1s)	<u>\$1,500</u>
	Total	\$5,084

The pressure gage and tubing to complete the column tests in Task 1. The pump will be used to load and regenerate columns (Tasks 1, 3, 5) and the instrument consumables will be used for the analytical analyses identified in Tasks 1-6. The Instrument consumables were estimated using actual costs from a previous project and the other items were estimated using vendor estimates.

f. Contractual

Include all contracts and subawards. Per [§ 200.1](#), a *contract* means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract when the substance of the transaction meets the definition of a *subaward*.

For additional information on subrecipient and contractor determinations, see [§ 200.331 Subrecipient and contractor determinations](#). Recommend reviewing [§ 200.459 Professional service costs](#) for information regarding the allowability of contractual costs.

Do not include construction contract costs in this section. Construction costs should be included in Budget Object Class Category 6g, Construction.

Contract Narrative:. For each contract, regardless of dollar value, describe the services to be obtained and the applicability or necessity of each to the project. Identify the total estimated cost and the basis(es) used to develop the estimate. For each contract with an estimated amount meeting or exceeding \$250,000 or represents 35% or more of the total project cost, provide a separate detailed description of the estimated costs. A detailed estimate can be included with the application in lieu of a description. For contracts with an estimated cost equal to or greater than the micro-purchase threshold (currently \$10,000) identify the anticipated procurement method to be used and the basis of selection.

NOTE: 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 [§ 200.318 General procurement standards](#) for additional information regarding procurements, including required contract content. Recommend reviewing [§ 200.319 Competition](#) and [§ 200.320 Methods of procurement to be followed](#).

Example:	Facilitator	\$150/hr. x 75 =	\$11,250
	Water Quality Consulting	\$40/hr. x 50 =	<u>\$2,000</u>
	Total		\$13,250

Consultants will be hired to assist with facilitation and technical assessments and preplanning activities as needed. We have conducted preliminary price analysis and found average fees for facilitation consultants in the area are \$150 per hour. The estimate would provide 75 hours of facilitation work focused on the development of the strategic plan. Our procurement policies require that we obtain at least three quotes for services and the selection will be based on best value (qualifications and price). We have researched water quality support cost estimates from XXXXX, who maintains a fee for service pricing structure and provides expertise focused on the watershed. Rates for water quality support average \$50 per hour and the project estimate would provide 40 hours of support for pre-planning activities.

Subaward Narrative: If known, identify the recipient of each subaward. Describe the activities to be performed under each subaward, regardless of dollar value, and indicate the applicability or necessity of each to the project. Identify the total estimated cost and the basis(es) used to develop the estimate. For each subaward with an estimated amount meeting or exceeding \$250,000 or representing 35% or more of the total project cost, provide a separate detailed description of the estimated costs. A detailed estimate can be included with the application in lieu of a description. Include any indirect/overhead costs anticipated to be paid and the indirect cost rate used.

Example:

A subaward in the amount of \$8,400 will be made to XXXX non-profit to conduct outreach, facilitate stakeholder meetings and perform pre-planning activities. The subaward includes \$5,000 for personnel salary and \$1,050 for fringe benefits. Salary costs are based on the compensation rate for the subrecipient Project Coordinator (\$50/hr. x 100 hours) and a fringe rate of 21%. The subaward also includes \$500 in travel costs for the Project Coordinator to travel to 10 stakeholder meetings. It is estimated that the Project Coordinator will travel approximately 50-100 miles round-trip per meeting at a cost of \$0.57 per mile. The non-profit has a Federal indirect cost rate agreement (attached) and costs are estimated at \$1,850 (\$6,550 x 28%).

g. Construction

Construction costs are costs incurred in the construction, renovation, and/or equipping of a facility or structure. Costs include, engineering, design, permitting, demolition, acquisition of materials, and installation of improvements.

Narrative: Identify all construction related costs other than applicant organization personnel and fringe benefits costs, including, but not limited to engineering and design, environmental and other regulatory compliance costs, applicant-owned equipment use, rental equipment, construction supplies, equipment that will be purchased and installed, construction contracts, permitting, and environmental compliance. *Note: Personnel and fringe benefits costs related to construction should be included in Budget Object Class Category 6a and 6b, as applicable.*

- **Equipment use.** If equipment is owned by the applicant is proposed for use under the project, provide the use rates and hours for each piece of equipment owned and budgeted. These should be ownership rates developed by the recipient for each piece of equipment (do not include operator costs). If these rates are not available, the U.S. Army Corp of Engineer's recommended equipment rates for the region are acceptable. Rates for your region can be found at [EP1110-1-8 Construction Equipment Ownership and Operating Expense Schedule](#).

Example:

JCB Excavator	\$46.42/hr. x 168 =	\$7,797
CAT 320C Excavator	\$46.42/hr. x 145 =	\$6,745
John Deere 690 Excavator	\$56.34/hr. x 66 =	\$3,700
CAT D7 Dozer	\$86.88/hr. x 169 =	\$14,513
IHC TD-IS Dozer	\$67.12/hr. x 112 =	<u>\$7,515</u>
Total		\$40,269

The District owns all the necessary equipment and machinery that will be required for this project. The hourly rates are the rates established by the United States Army Corps of Engineers within the Construction Equipment Ownership and Expense Schedule for the Region. Estimated number of project hours for each machine were extrapolated from using actual numbers and data from similar sized projects the District has completed in the past.

- **Construction materials.** Identify any construction materials and non-movable equipment that will be purchased from a vendor. Include estimated purchase price, quantity, and total cost.

Example:

27' PVC Pipe	\$26.49	1479	linear feet	\$39,179
24" PVC Pipe	\$20.42	2703	linear feet	\$55,195
27 X 24 reducer	\$278.23	1	each	\$278
24 X 21 reducer	\$185.59	1	each	\$186

27 X 10 Turnout	\$970.76	2	each	\$971
24 X 10 Turnout	\$382.89	1	each	<u>\$383</u>
			Total	\$96,192

All of the materials and supplies needed for the project are listed above. The supplies are itemized by major category, unit price, quantity and purpose. All costs were derived from actual product costs or by quotes received on each product within the last 365 days.

- **Contractual services.** For each contract, regardless of dollar value, describe the services to be obtained and the applicability or necessity of each to the project. Identify the total estimated cost and the basis(es) used to develop the estimate. For all construction contracts and each contract with an estimated amount meeting or exceeding \$250,000 or representing 35% or more of the total project cost, provide a separate detailed description of the estimated costs. A detailed estimate can be included with the application in lieu of a description. For contracts with an estimated cost equal to or greater than the micro-purchase threshold (currently \$10,000) identify the procurement method to be used and the basis of selection.

Example:

Principal Engineer	\$250/hr. x 460 =	\$115,000
Construction Manager	\$135/hr. x 229 =	\$30,915
Project Manager	\$150/hr. x 327 =	\$48,975
Senior Engineering Technician	\$105/hr. x 224 =	\$23,520
Senior Construction Inspector	\$86/hr. x 957 =	<u>\$82,259</u>
Total		\$300,669

The City will contract with an engineering services contract will be awarded for final design and engineering, preparation of construction contract bidding documents, and construction oversight and inspection. The principal engineer is anticipated to spend 184 hours on final design, 89 on bidding documents and 89 hours for construction oversight. The construction manager is anticipated to spend 44 hours, 47 hours, and 138 hours on each of the respective tasks, the Project Manager, 183, 44, and 100 hours, the Senior engineering technician 133, 40 and 52, and the Senior Construction Inspector, 30, 27, and 900 hours. The estimate is based on the costs incurred for a previous similar project.

- **Other Construction-related Costs.** Identify any other construction-related costs (e.g. permitting, etc.) and indicate the applicability or necessity of each to the project. Include quantity, unit cost, total cost, and the basis for the estimate. *Note: Do not include costs that are anticipated to be paid by a contractor under the terms of the contract. Those items should be included in the contract estimate.*

Example:

The budget includes \$3,600 for construction-related permits required by law. The estimate is based on the permitting costs for a similar project completed last year.

h. Other

This category contains items not included in the previous categories, such as third-party in-kind contributions, tuition remission, rental costs, etc. *Third-party in-kind* contributions are all services and donations made to the project that do not involve a payment or reimbursement and represent donated items or services that are necessary to the performance of the project. This includes services provided by project partners that will not be reimbursed, volunteer hours, donated equipment, donated existing supplies, etc.

Narrative: For all costs other than third-party contributions, list items by type or nature of expense, breaking down costs by cost per unit, quantity, and total cost and identify the basis of cost (quote, invoice, etc.). Describe the necessity of the costs for successful completion of the project and exclude unallowable costs. Recommend reviewing [§ 200.420 through § 200.476, General Provisions for Selected Items of Cost](#).

Example:

The budget estimate includes \$1,200 for rental of a facility for the planned two 2-day public meetings of the watershed group (\$300/day x 4 days). The estimated cost is based on the published rental rate of meeting space at a local community college.

Third-party Contributions Narrative: Describe any third-party services and donations (personnel costs, supplies, etc.), including the name of the contributor as well as any work that will be performed by volunteers. Indicate the applicability or necessity of each to the project and describe the basis(es) of the valuation. All third-party contributions must meet the requirements under [§ 200.306 Cost sharing or matching](#), including the valuation of the contribution.

Example:

The project budget includes in-kind services from the Conservation District. Two conservation planners will participate in planning meetings and assist with the review of the final plan. The contribution is valued at \$1,650 (35 hours x \$30/hr. + 20% fringe, \$240 in mileage costs, and \$150 overhead/indirect costs). Employee compensation costs are based on the District's compensation schedule for these positions and the actual fringe rate. Travel costs are for mileage to six planning meetings and are estimated at 70 miles per round trip from County offices to the City at \$0.58 per mile. The District does not have a current Federal indirect cost rate agreement so the de minimis was used to value indirect costs.

j. Indirect Costs

Option 1: Show the rate reflected in the most recent Federal indirect cost rate agreement, cost base, and proposed amount for allowable indirect costs. If your organization has a current Federal negotiated indirect cost rate agreement, it must be included with your application.

Option 2: If your organization has never received a Federal negotiated indirect cost rate, the budget may include a 10 % *de minimis* rate of modified total direct costs. Per [§ 200.1 Definitions](#),

Modified Total Direct Cost (MTDC) means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

For further information on modified total direct costs, refer to [§ 200.414 Indirect \(F&A\) costs](#).

Option 3: If your organization does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the 10 % *de minimis* rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Identify the amount of Federal funding that will be used to pay these costs.

Information on “Preparing and Submitting Indirect Cost Proposals” is available from Interior, the National Business Center, and Indirect Costs and Acquisition Audit Services at <https://ibc.doi.gov/ICS/icrna>.

Note: *Construction costs are capital expenditures and must be excluded from the indirect cost base.*

Narrative: Identify whether your organization has a current Federal negotiated indirect cost agreement. Describe the costs included in the indirect cost base and identify the indirect cost rate used and total costs. Include the amount of Federal funding that will be used to pay indirect costs.

Example:

The District does not have a current Federal negotiated indirect cost rate agreement so indirect costs were calculated using the 10% de minimis rate against MTDC as detailed below. Federal funding will not be used to pay these costs.

.	Personnel	\$28,000
	Fringe Benefits	\$7,000
.	Travel	\$2,000
	Equipment	NA
	Supplies	\$5,000
	Contractual	\$10,000
.	Construction	NA
.	Other Direct Costs	\$1,000
	Total	\$53,000 x 10% = \$5,300

Budget Detail and Narrative

A thorough budget narrative will aid the administrative review and processing of a recommended award. Amounts included in a budget and budget narrative are estimates; in the event of an award, payments will be based on actual expenditures. The following is guidance for your use in preparing a thorough budget narrative. The budget narrative provides a discussion of, or explanation for, items included in the above budget items. The guidance follows the order of the budget items. This Budget Detail and Narrative template is a suggested format to present the breakdown of your estimated costs, by category, needed to accomplish project activities.

General Instructions

1. Only fill in light blue cells, white cells contain instructions, headers, or summary calculations and should not be modified.
2. Rows can be added as needed throughout tabs 6a. through 6j. If rows are added, formulas/calculations may need to be adjusted.
3. The Budget Summary will auto-fill when each Budget Object Class category (BOC) subsection is completed.
4. Rows can be added as needed throughout sections a. through j. If rows are added, formulas/calculations may need to be adjusted.
5. The information in the Budget Summary table must correspond to Section B of the SF-424A
6. The budget estimate should include all project costs, regardless if the costs will be paid with Federal or non-Federal funds or contributed by a third-party.
7. All costs in BOC sections 6a. through 6h. must be directly related to the project activities.
8. All costs must be allowable, allocable, and reasonable in accordance with the administrative requirements and applicable cost principles prescribed in 2 CFR 200.
9. Only non-construction related equipment purchases should be included within BOC subsection 6e. Equipment.
10. All costs for sub-recipients and contractual/consultant costs that are not related to construction activities should be included within BOC subsection 6f. Contractual.
11. All construction costs, including recipient-owned equipment use costs, equipment rental and purchase costs, supply costs, engineering services, and construction contract costs must be included under BOC subsection 6g. Construction.
12. All third-party in-kind contributions of goods and services, including services performed by volunteers must be included with BOC subsection 6h. Other.
13. All costs must comply with the cost principles of 2 CFR 200 Subpart E - Cost Principles and be allowable, allocable to the project, and reasonable in amount

Links: [2 CFR 200 Subpart E - Cost Principles](#)

[§ 200.403 Factors affecting allowability of costs](#)

[§ 200.405 Allocable costs](#)

[§ 200.404 Reasonable costs](#)

Cost Share Instructions

1. The budget must include at least the minimum Federal to non-Federal required cost share if applicable.
2. Cost share encompasses all contributions to the project incurred and paid for during the project. This includes payments for personnel, supplies, equipment, activities and items necessary for the project.
3. In-kind Cost Share encompasses all third party contributions to the project that do not involve a payment or reimbursement and represent donated items or services that are necessary to the performance of the project. This includes volunteer personnel hours, donated existing equipment, donated existing supplies, etc.

~ **FUNDING for RANGE IMPROVEMENTS** ~

Informational Session

Thursday, September 7, 2023 at 5:00 pm

Elida Community Center

704 State St., Elida, NM

Speakers Jesse Juen & Ken Leiting:

Funding for brush spraying & brush removal through

Eastern Plains Grassland RCPP
(Regional Conservation Partnership Program)
Focused on Lesser Prairie Chicken areas

&

Speaker Dean Bruce, NMDA:

Healthy Soil Program funds
nmdeptag.nmsu.edu/healthy-soil-program

~Border Soil & Water Conservation District (SWCD) meeting to follow~

Contact: Deena Kinman 575-760-1273

BorderSWCD@gmail.com



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00106

WaterSMART Aquatic Ecosystem Restoration Projects For Fiscal Year 2023 and 2024



Mission Statements

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

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

Cover Photo - Laguna Reach of the Colorado River, Yuma, AZ. (Reclamation/Alex Stephens)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Aquatic Ecosystem Restoration Projects for Fiscal Year (FY) 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	No. R23AS00106
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507
Dates: (See NOFO Sec. D.4)	<p>Application due date:</p> <ul style="list-style-type: none"> First application period: Thursday, June 1, 2023, 4:00 p.m. Mountain Daylight Saving Time Second application period: January 24, 2024, 4:00 p.m., Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	<p>Applicants eligible to receive financial assistance to fund activities under this NOFO include:</p> <p>Applicants eligible to receive an award under this funding opportunity include:</p> <p><u>Category A Applicants:</u> States, Tribes, irrigation districts, or water districts; State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; Agencies established under State law for the joint exercise of powers; Other entities or organizations that own a dam that is eligible for upgrade, modification, or removal. <i>All Category A applicants must be located in a Reclamation State. The Reclamation States are defined as the following 17 States and 4 Territories: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the U.S. Virgin Islands</i></p> <p><u>Category B Applicants:</u> Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity. All Category B applicants must be located in the United States, or the specific Territories identified above.</p>
Recipient Cost-Share: (See NOFO Sec. C.2)	A non-Federal cost-share of at least 35% is required
Federal Funding Amount: (See NOFO Sec. B.1)	<p>Task A: \$500,000-\$2,000,000 per project</p> <p>Task B: \$3,000,000-\$20,000,000 per project</p>
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	<p>Approximately \$95,000,000 is available under this program.</p> <p>Approximately 10 to 15 projects per application submittal period will be funded, contingent on appropriations. Additional projects may be funded under this NOFO if additional funding becomes available in FY 2023 or subsequently.</p>
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 .

Application Checklist

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

✓	Mandatory Application Components:	Page
	Mandatory Federal forms: <ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget (OMB) SF-424A: Budget Information - Non-Construction Programs (OMB) OR SF-424C: Budget Information - Construction Programs (OMB) SF-424B: Assurances - Non-Construction Programs (OMB) OR SF-424D: Assurances - Construction Programs (OMB) 	22
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	31
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	22
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	26
✓	Recommended Application Components:	Page
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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
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior (also DOI)
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
IBC	Interior Business Center
GIS	Geographic Information System
IBC	Interior Business Center
MST	Mountain Standard Time
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
West	Western United States

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 1109 of Division FF of Public Law (P.L.) 116-260 (33 United States Code [U.S.C.] 2330c), the Consolidated Appropriations Act 2021; Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, P.L. 111-11 (42 U.S.C. 10364); and Section 40907 (“Multi-Benefit Projects to Improve Watershed Health”) of the Bipartisan Infrastructure Law (BIL) (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58.

A.2. Background and Program Requirements

The U.S. Department of the Interior’s (Department) Aquatic Ecosystem Restoration Projects (AERP) NOFO provides a framework for Federal leadership and assistance to restore and protect aquatic ecosystems in support of the Department’s priorities. Through AERP, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, Tribes, and other entities as they study, design and construct aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and result in the improvement of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage.

Restoring and protecting aquatic ecosystems offers wide-ranging benefits for people and wildlife. Functioning aquatic ecosystems provide habitat for fish and wildlife, improve water quality, and store excess carbon, mitigate the impacts of drought and flood events, and support multiple water uses.

The Bureau of Reclamation’s Aquatic Ecosystem Restoration Projects funding opportunity provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad and is aligned with other priorities, such as those identified in E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Aquatic Ecosystem Restoration Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resilience Partnership.

A.3. Notice of Funding Opportunity Purpose and Objectives

The objective of the AERP NOFO is to invite eligible applicants (Section C.1. Eligible Applicants) to leverage their money and resources by cost sharing with Reclamation on the study, design and construction of aquatic ecosystem restoration projects that are collaboratively

developed, have widespread regional benefits, and are for the purpose of improving of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. As used here, “aquatic ecosystem” refers to freshwater and brackish water habitats such as lakes, ponds, rivers, streams, wetlands, swamps, and estuaries and the adjacent floodplains, riparian corridors, deltas, and shallow aquifers that interact with surface water. Projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of a larger strategy to replace aging facilities are prioritized under this program. This NOFO provides funding under two task areas, including Task A: Study and Design and Task B: Construction projects. For the purpose of this funding opportunity, “proposed project” refers to either a proposed Task A: Study and Design project or a proposed Task B: Construction project.

A.4. Program Determinations

Prior to construction of a Task B: Aquatic Ecosystem Restoration Project, Reclamation will make the determination that a project:

- Will not result in unmitigated adverse impact to water or power delivery obligations
- Will not result in an unmitigated adverse impact on the environment
- Is consistent with the Secretary of the Interior’s role as a trustee for federally recognized Indian Tribes
- Is in compliance with applicable International and Tribal treaties, agreements, and Interstate compacts
- Is in the financial interest of the United States based on a determination that the project advances Federal objectives including environmental enhancement objectives in a Reclamation State.

Reclamation will make these determinations based on the Application Review Committee’s (See Section E.2.3.) evaluation of the applicant’s proposal, red-flag review by appropriate Reclamation offices (e.g., Native American Affairs, Law and Administration, Policy and Administration – Environmental Compliance Division) and completion of mandatory environmental compliance measures.

A.5. Other Related Funding Opportunities

WaterSMART Environmental Water Resources Projects. Reclamation provides up to \$3 million in cost-share funding for projects that focus on environmental benefits developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources. Project types may include efforts such as water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values; water management or infrastructure improvements to mitigate drought-related impacts to ecological values; and watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management. The Federal share of

the cost of an infrastructure improvement or activity may be up to 75 percent of the total project cost if certain conditions are met.

WaterSMART Cooperative Watershed Management Program (CWMP). Reclamation provides up to \$200,000 in funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the CWMP for watershed group development, restoration planning, and watershed management project design. There is no non-Federal cost share required.

Planning and Project Design Grants. Reclamation provides up to \$400,000 in cost-share funding for collaborative planning and design projects to support water management improvements. This includes funding for: (1) Water Strategy Grants to conduct planning activities to improve water supplies (e.g., water supplies to disadvantaged communities that do not have reliable access to water, water marketing, water conservation, drought resilience, and ecological resilience); (2) Project Design Grants to conduct project-specific design for projects to improve water management; and (3) comprehensive Drought Contingency Plans. The Federal cost share of a project may be up to 50, 75, or 100 percent depending on the project type.

Native American Affairs Technical Assistance Program (TAP). Reclamation's Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required and technical assistance requests must satisfy "Program Criteria". Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation's website at the address below.

For information on the funding opportunities listed above, visit the WaterSMART Program website at www.usbr.gov/waterSMART, or the Native American Affairs Program Technical Assistance Program website at www.usbr.gov/native/programs/TAPprogram.html.

Section B. Award Information

B.1. Total Funding

This NOFO will allocate up to \$95 million in available funding under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in FY 2023 and FY 2024 and 9504(a) of the SECURE Water Act, P.L. 111-11. Funds made available for infrastructure projects are subject to the Buy America Act. Please see Section F.2.8: Application of Buy American Preference and Section F.2.9. Additional Bipartisan Infrastructure Law Requirements: Wage Rate Requirements for additional information regarding the Buy America preference as well as Wage Rate Requirements (Davis Bacon Act).

Any awards are subject to a determination by Reclamation that FY 2023/2024 appropriations and/or FY 2023/2024 BIL funds are available. Additional projects may be funded under this NOFO if additional funding becomes available in FY 2023 or subsequently.

B.2. Expected Award Amount

- Task A: Study and Design Projects
Maximum Award: \$2,000,000
Minimum Award: \$500,000
- Task B: Construction Projects
Maximum Award: \$20,000,000
Minimum Award: \$3,000,000

Note: The maximum and minimum funding amounts for projects under this NOFO are based on the amount of funding anticipated to be needed for projects providing regional benefits. For funding opportunities for similar projects with lower minimum award amounts, please see Section A.4. Other Related Funding Opportunities.

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. See Section C.3.1 Multiple Applications for more information.

B.3. Expected Award Funding and Anticipated Dates

This funding opportunity has two application submittal periods (See Section D.4 Submission Date and Time). For proposals submitted under the first application period, the anticipated award and completion dates are as follows:

Anticipated Award Date: January 2, 2024

Anticipated Project Completion Date:

Task A: Study and Design Projects: December 31, 2026

Task B: Construction Projects: December 31, 2028

For proposals submitted under the second application period, the anticipated award and completion dates are as follows:

Anticipated Award Date: October 1, 2024

Anticipated Project Completion Date:

Task A: Study and Design Projects: September 30, 2027

Task B: Construction Projects: September 30, 2029

B.4. Number of Awards

Approximately 10 to 15 awards per application submittal period, depending on the amount requested by each applicant and the amount of Federal funding available under this NOFO. More awards may be made if additional funding becomes available.

B.5. Type of Award

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 may include but is not limited to:

- 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.

B.6. Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. To discuss available assistance and these costs, contact the Program Coordinator identified in Section G. Agency Contacts.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this funding opportunity are described below.

C.1.1. Category A Applicants

- States, Tribes, irrigation districts, or water districts;
- State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority;
- Agencies established under State law for the joint exercise of powers;
- Other entities or organizations that own a facility that is eligible for upgrade, modification, or removal.

All applicants must be located in the Western United States or Territories as identified in the Reclamation Act of June 17, 1902, as amended and supplemented; specifically: Arizona, California, Colorado, 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 U.S. Virgin Islands.

C.1.2. Category B Applicants:

Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity. All Category B applicants must be located in the United States, or the specific Territories identified above.

Category B applicants should include with their application a letter from the Category A partner stating that the Category A partner:

- Is acting in partnership with the applicant;
- Agrees to the submittal and content of the application; and
- Intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.

Note: Partners do not necessarily need to contribute cost share funding.

C.1.3. Ineligible Applicants

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

- Federal Governmental entities
- Individuals
- Institutes of higher education

C.2. Cost Sharing or Matching

Applicants must be capable of cost sharing 35 percent (35%) or more of the total project costs.

Note: this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands. 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 include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see Section D.2.3.13 Official Resolution and Section D.2.2.14 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. Applicants may not include as part of their cost-share for projects funded under this NOFO 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. Category B applicants may receive a maximum of up to 3 awards provided that the Category A partner entity for each project is different. In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to restore and enhance flood plains and a project to remove a barrier to fish passage that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

In general, to be eligible under this funding opportunity, an aquatic ecosystem restoration Task A: Study and Design, or Task B: Construction project must be for the purpose of improving the health of fisheries, wildlife and/or aquatic habitat, including through habitat restoration and/or improved fish passage via the removal or bypass of barriers. The specific tasks eligible for funding are described in more detail below, in C.4.1. Task A: Study and Design of Aquatic Ecosystem Restoration Projects and C.4.2. Construction of Aquatic Ecosystem Restoration Projects.

Proposed projects will be reviewed by the Program Office to determine whether the application is eligible for evaluation.

C.4.1. Task A: Study and Design

Projects eligible for funding under Task A include study and design activities to develop an aquatic ecosystem restoration project, resulting in the development of a study and design package that can be used to apply for funding under Task B of this NOFO. It is recommended that applicants review the types of construction projects eligible under Section C.4.2. Task B: to inform the development of their Task A: Study and Design proposal.

The intent of Task A is to support the development of study and design products that will prepare the applicant to apply for Task B Construction funding. To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. A 60% design package should include technical study and design documentation supporting the preferred alternative in sufficient detail to be able to obtain the necessary permits and estimate funding required for project implementation. See Attachment A: Design Level Guidance, for more information on 60% design.

Prior to applying for Task A: Study and Design funding, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a specific restoration concept and prioritization of the restoration project(s), and that included some stakeholder involvement.

C.4.1.1. Eligible Study and Design Activities

Activities that are eligible under Task A: Study and Design may include, but are not limited to, the following: These activities are intended to support study and design activities resulting in a 60% design package.

- **Project Outreach.** Tasks may include, but are not limited to:
 - Stakeholder outreach activities directly linked to the study and design activities, such as public meetings and incorporating input from diverse area stakeholders including but not limited to e.g., municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.
 - Documenting and sharing project goals and objectives.
- **Restoration Project Design Alternatives Analysis.** Tasks may include, but are not limited to:

- Comparing design alternatives and creation of a decision matrix
- Conducting design-specific outreach and stakeholder engagement
- Formulating a site alternative analysis
- Selecting design criteria and standards
- **Project Analysis and Design.** Tasks may include, but are not limited to:
 - Carrying out applicable studies (environmental, biological, and/or engineering) and complete related modeling and data collection efforts regarding the impacts of proposed restoration activities. Activities may include:
 - Project site evaluation, including surveying and measurement
 - Resource inventory and evaluation
 - Applicable soil and water sampling
 - Analyses considering baseline (no action) and proposed design alternatives evaluation, including, for example:
 - Hydrologic analysis for project site
 - Hydraulic modeling
 - Wetland evaluation
 - Geotechnical investigation
 - Floodplain assessment
 - Baseline habitat conditions, including vegetation conditions and species population surveys
 - Completing risk analyses, including
 - Identification of performance and sustainability criteria for project elements and assessment of risk of failure to perform
 - Evaluation of risk to infrastructure, property, human safety, recreation, etc. and potential consequences and supplemental analysis to mitigate risk.
 - Developing a post-project monitoring plan

Note: Ground disturbing activities will require environmental and cultural compliance.

- **Complete site-specific design and engineering of the restoration project to reach a target 60% level of final project design** (see *Attachment A: Design Level Guidance*)
Tasks may include, but are not limited to:
 - Preparing design drawings and specifications for the construction of the project.
 - Developing a basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)
 - Analyzing the means and methods for construction at the project site and identify constraints (necessary equipment, site access, etc.)
- **Preparation of project cost estimates and development of project construction plan.**
Tasks may include, but are not limited to:
 - Developing project construction material quantities and costs for construction activities
 - Developing an estimated construction budget (including contingencies, labor costs, etc.)
 - Developing the project bid schedule, construction plan, schedule, and milestones for completing the project
- **Legal and Institutional Requirements Research.** Tasks may include, but are not limited to:
 - Researching on legal and institutional requirements; permitting and environmental compliance; land ownership and necessary easements; and state and/or local requirements with the potential to affect implementation of the project. Note: submission and acquisition of permits necessary for construction are not eligible project activities.
 - Studying the impacts of any proposed projects on contractual water and power supply obligations, water rights, Tribes, and other area stakeholders.
 - Investigating the types of site-specific environmental or cultural compliance will be necessary to implement the project(s) which can include consulting with Reclamation regarding potential environmental compliance

Note: It is not mandatory for Task A projects to address all the activities and sub-tasks listed if that work is not necessary or if the work has already been completed. Applicants can substitute appropriate sub-tasks or may provide explanations for certain sub-tasks that have already been completed or are not necessary. If the applicant has already completed significant study and design work, the applicant must include a summary of the completed work in their proposal.

C.4.1.2. Construction Funding for Completed Task A Study and Design Projects

Upon successful completion of a Study and Design project funded under Task A of this NOFO, the recipient may submit an application for the construction of the aquatic ecosystem restoration project. Applications for construction funding must meet the requirements for Task B: Construction below and contain the content identified in *Section D.2. Content and Form of Application Submission*. Applications for construction funding from recipients of a completed Study and Design award under this NOFO may be evaluated on a rolling basis.

C.4.2. Task B: Construction

Projects eligible for funding under Task B include the construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of a larger strategy to replace aging facilities are prioritized under this program.

- **Proposed projects submitted by the June 1, 2023 application deadline should not have an estimated construction start date that is prior to January 2, 2024.**
- **Proposed projects submitted after June 1, 2023 and before the January 24, 2024 application deadline should not have an estimated construction start date that is prior to November 1, 2024.**

Applicants submitting a proposal for funding under Task B must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. See Section C.4.2.2. Submittal of Study and Design Products.

C.4.2.1. Eligible Construction Activities

Projects eligible for funding under Task B: Construction may include the following project activities:

Completion of Final Design for Aquatic Ecosystem Restoration Construction Project.

- Conducting final design and pre-construction activities to progress the aquatic ecosystem restoration project from 60% to final design. This task must be completed prior to construction of the restoration project (may be completed by applicant prior to application to this program if no program funding is required).

- Completion of final design must be paired with subsequent full construction of the restoration project and cannot be completed as a stand-alone Task B: Construction project.

Outreach to Affected Stakeholders.

- Continued engagement regarding final planning and construction processes with a diverse group of stakeholders such as municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.

Restoration Activities: This program provides support for restoration projects that are comprehensive and holistic in nature. Accordingly, it is anticipated that proposed projects will include a combination of the following types of restoration activities to be competitive. Eligible restoration activities may include, but are not limited to:

- **Removal or Modification of Barriers to Fish Passage.** Removal or modification of impeding infrastructure, including dams, diversion structures, culverts, roads, or other barriers to fish passage, to reopen migratory pathways, build resilient riparian corridors, and protect aquatic ecosystems. Activities include but are not limited to:
 - Removal or modification of a dam or diversion to reopen or improve migratory pathways
 - Removal, replacement, or modification culverts that restrict aquatic organism migration
 - Removal, modification, or relocation of impeding roads, rail roads, levees, or bridges
 - Replacement of artificial channels with a “natural” channel and floodplain
 - Strategic placement of fish screens to prevent fish passage in diversion ditches or impede the passage of invasive fish.
- **Restoration of Connectivity.** Restoration of connectivity between the river and disconnected floodplains and wetlands to improve environmental flows, build system resiliency, and improve the lateral mobility of a river channel. Activities may include but are not limited to:
 - Improvement of thermal refugia and connectivity to groundwater

- Removal or modification of artificial embankments to improve floodplain connectivity
- Increasing the frequency and duration of floodplain inundation by reconnecting incised and disconnected channels
- Off-channel rehabilitation or enhancement including restoration of backwaters, alcoves, ponds, and abandoned oxbows
- **Restoration of Aquatic Habitat.** Restoration of the riparian area, riverbanks, channels and floodplains to bolster aquatic habitat and build natural resiliency. Activities may include but are not limited to:
 - Riparian planting with native species
 - Removal of invasive riparian vegetation
 - Removal, containment, or relocation of non-native fish and/or restoration of native fish species
 - Placement of natural structures in-channel (rock, logs, and native plants) to create meanders, stabilize river geometry, and create natural habitat or fluvial patterns
 - Restoration of floodplains
 - Installation of grade control structures to stabilize river geometry
 - Creation of natural features in a heavily engineered flood channel
 - Nature-based restoration actions (e.g., installation of beaver dam analogs, post-assisted log structures, etc.)
- **Improvement of Water Availability, Quality, and Temperature.** Activities to improve instream water availability, quality and temperature to improve conditions for aquatic ecosystems. Activities include but are not limited to:
 - Restoration of riparian vegetation along waterways
 - Wetland regeneration
 - Watershed sediment management in areas with degraded habitat due to recent disturbance or wildfire

- Conservation of water for instream flows, or construction of water management or infrastructure improvements that will bolster instream flows during low water periods (strategic point of diversion changes, or conservation projects resulting increased instream water availability, such as canal piping or lining)

Other Related Activities. Other activities that are similar to the examples listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

Monitoring Plan Development, Baseline Assessment, and Equipment Installation. Activities include but are not limited to development of a monitoring plan, pre-construction monitoring to track baseline conditions, and installation of monitoring equipment. Projects may also include initial post-construction monitoring for a period of up to six months for the purpose of assessing project success and outcomes. However, the costs for these activities shall not exceed 25 percent of the total project costs. Please note that long-term (i.e., more than six months) post-construction monitoring is considered normal operation and maintenance, and the costs are the responsibility of the applicant.

C.4.2.2. Submittal of Study and Design Products

Applicants for Task B: Construction must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. Do NOT include design documents with your application. After the application deadline (see Section D.4 Submission Date and Time), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (As outlined in Attachment A: Design Level Guidelines) and confirm project eligibility.

C.4.3. Dam Modification or Removal Projects

Prior to an award of funding, proposals that include the removal or modification of a dam must submit certain documents verifying that the dam owner has agreed to the study, design, or construction of the project and impacted water or power delivery customers have been notified. For specific instructions, see section D.2.2.12 Documents Authorizing the Study, Design, or Construction of a Dam Modification or Removal Project.

C.5. Ineligible Projects

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

C.5.1. Ineligible Studies

Proposals for appraisal investigations and feasibility studies are not eligible under this funding opportunity. Other ineligible studies include drought planning, system optimization reviews,

Basin Studies, studies for small storage projects that have a total estimated construction cost of more than \$10 million or is a phase of a larger water storage project that exceeds \$10 million, studies authorized under the Title XVI Water Recycling and Reuse Program, through P.L.102-575, as amended (43 U.S.C. 390h et seq.), or under the Rural Water Program, pursuant to the Rural Water Supply Act of 2006, P.L.109-45. Applicants should review Section C.4.1.1. Eligible Study and Design Activities and Attachment A: Design Level Guidance to determine whether their project fits within the objectives of this funding opportunity.

C.5.2. Other Aquatic Ecosystems

Proposals for the restoration of marine and coastal aquatic ecosystems are not eligible for funding under this NOFO.

C.5.3. Monitoring Beyond Six Months Post-Project Completion

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to six months of post-implementation monitoring activities of conservation outcomes of the implementation project. However, costs for these activities shall not exceed 25 percent of the total project cost. Program funding may not be used to complete long- term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

C.5.4. Operations, Maintenance, and Replacement

Proposals for the design of projects considered normal operations, maintenance, and replacement (OM&R) are ineligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components.
- Improving an existing facility to operate as originally designed.
- Performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval).
- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.

- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws.
- Replacing broken meters with new meters of the same type.
- Replacing leaky pipes with new pipes of the same type.
- Completion of one-time leak detection surveys.

Dredging of reservoirs, canals, and rivers to remove normally occurring sediment accumulation for a non-aquatic habitat improvement activity (e.g., solely to improve flood conveyance)

- Reclamation can only provide funding for invasive species removal and fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible.

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.5.5. Small Surface Water Storage Projects

Small surface water storage projects with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, are not eligible under this NOFO. Applicants proposing such projects may wish to consider Reclamation's Small Storage Program. See the Small Storage Program webpage, www.usbr.gov/smallstorage, for more information.

C.5.6. Water Reclamation, Reuse, and Desalination

Water reclamation, reuse, and desalination projects are not eligible for funding under this NOFO. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project please contact Ms. Maribeth Menendez at 303-445-2094 or mmenendez@usbr.gov.

C.5.7. Injection Wells and Recharge Projects Primarily for Agricultural or Municipal Benefits

Injection wells and recharge projects primarily for agricultural or municipal benefits are not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.8. Water Purchases

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

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

C.5.9. Land Purchase and Easements

Applications to use Federal funding for the purchase of land, or with the primary purpose to secure a permanent easement, are not eligible under this NOFO.

C.5.10. Building Construction

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

C.5.11. Pilot Projects

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

C.5.12. Removal and Prevention of Invasive Mussel Species

Projects to remove or prevent the invasion or spread of invasive mussel species are not eligible under this NOFO. Reclamation provides funding for these projects under Reclamations Integrated Pest Management and Invasive Species Program. Please contact Jolene Trujillo, at jtrujillo@usbr.gov, for additional information.

C.5.13. Prescribed Burns

Fuels management through prescribed burning is not eligible under this NOFO.

C.5.14. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture and Natural Resources Conservation Service (NRCS) to investigate opportunities for

Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or see www.nrcs.usda.gov for further contact information in your area.

This NOFO does not preclude projects located on private land. Some project components may occur on private land, including on agricultural land, if they are part of a project with broader benefits to ecological value or watershed health.

C.5.15. New Conveyance Infrastructure for Municipal or Agricultural Water Delivery

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

C.5.16. Mine Remediation Projects

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

C.5.17. Projects to Adhere to Specific Regulatory Requirements

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

C.5.18. Training, Education, and Outreach Activities

General education activities, general stakeholder outreach, the implementation of citizen science training programs, or general staff training are not eligible under this NOFO.

C.5.19. Projects Receiving Other Federal Financial Assistance

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

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance NOFO Operations Section staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **35** consecutively numbered pages. If this section of the application exceeds **35** pages, only the first **35** pages will be evaluated. **The full application, including attachments, cannot exceed 125 pages. If the application exceeds 125 pages, only the first 125 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist located on page ii to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.2.6. Freedom of Information Act.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under Section G.1 “Reclamation Financial Assistance Contact.”

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is manually signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official’s signature on the appropriate SF-424, Application for Federal Assistance form represents the entity’s certification of the statements in 43 CFR Part 18, Appendix A.

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

SF-424A or SF-424C Budget Information Form.

A fully completed SF-424A Budget Information – Nonconstruction Programs or SF-424C Budget Information – Construction Programs must be submitted with the application.

Failure to submit an SF-424A or SF-424C will result in the elimination of the application from further consideration.

SF-424B or SF-424D Assurances Form.

A SF-424B – Assurances – Nonconstruction Programs (Task A projects) or SF-424D Assurances – Construction Programs (Task B projects) 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 signed SF-424B or SF-424D will result in the elimination of the application from further consideration.

D.2.2.2. Technical Proposal

Submission of a technical proposal (limited to 35 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

Title Page

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

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- Please indicate whether you are a Category A applicant or 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 application (see Section C.1. Eligible Applicants). See Section D.2.2.8. Letter of Partnership for additional information.
- Please indicate whether you are applying for funding under Task Area A: Study and Design or Task Area B: Construction.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, concerns in your project area, and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

Example project summary for Task A: Study and Design: The Four Forest Restoration Initiative, in collaboration with Trout Unlimited, will design and acquire permits for a watershed restoration project on the West Fork of the Black River, located in the Apache-Sitgreaves National Forest in eastern Arizona. The Four Forest Restoration Initiative is a diverse working group dedicated to landscape-scale restoration planning in the area of the Kaibab, Coconino, Apache-Sitgreaves, and Tonto National Forests. Warming temperatures, changing patterns of precipitation, and historic fire suppression have left the Four Forest area especially vulnerable to catastrophic wildfire, which could significantly harm the watershed. The West Fork Black River is a major tributary of the Salt River, a key water source for over 2 million people. The river is also

the location of one of the few remaining Apache trout populations. Through this effort, the group will complete plans for a cross-boundary restoration project that will consider current and future climate conditions and how aquatic restoration can be combined with upland forest treatment to build maximum resiliency in a watershed.

Example project summary for Task B: Construction: *The Marin Municipal Water District will restore stream habitat supporting endangered and threatened salmonids in two sections of Lagunitas Creek, located in western Marin County, California. This project includes installation of 15-20 large woody debris structures and 850 tons of gravel for coho and steelhead spawning to improve riffle-pool habitat, creating and improving salmonid spawning and fry rearing habitat. The wood structures will also provide additional shelter and create scour pools, providing winter velocity refugia and summer thermal refugia. The District implements minimum instream flow schedules in Lagunitas Creek and due to the current drought in California, water supply is being significantly strained. This project will help mitigate the impacts that upstream water supply infrastructure has on downstream habitat for state and federally threatened and endangered species, as well as reduce drought impacts and increase water management flexibility in. The Lagunitas Creek Stewardship Plan identifies this project as a stewardship goal to support the enhancement and protection of aquatic resources. The District will work closely with the Lagunitas Technical Advisory Group, comprised of county, state, and Federal agencies, NGOs, and land trusts.*

- State the length of time and estimated completion date for the proposed project (month/year).
- Whether or not the proposed aquatic ecosystem restoration effort is focused on a Federal facility or will involve Federal land.

Project Location

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

Project Description

Provide a more comprehensive description of the technical aspects of your project, including the specific activities to be accomplished and the approach to complete the work. The project description should clearly indicate if the proposal is for Task A: Study and Design or Task B: Construction.

Proposals should address all project-specific requirements, as applicable to your task area (e.g., project components, design products to be developed, specific construction processes). 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 Ability to Meet Program Requirements criterion described in Section E.1.3. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria described in Section E.1. This section is solely intended to provide an understanding of the technical aspects of the project. Performance Measures (for Task B: Construction Applicants ONLY)

All Task B: Construction project applicants are required to provide a summary describing the performance measures that will be used to quantify actual benefits upon completion of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various restoration efforts, as well as the overall effectiveness of the project. Please describe the performance measures for your project within the evaluation criteria section of your application (see Section E.1.5. Evaluation Criterion E—Performance Measures).

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to six months of post-implementation monitoring activities of conservation outcomes of the implementation project. However, costs for these activities shall not exceed 25 percent of the total project cost. Program funding may not be used to complete long-term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

Evaluation Criteria

Section E.1. Evaluation Criteria provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

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

D.2.2.3. Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

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

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A (Task A projects) or Cost Classification categories identified on the SF-424C (Task B projects). The budget narrative should clearly identify ***all*** items of cost (**total estimated project cost**), ***including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation***, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

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

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

D.2.2.4. Environmental and Cultural Resources Compliance

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

D.2.2.5. Required Permits or Approvals

You should state in the application whether any permits or approvals are necessary 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.2.2.6. Overlap or Duplication of Effort Statement

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.2.2.7. Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

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

In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR§200.318 apply.

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass- through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.

Restrictions on Lobbying

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

Review Procedures

The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9. SF-LLL: Disclosure of Lobbying Activities (if Applicable)

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

D.2.2.10. Letters of Support

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

D.2.2.11. Letter of Partnership (Category B Applicants)

Category B applicants should submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the application (see Section C.1. Eligible Applicants). However, if the project is selected, a Letter of Partnership must be received prior to award.

D.2.2.12. Official Resolution

If selected, the applicant must provide prior to award an official resolution adopted by your organization'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
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.2.2.13. Letters of Funding Commitment

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

- 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

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.

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

D.2.2.14. Documents Authorizing the Study, Design, or Construction of a Dam Removal Project.

If selected, applicants with projects that include the removal or modification of a dam must provide the additional documentation as appropriate for their project prior to an award made under this funding opportunity.

Task A: Study and Design

Projects for the study and design of an aquatic ecosystem restoration project (see Section C.4.1 Task A: Study and Design) that include the removal or modification of a dam must provide:

- Official documentation identifying the owner of the dam
- A letter from the owner of the dam consenting to the study and design of a project to remove or modify the dam

Task B: Construction

Projects for the construction of that include the removal or modification of a dam must provide:

- Official documentation identifying the owner of the dam
- A letter from the owner of the dam consenting to its removal or modification
- A statement certifying that the applicant has:
 - Provided written notification to all entities that receive water or power from the dam of the proposal to modify or remove the dam
 - Requested all entities that receive water or power from the dam to provide the applicant with the approximate, annual total of water or power received
 - Given such entities 120 days to provide written objections
- Identification of all entities that receive water or power from the dam
- The amount of water and/or power received by each entity
- Copies of all written objections received by the applicant

Note: If written objection from one or more eligible entities that collectively receive 1/3 or more of the water or power delivered from the facility, no award of funding will be made by Reclamation.

D.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

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

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

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

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2. Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a [Unique Entity Identifier](#) (UEI) prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

Please see Section D.4.2.2, “Applications Submitted by Mail, Express Delivery or Courier Services,” if you are unable to submit an application electronically.

D.4. Submission Date and Time

This NOFO covers two submittal periods and will remain open until January 24, 2024.

- Applications received by **June 1st, 2023, at 4:00 p.m. Mountain Daylight Savings Time (MDST)**, will be considered under the first submittal period.
- Applications received after June 1, 2023, at 4:00 p.m. MDT and before **January 24, 2024, 4:00 p.m. Mountain Daylight Time (MDT)** will be considered for the second submittal period.

Applications must be submitted no later than the due dates and times identified for each submittal period.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](#) application system. *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.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1. Application Delivery Instructions

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. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

Section D. Application and Submission Information

By mail or United States Postal Service overnight services:

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

By all other express delivery and courier services:

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

D.4.2. Instructions for Submitting the Project Application

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

D.4.2.1. Applications Submitted Electronically

Electronic applications must be submitted through Grants.gov. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>.

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available at <https://www.grants.gov/web/grants/applicants/registration.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. Applicants are encouraged to submit applications 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. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to sha-dro-fafoa@usbr.gov that validates the delay.

D.4.2.2. Applications Submitted by Mail, Express Delivery or Courier Services

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

- We request that applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.
- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions. Faxed and e-mailed copies of application documents will not be accepted.

D.4.2.3. Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

D.6. Funding Restrictions

D.6.1. Pre-award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity and are limited to costs related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2. Project Cost Restrictions

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

Monitoring costs. The costs of initial post-construction monitoring conducted under a Task B: Construction Project shall not exceed 25 percent of the total project cost. Long-term (i.e., more than six months) post-construction monitoring is considered normal operation and maintenance, and the costs are the responsibility of the applicant.

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

D.6.3. Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). Every project funded under this program will have environmental compliance activities undertaken by Reclamation and the successful applicant.

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

D.6.4. Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization’s cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

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

Section E. Application Review Information

E.1. Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion 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		30
B. Prior Restoration Planning and Stakeholder Involvement and Support		40 (Task A: Study and Design) 30 (Task B: Construction)
C. Project Implementation and Readiness to Proceed		15
D. Department of the Interior and Bureau of Reclamation Priorities		15
E. Performance Measures (Task B: Construction ONLY)		10 (Task B: Construction ONLY)
	<i>Total</i>	<i>100</i>

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

E.1.1. Evaluation Criterion A- Project Benefits (30 Points)

Up to **30** points may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will address restoration or protection needs for aquatic ecosystems.

For Task A: Study and Design applicants, respond to sub-criterion A.1. by describing the anticipated benefits of your study and design effort and the projects you are developing through this effort.

For Task B: Construction applicants, respond to sub-criterion A.1. by describing the estimated benefits of the restoration project(s) you are implementing.

Sub Criterion A.1. General Project Benefits

- What are the critical issues of concern in the watershed? Provide documentation and support for how the critical issues were identified.
- Explain how your project will benefit aquatic ecosystems, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems. For example, will your project create new habitat, improve water quality, improve stream or riparian conditions, restore fish passage and connectivity, or otherwise benefit aquatic ecosystems. **Note:** *In your response to this criterion, A.1., please generally describe the expected benefits of your project to aquatic ecosystems; a quantitative explanation of project benefits is requested below in response to criterion A.2.*
- Does the project affect water resources management in 2 or more river basins (defined as a minimum HUC-10 level)? Explain how and identify the area benefitted (provide a map).
- Does the project provide regional benefits, in addition to fish or habitat restoration, including:
 - Supporting water needs for multiple water uses (i.e., agricultural, municipal, Tribal, environmental, recreational)?
 - Reducing water conflicts?
 - Providing other regional benefits, such as job creation or public safety benefits?
- Is this project a component of a broader strategy or plan to replace aging facilities with alternate facilities providing similar benefits? Describe how this project fits within the strategy or plan and how it will continue to provide benefit.
- Describe the status of the species and/or habitat that will benefit from the project:
 - Does the project contribute to the restoration of species listed under the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.)?
 - Does the project contribute to the restoration of listed anadromous fish?
 - Are the species subject to a recovery plan or conservation plan under the ESA?
 - Has there been a designation of critical habitat? If so, how does the proposed action benefit such critical habitat?

- If the species are not listed under the ESA, please describe their status. For example, are they native species, game species, at-risk species, species of greatest conservation need, species of Tribal significance, or state listed?

Sub Criterion A.2. Quantification of Specific Project Benefits

What are the types and quantities of aquatic ecosystem benefits provided? We have provided separate sub-criteria for Task A: Study and Design and Task B: Construction. Only respond to the appropriate sub-criterion based on what task area your project fits under.

For purposes of this sub criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion A.2.1, and applicants submitting a Task B: Construction proposal need only to respond to Sub-Criterion A.2.2.

A.2.1. Task A: Study and Design Applicants Only. Please respond to the following sub criteria by providing details and quantification of the critical issues within the watershed and explaining how your Task A Study and Design project will address those issues. Please ***only respond to questions that apply to your project.*** Provide documentation and support for each of your responses.

- **Species and Habitat Health**

- Provide information regarding the current status of species and habitat health in the planning area. Provide factual support for the status information, including citations to relevant studies, habitat or species health assessments, and statistical information to describe the critical species and habitat issues of concern in your planning area, including issues related to fish or wildlife health and habitat conditions.
- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected species and habitat benefits of the project you are studying and designing, please do so.

- **Watershed Benefits**

- Provide information regarding the current status of water quality, ecological function, and ecological resiliency in the planning area. Provide factual support, citations to relevant studies, and statistical information to describe the critical issues in your planning area related to water quality, ecological function, ecosystem resiliency conditions.

- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected watershed benefits of the project you are studying and designing, please do so.
- **Water Supply Benefits**
 - Provide information regarding the current status of water availability for aquatic ecosystems. Are there issues with sufficient water availability for ecosystems seasonally or year-round? Provide factual support, including hydrographs, citations to relevant studies, and stream flow information to describe the critical issues in your planning area related to water availability for aquatic ecosystems.
 - Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected water supply benefits of the project you are studying and designing, please do so.
- **Other Quantifiable Benefits**
 - Provide information regarding the other critical issues of concern in your project planning area. Are there issues related to human safety (significant flood risk/damaged infrastructure), significant long term management costs, limited economic opportunity or a lack of jobs, lack of recreational access including access to safe recreational spaces or fishing access? Provide factual support, including citations to relevant data or studies, and information to describe the other critical issues in your planning area.
 - Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify other expected benefits of the project you are studying and designing, please do so.

A.2.2 Task B: Construction applicants Only. Please, respond to the following sub criteria by describing the estimated benefits of the restoration project you are implementing. ***Please only respond to questions that apply to your project. For each of your responses, provide documentation and support for how you calculated or estimated project benefits.***

- **Species and Habitat Benefits**

Quantify and provide metrics for the extent to which the project will benefit the species and/or habitat, and provide support for your response:

- To what extent will the project benefit species health and/or species populations? Quantify the benefits, including:
 - Any projected increases in species populations or species health projected to result from your project,

- To what extent will the project benefit a species listed under the ESA, or otherwise improve the status of listed species?

Provide support for your response, including references to species population information, relevant analyses, statistical data, and other support.

- To what extent will the project improve habitat through restoration activities or improved fish passage? Quantify the benefits, including:
 - The number of acres of habitat to be restored or reconnected,
 - New spawning habitat created,
 - The quality and permeance of additional habitat,
 - Or other metrics demonstrating improved habitat or fish passage.

Provide support for your response, including citations to relevant studies and statistics, or other support.

- **Watershed Benefits**

Quantify and provide metrics for the extent to which the project will provide watershed benefits, and provide support for your response:

- To what extent will the project improve water quality? Quantify the benefits, including:
 - Any anticipated improvement of water quality (e.g., dissolved oxygen, nutrient pollution, improvement of temperature variations, eliminating violations to water quality standards, etc.).

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project benefit ecological function? Quantify the benefits, including:
 - Information about reconnection of floodplains,
 - Improvement of sediment transport,
 - Wetland recovery or wetland/ marsh creation.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project build ecosystem resiliency? Quantify the benefits, including:
 - The reduction of impacts of climate change,
 - The reduction of impacts of development,
 - Removing invasive species, protection against invasive species, and restoration of native species,
 - Improvement of habitat fragmentation,
 - Or assistance in helping aquatic ecosystems recover from disturbances such as floods, wildfire, or drought.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- **Water Supply Benefits**

Quantify and provide metrics for the extent to which the project will increase water supply to an aquatic ecosystem, and provide support for your response:

- To what extent will the project make more water available, or make water available at a more advantageous time or location? Quantify the benefits, including:
 - The estimated amount of water conserved (in acre-feet per year),
 - The total amount of new water made available for instream flow,
 - The relocation of water to optimize timing and quantity of water supplies for ecosystem health,
 - The extent of benefits to fish and wildlife, habitat, or other ecological benefits resulting from the improved water availability.

Provide support for your response, including references to past stream flow reports, relevant hydrographs, fish population data, fish health indicators, and other metrics. Please include a specific quantifiable estimate; do not include a range. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.

- **Other Quantifiable Benefits**

Are there other quantifiable project benefits not addressed in the preceding questions? If so, what are these benefits? Provide support for your response, including citations to relevant studies or statistics, and other metrics. For example, will your project benefit:

- Improvements in public safety (reduce/eliminate flood risk, dam breach, road damage)
- Reductions in long term management costs (culvert and dam maintenance)
- Job creation or economic opportunity (design or construction jobs, development of new recreation jobs, commercial fishing opportunities)
- Improvements in safe access to nature or recreational opportunities

E.1.1.1. Evaluation Criterion B- Prior Restoration Planning and Stakeholder Involvement and Support (30 or 40 points)

Points will be awarded based on the extent to which the proposal demonstrates diverse stakeholder support for and/ or involvement in the project, and evidence that the project builds upon prior restoration planning efforts.

For Task A: Study and Design projects, more points will be awarded for study and design projects that are inclusive and incorporate input and participation by a diverse range of stakeholders, and that included such input in an earlier stage of the process.

For Task B: Construction projects, more points will be awarded for projects that are supported by a previous planning effort that was inclusive of stakeholder input.

Note: “Diverse stakeholder support” includes a mix of entities internal and external to the applicant’s organization (e.g., municipal, agricultural, recreational, environmental non-profits, landowners, Tribes, and state and local water management entities, among others.)

Note: In documenting prior planning, you may reference publicly available planning documents, and include or attach excerpts from relevant plans or strategies. However, we advise against attaching the entirety of lengthy planning documents and all design documents will be requested by the program office following submittal of your application.

For purposes of this criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion B1, and applicants submitting a Task B: Construction proposals need only to respond to Sub-Criterion B2.

Sub-Criterion B1: Task A: Study and Design Stakeholder Involvement and Support and Restoration Planning (40 points)

More points will be awarded for study and design projects that involve a diverse array of stakeholders.

- **Prior Planning and Design:** Prior to applying for a Task A, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a restoration concept and prioritization of their specific restoration project(s), and that included some stakeholder involvement. The following sub criteria request specific information about those prior planning efforts.

- Describe any prior planning efforts related to your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and any design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.
 - What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).
 - Was the plan developed collaboratively? If the referenced plan was not developed collaboratively, please explain why, for e.g., the planning effort is focused on a very small area or concerns internal to the applicant.
 - Explain how any prior planning effort relates to your current proposal and how your current proposal adds value and builds on any prior planning efforts.
- **Stakeholder Involvement and Support for Task A: Study and Design Projects**

Identify stakeholders in the project area who have *committed to be involved* in the study and design process.

 - Describe what sector(s) the participating stakeholders represent and how they will engage in this effort, e.g., will they contribute funding or in-kind services, or otherwise engage in the study and design process?
 - Provide documentation of the commitment by stakeholders to participate in the study and design process. This could include letters from stakeholders committing to be involved in the study and design process; such letters should explain what their specific interest is and how they plan to participate.
 - Are any stakeholders contributing to the cost-share?
 - Describe stakeholders in the project area who have *expressed their support* for the study and design process, whether or not they have committed to participate.
 - Supporting documentation for this sub-criterion could include letters of support from stakeholders or a description of feedback from interested stakeholders.
 - What will the applicant do during the study and design process to ensure participation by a diverse array of stakeholders?

- If some sectors are not yet represented, explain how this will be accomplished. Support could include a description of stakeholder interests in the project area, and what you will do to engage them (e.g., workshops, public meetings, or outreach tools such as using local media, outreach to known stakeholder groups, web-based outreach, social media, or other kinds of announcements, etc.).
- Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

Sub-Criterion B2: Task B: Construction Stakeholder Support and Prior Restoration Planning (30 points)

More points will be awarded for construction projects that were developed through a collaborative planning process inclusive of stakeholder input. Please describe the planning and design process supporting your project.

- **Prior Planning, Study, and Design:** To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. See Attachment A: Design Level Guidance, for more information on 60% design. The following sub criteria request specific information about those prior planning efforts.
 - Describe the planning effort that supports your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.
 - Does the proposed project contribute to a regional or watershed scale fish passage or aquatic ecosystems strategy or priority restoration efforts (e.g., Federal, State, Tribal, or other association priority plan or designated critical habitat)? If so, name and briefly describe the strategy or effort.
 - What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).
 - Was the plan developed collaboratively?
 - What stakeholders were involved in preparing the plan and do they represent diverse interests (e.g., agricultural, municipal, tribal,

environmental, recreational interests)? What process was used to solicit and incorporate stakeholder input?

- If the plan was prepared by an entity other than the applicant, explain why it is applicable.
- Please describe the process for stakeholder involvement and comment on the planning and design effort supporting your project. Describe the how comments were requested, the types of comments received, and how they were considered.
- Describe how the plan provides support for your proposed project.
 - Does the proposed project address a goal or need identified in the plan?
 - Describe how the proposed project is prioritized in the referenced plan.
- How did you select the proposed project from among other project alternatives?
 - Describe the process you used to compare alternatives
 - Did you compare the benefits of different project alternatives (e.g., through a decision matrix, triple-bottom-line analysis, or rapid benefit indicators)? Did you do a qualitative or quantitative comparison of project benefits? If so, please describe the process and the outcomes.
- **Stakeholder Support for the Proposed Task B: Construction Project**
 - Is there widespread support for the project? Please provide specific details regarding any support and/or partners involved in the project. What is the extent of their involvement in the project?
 - Please attach any relevant supporting documents (e.g., letters of support or memorandum of understanding).
 - Are any stakeholders contributing to the project cost-share?
 - Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.2. Evaluation Criterion C— Project Implementation and Readiness to Proceed (15 points)

Up to **15 points** may be awarded based upon the extent to which the proposed project is prepared to commence *study and design* **OR** *construction* work upon entering into a financial assistance agreement.

Task A: Study and Design applicants should respond to **sub criteria C1**. Applicants that provide a well-developed implementation plan and schedule, logical budget and budget narrative will receive the most points under this criterion.

Task B: Construction applicants should respond to **sub criteria C2**. Applicants that describe a technically sound and feasible project with an implementation plan (e.g., estimated and achievable project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, dates, team members, and detailed budget) will receive the most points under this criterion.

Sub-Criterion C1: Task A: Study and Design Project Implementation

- Describe the implementation plan for the proposed study and design project. Please include an estimated project schedule that shows the stages and duration of the proposed study and design work, including major tasks, milestones, and dates.
 - Describe the plan to conduct project specific outreach during your award period. What regional stakeholders will you target and how will you connect and engage with them and incorporate their feedback?
 - Describe the plan to carry out any relevant studies (e.g., Project-Specific Study and Analysis, Restoration Project Opportunities and Alternatives Analysis, Benefits Analysis, or Legal and Institutional Requirements Research).
 - Describe the current design status of the project and describe the design activities will need to be completed to advance the project to 60% design?
- Proposals with a budget and budget narrative that provide a reasonable explanation of study and design project costs will be prioritized.
- If the applicant intends to do any on-site investigation or monitoring work, please provide documentation of permission and detail any permits or easements that may be required for access.

Sub-Criterion C2: Task B: Construction Readiness to Proceed

- Describe the implementation plan for the proposed construction project. Please include an estimated project schedule that shows the stages and duration of the proposed construction work, including major tasks, milestones, and dates. This may include, but is not limited to, design, environmental and cultural resources compliance, permitting, and construction/installation.
 - Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.

- Describe any additional efforts planned to engage with regional stakeholders during the final planning and construction phase of your project.
- Identify and describe all engineering and design work that has been performed in support of the proposed project to date. As a reminder, projects must be at 60% design to be eligible for Task B: Construction funding. (See Attachment A: Design Level Guidance, for an overview of 60% design progress.). If additional design work is required prior to construction, describe the planned process and timeline for completing the design work.

Proposals for a Task B: Construction project must include a list of all products in the design package for the project. **Do not include design documents with your application.** After the application deadline (see *Section D.4 Submission Date and Time*), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (as described in Attachment A: Design Level Guidance) and confirm project eligibility.

- Describe any permits and agency approvals that will be required, along with the process and timeframe for obtaining such permits or approvals.
- If applicable, describe the projects impact on any contractual water or power supply obligations, Indian trust responsibilities, or water rights settlements. Describe any regional water quality control board, state, and/or local requirements with the potential to affect implementation of the project.
- If project construction requires access to the land or water source where the project is located, please include a description of and a timeframe for obtaining any required easements or permits.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, please provide documentation. If the applicant does not yet have permission to access the project location, please describe the process and timeframe for obtaining such permission.
- Identify whether the applicant has contacted the local Reclamation office to discuss the potential environmental and cultural resource compliance requirements for the project and the associated costs. Has a line item been included in the budget for costs associated with compliance? If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation's costs and the contractor's costs.

- Describe any unresolved issues associated with implementing the proposed aquatic ecosystem restoration project, how and when such issues will be resolved, and how the project would be affected if such issues are not resolved.

E.1.3. Evaluation Criterion D—Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration’s priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad* and E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President’s memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*.

Please address only those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the application.

- **Climate Change:** E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity.
 - If applicable, describe how the project addresses climate change and increases resiliency. For example, does the project help communities respond to or recover from drought or reduce flood risk?
 - How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Please estimate the extent to which the project will build resilience to drought and provide support for your estimate.
 - Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation? Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution? Does the proposed project contribute to climate change resiliency in other ways not described above?
- **Disadvantaged or Underserved Communities:** E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.
 - Please use the Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at [Explore the map - Climate](#)

& Economic Justice Screening Tool (geoplatform.gov) to identify any disadvantaged communities that will benefit from your project.

- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?
- **Tribal Benefits:** The Department of the Interior is committed to strengthening tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*, asserts the importance of honoring the Federal government's commitments to Tribal Nations.
 - If applicable, describe how the project directly serves and/or benefits a Tribe, supports Tribally led conservation and restoration priorities, and/or if the project incorporates or benefits Indigenous Traditional Knowledge and practices.
 - Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.1.4. Evaluation Criterion E—Performance Measures (10 points) Task B: Construction ONLY.

NOTE: This criterion is for Task: B Construction applicants ONLY. Applicants for Task A: Study and Design Funding do not need to respond to Criterion E- Performance Measures.

Up to **10 points** may be provided based on the extent to which the proposal describes a plan to monitor the progress and effectiveness of the project during and after the proposed project period to track success and adaptively address new challenges as they arise. ***Note:** Program funding may be used to establish a monitoring and data management plan, complete baseline monitoring or collect pre-construction data, and install necessary equipment to monitor progress and conservation outcomes. Program funding may not be used to complete long-term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant). See Section C.4.2. Eligibility of Monitoring Activities for additional information.*

- What are the desired conditions that this project contributes to and how will outcome objectives and project success be measured?

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

Example performance measures could include the monitoring and improvement of various biotic and physical ecological indicators, including water quality and chemical composition, or observable changes in the presence or composition of vegetation or wildlife.

E.2. Review and Selection Process

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

E.2.1. First Level and Threshold Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

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

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

E.2.2. Application Review Committee

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Technical Proposal: Evaluation Criteria*.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

E.2.3. Red-Flag 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. Additionally, the Red-Flag Review will address several of the determinations listed in Section A.4. Program Requirements.

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 the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. 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 can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

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 Reclamation 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 OMB circulars

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIS]) (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Dates

For proposals received within the first application submittal period, Reclamation expects to contact potential award recipients and unsuccessful applicants in Fall 2023. For proposals submitted within the second application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in Summer 2024, subject to the timing and amount of final 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

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

F.2.1. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the DUNS Number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

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

F.2.2. Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable State, Federal, and local environmental, cultural, and paleontological resource protection laws and regulations is also required, including, but 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.

Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.

As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete, and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

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

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.59 Intangible Property [of this CFR]). The non-Federal entity must use

that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

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

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

F.2.6. Requirements for Agricultural Operations under P.L. 111-11 §9504(a)(3)(B)

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

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

F.2.7. Title to Improvements P.L. 111-11 §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 §9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

F.2.8. Buy America Domestic Procurement Preference

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

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

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

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

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

F.2.8.1. Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

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

Section F. Federal Award Administration Information

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

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

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

waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.

13. Anticipated impact if no waiver is issued.

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

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

F.2.8.2. Cost Share/Match Waiver for Insular Areas

In accordance with provisions of Public Law 95-134, Title V, § 501 (1977) (codified at 48U.S.C. 1469a), as amended by Public Law 96-205, Title V, § 601, DOI has determined that any requirement for local matching funds to be provided by insular governmental entities shall be waived, notwithstanding any other provision of law. Any matching funds otherwise required by law to be provided by government entities of an insular area are waived.

The areas defined by Public Law 95-134, Title V, § 501 (1977), as amended (48 U.S.C. § 1469a), include the Virgin Islands, Guam, American Samoa, and the islands formerly referred to as the “Trust Territory of the Pacific Islands”: the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

F.2.8.3. Definitions

“Construction materials” include an article, material, or supply that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, or drywall.

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

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

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

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

F.2.9. Additional Bipartisan Infrastructure Law Requirements: Wage Rate Requirements

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates no less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with 40 U.S.C. IV., Chapter 31 (also known as the Davis-Bacon Act).

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 SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least twice a year, which include:

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

F.3.3. Final Performance Report

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

F.3.3.1. Task A: Study and Design Final Performance Report

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits
- Description of how the project demonstrates collaboration
- A comparison of estimated costs vs. actual costs
- An overview of the project design progress.
- Photographs documenting the project are also appreciated.

NOTE: Upon request by the applicant, Reclamation staff will assess a Task A: Study and Design funding recipient's design products, review the draft design package for sufficiency, and provide feedback to the recipient regarding their level of readiness to apply for Task B: Construction funding.

F.3.3.2. Task B: Construction Final Performance Report

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

- Whether the project objectives and goals were met
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits
- How the project demonstrates collaboration
- A comparison of estimated costs vs. actual costs
- Photographs documenting the project are also appreciated

Note for Task A: Study and Design projects and Task B: Construction: Reclamation may publish photos with appropriate credit to the applicant. Also, final reports are public documents and may be made available on Reclamation's website or as requested.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.1. Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.6. Freedom of Information Act

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

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

Published research findings mean when:

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

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

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

Section G. Federal Awarding Agency Contact(s)

An informational webinar will be held in early February 2023. The webinar will provide general information about the Aquatic Ecosystem Restoration Projects NOFO, and individuals will have the opportunity to ask questions.

An additional webinar will be held for successful applicants in early Fall 2023 following their notice of selection to review next steps and pre-Financial Assistance Agreement procedures.

G.1. Reclamation Financial Assistance Contact

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

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

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R23AS00106 in the subject.**

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the appropriate point of contact below

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Avra Morgan
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225-0007

By e-mail: aomorgan@usbr.gov

By phone: 303-445-2906

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.

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, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

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

- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. 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 **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

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

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

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

H.1.2. 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 successful applicant 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.

- 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. Endangered Species Act

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action is **not likely to adversely affect** any endangered or

threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.

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

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

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

Attachment A: Design Level Guidance

To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. A 60% design package should include technical study and design documentation supporting the preferred alternative in sufficient detail **to be able to obtain the necessary permits and estimate funding required for project implementation.** The design package should summarize project design elements, data, and analysis, model approach and results, project concept alternatives and preferred alternative decision, public engagement accomplished, and progress on environmental documents (all required federal, state, and local permits). Suggested products for inclusion in a 60% design package include:

Summary of Public Outreach and Engagement. Products may include, but are not limited to:

- Description of public outreach accomplished or planned, and copies of materials utilized in public outreach.
- Describe the types of comments received and how they were considered.

Design Alternatives Analysis. Products may include, but are not limited to:

- Conclusions of any design alternatives analysis completed, if applicable.

Project Analyses and Findings. Products may include, but are not limited to:

- Summary and findings from technical data collection, completed applicable studies (environmental, biological, and/or engineering) related, and modeling efforts regarding the impacts of proposed restoration activities. May include findings from:
 - Project site evaluation, including surveying and measurement
 - Resource inventory and evaluation
 - Applicable soil and water sampling
 - Conduct analyses considering baseline (no action) and proposed design alternatives evaluation, including, for example:
 - Hydrologic analysis for project site
 - Hydraulic modeling
 - Wetland evaluation
 - Geotechnical investigation
 - Floodplain assessment
 - Baseline habitat conditions, including vegetation conditions and species population surveys

- Summary and findings of evaluation of project element risks to infrastructure, property, human safety, recreation, etc. and potential consequences and identified mitigation measures.

Design and Engineering Documents. Products may include, but are not limited to:

- Engineering and design drawings and specifications for the project. Products may include a cover sheet, general notes, location map, access and staging, existing conditions plan view, proposed conditions plan view, plan and profiles, typical details (channel materials, low water mark, etc.), earthwork cut and fill volumes, planting/rehabilitation plans, temporary erosion and sediment control, de-watering, construction sequencing, etc.
- Basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)

Construction Cost Estimate. Products may include, but are not limited to:

- Construction material quantities and unit costs
- Estimated construction budget (including contingencies, labor costs, etc.)
- Project bid schedule, construction plan and schedule, and milestones for completing the project

Legal and Institutional Requirements. Products may include, but are not limited to:

- Summary and findings of all completed studies and analyses that will support environmental compliance activities and identification of any known issues and requirements.
- Status of application for applicable federal, state, and local permits. Provide expected completion schedule or whether any exemptions apply.
- Summary and findings from analysis of legal and institutional requirements including water and power contracts, water rights, Tribal obligations, easements, or related considerations.




New Mexico Department of Agriculture
Agricultural Programs and Resources Division
MSC APR
New Mexico State University
P.O. Box 30005
Las Cruces, NM 88003-8005
575-646-2642, fax: 575-646-1540

August 16, 2023

MEMORANDUM

TO: Soil and Water Conservation Districts

FROM: Julie Maitland, Division Director 

SUBJECT: Soil and Water Conservation District (SWCD) Operations Funding

Each year the legislature provides appropriations for SWCD operations. The appropriation available for distribution this year is \$819,410.00.

A spreadsheet is attached showing this year's allocation per SWCD. Thank you for your time and consideration.

JM/pd

District Name	Pts Claimed	SWCC Pts Allowed	SWCD Act requirements	Final Score	Points Earned	Total \$ Awarded
Border	105	105	Y	100	100	\$18,372.42
Caballo	100	100	Y	100	100	\$18,372.42
Canadian River	0	100	Y	100	100	\$18,372.42
Carlsbad	0	100	Y	100	100	\$18,372.42
Carrizozo	110	100	Y	100	100	\$18,372.42
Central Curry	100	110	Y	100	100	\$18,372.42
Central Valley	50	50	Y	50	50	\$9,186.21
Chaves	100	100	Y	100	100	\$18,372.42
Ciudad	105	105	Y	100	100	\$18,372.42
Claunch-Pinto	105	105	Y	100	100	\$18,372.42
Colfax	100	100	Y	100	100	\$18,372.42
Coronado	100	100	Y	100	100	\$18,372.42
Cuba	70	90	Y	90	90	\$16,535.18
De Baca	100	100	Y	100	100	\$18,372.42
Deming	110	110	Y	100	100	\$18,372.42
Doña Ana	95	100	Y	100	100	\$18,372.42
East Rio Arriba	140	140	Y	100	100	\$18,372.42
East Torrance	0	90	Y	90	90	\$16,535.18
Edgewood	110	100	Y	100	100	\$18,372.42
Grant	105	105	Y	100	100	\$18,372.42
Guadalupe	100	110	Y	100	100	\$18,372.42
Hagerman-Dexter	95	95	Y	95	95	\$17,453.80
Hidalgo	100	100	Y	100	100	\$18,372.42
Lava	110	100	Y	100	100	\$18,372.42
Lea	0	20	N	20	20	\$1,174.48
McKinley	100	100	Y	100	100	\$18,372.42
Mesa	105	105	Y	100	100	\$18,372.42
Mora-Wagon Mound	100	100	Y	100	100	\$18,372.42
Northeastern	100	110	Y	100	100	\$18,372.42
Otero	190	110	Y	100	100	\$18,372.42
Penasco	40	50	Y	50	50	\$9,186.21
Quemado	0	85	Y	85	85	\$15,616.56
Roosevelt	110	110	Y	100	100	\$18,372.42
Salado	0	80	Y	80	80	\$14,697.94
San Francisco	0	110	Y	100	100	\$18,372.42
San Juan	100	100	Y	100	100	\$18,372.42
Santa Fe-Pojoaque	110	110	Y	100	100	\$18,372.42
Sierra	100	100	Y	100	100	\$18,372.42
Socorro	105	105	Y	100	100	\$18,372.42
Southwest Quay	110	110	Y	100	100	\$18,372.42
Taos	110	110	Y	100	100	\$18,372.42
Tierra y Montes	110	110	Y	100	100	\$18,372.42
Upper Chama	0	110	Y	100	100	\$18,372.42
Upper Hondo	110	110	Y	100	100	\$18,372.42
Ute Creek	110	110	Y	100	100	\$18,372.42
Valencia	110	110	Y	100	100	\$18,372.42
Western Mora	110	110	Y	100	100	\$18,372.42
Total					4,460	\$816,909.94



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00362

WaterSMART Cooperative Watershed Management Program Phase I for Fiscal Years 2023 and 2024



Mission Statements

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

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

Cover photo - Rio Grande, New Mexico. (Reclamation/Alex Stephens)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Cooperative Watershed Management Program Phase I for Fiscal Years 2023 and 2024
Announcement Type:	Notice of Funding Opportunity
Funding Opportunity Number:	R23AS00362
Catalog of Federal Domestic Assistance (CFDA) Number:	15.554
Dates: (See NOFO Sec. D.4)	Application due Date: <ul style="list-style-type: none">• First application period: Tuesday, December 5, 2023, 4:00 p.m. Mountain Standard Time• Second application period: Tuesday, September 3, 2024, 4:00 p.m., Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	<p>New Watershed Groups</p> <p>Applicants eligible to receive an award as a New Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, and non-profit organizations. To be eligible, applicants must also (1) be sponsoring the development of a New Watershed Group, (2) significantly affect or be affected by the quality or quantity of water in a watershed, and (3) be capable of promoting the sustainable use of water resources.</p> <p>Existing Watershed Groups</p> <p>Applicants eligible to receive an award as an Existing Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, and non-profit organizations. To be eligible, applicants must also Be an Existing Watershed Group, which meets the definition of a watershed group as described above in Section A.3. Notice of Funding Opportunity Objectives and is legally incorporated as a non-profit entity; be a participating entity in an Existing Watershed Group; or be a fiscal sponsor of an Existing Watershed Group.</p> <p>Applicants (except non-profits organizations) 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.</p>

	Non-profit organizations must be located in the United States or one of the territories identified above and must be sponsoring the establishment or development of a watershed group located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.
Recipient Cost-Share: (See NOFO Sec. C.2)	A non-Federal cost-share contribution is not required for Phase I CWMP activities funded under this NOFO.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$300,000 per applicant
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 25 to 30 projects per application submittal period contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 .

Application Checklist

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

✓	Mandatory Application Components:	Required Content	Page
	Mandatory Federal forms: <ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) SF-424A: Budget Information - Non-Construction Programs (OMB) SF-424B: Assurances - Non-Construction Programs (OMB) 	See section D.2.2.1	16
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See Section D.3	22
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	See Section D.2.2.2	17
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	See Section D.2.2.3	19
✓	Recommended Application Components:	Required Content	Page
	Environmental and cultural resources compliance	See Section D.2.2.4	20
	Required Permits and Approvals	See Section D.2.2.5	20
	Overlap or duplication of effort statement	See Section D.2.2.6	20
	Conflict of interest disclosure statement	See Section D.2.2.7	20
	Uniform audit reporting statement	See Section D.2.2.8	21
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable) (OMB)	See Section D.2.2.9	22
	Letters of Support	See Section D.2.2.10	22
	Official Resolution	See Section D.2.2.11	22

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
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
GIS	Geographic information system
IBC	Interior Business Center
HUC	Hydrologic Unit Code
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 6002 of the Cooperative Watershed Management Act, Subtitle A of Title VI of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364).

A.2. Background, Purpose, and Program Requirements

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, Tribes, and local entities as they plan for and implement actions to increase water supply sustainability through investments in existing infrastructure and attention to local water conflicts.

WaterSMART's Cooperative Watershed Management Program (CWMP) provides support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad* and aligned with other priorities, such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The Cooperative Watershed Management Program will advance the Biden-Harris Administration's Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that 40 percent of the overall benefits of certain Federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.¹ The Cooperative Watershed Management Program also supports the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership.

Drought conditions across the West impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. While waves of precipitation have hit Western United States since December of 2022, as of March 2023, the U.S. Drought Monitor indicates that more than 75% of the land in the seventeen Western states is still in abnormally dry to exceptional drought conditions. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the Western United States.

¹ For more information, see E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (Jan. 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, <https://www.whitehouse.gov/environmentaljustice/justice40/>

Through the CWMP, Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their water management needs. By providing this funding Reclamation promotes water reliability and cooperation between stakeholders to reduce conflict, facilitate solutions to complex water issues, and stretch limited water supplies.

This NOFO provides funding to watershed groups for Phase I projects for watershed group development, restoration planning, and watershed management project design.

For further information on the CWMP, see www.usbr.gov/watersmart/cwmp.

A.3. Notice of Funding Opportunity Objectives

The objective of this NOFO is to invite states, Indian Tribes, irrigation districts, water districts, local governmental entities, non-profit organizations, Existing Watershed Groups, and local and special districts (e.g., irrigation and water districts, conservation districts, natural resource districts) to submit proposals for Phase I activities to develop a watershed group, complete watershed restoration planning activities, and design watershed management projects. See Section C.4. Eligible Projects for a more comprehensive description of eligible activities.

A “watershed group,” as defined in Section 6001(6) of the Cooperative Watershed Management Act (see Section A.1. Authority for full citation) is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed, is capable of promoting the sustainable use of water resources in the watershed, makes decisions on a consensus basis, and represents a diverse group of stakeholders, including hydroelectric producers, livestock grazing, timber production, land development, recreation or tourism, irrigated agriculture, the environment, municipal water supplies, private property owners, Federal, state and local governments, Tribes, and disadvantaged communities.

A.4. Other Related Funding Opportunities

WaterSMART Environmental Water Resources Projects. Reclamation provides up to \$3 million in cost-share funding for projects that provide ecological and watershed health benefits and were developed as part of a collaborative process. Project types may include efforts such as water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values and watershed health; water management or infrastructure improvements to benefit ecological values and watershed health; and watershed management or restoration projects benefitting ecological values and watershed health that have a nexus to water resources or water resources management. The Federal share of the cost of an infrastructure improvement or activity may be up to 75 percent of the total project cost if certain conditions are met.

WaterSMART Aquatic Ecosystem Restoration Projects. Reclamation provides funding on a 65/35 cost share basis for the study, design, and construction of projects that restore or protect aquatic ecosystems. Projects benefit aquatic ecosystems across multiple basins, build habitat and

Section A. Funding Opportunity Description

systems resiliency, support threatened and endangered species, and provide broad environmental benefits. For information on the Aquatic Ecosystem Restoration Program, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/aerp/index.html>.

WaterSMART Drought Resiliency Project Grants. Reclamation provides funding on a 50/50 cost share basis for projects that will increase the reliability of water supplies or improve water management to build long term resilience to drought and are supported by an existing drought contingency plan. For information on the Drought Resiliency Projects, visit the WaterSMART Program website at <https://www.usbr.gov/drought/projects.html>.

WaterSMART Grants: Water and Energy Efficiency Grants. Financial assistance is provided on a 50/50 cost share basis for the construction of projects that conserve and use water more efficiently; increase the production of hydropower; 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 West. For information on the Water and Energy Efficiency Grants, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/weeg/index.html>.

WaterSMART Small-Scale Water Efficiency Projects. Financial assistance is provided on a 50/50 cost share basis for small-scale water management projects (up to \$100,000 in Federal funding for each project) that have been identified through previous planning efforts. Reclamation has developed a streamlined selection and review process to reflect the small-scale nature of these projects. For information on the Small-Scale Water Efficiency Projects, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/swep/index.html>.

Planning and Project Design Grants. Reclamation provides up to \$400,000 in cost-share funding for collaborative planning and design projects to support water management improvements. This includes funding for comprehensive Drought Contingency Plans; Water Strategy Grants to investigate and develop activities and projects supporting water marketing, water conservation, drought resilience, and ecological values; and Project Design Grants to conduct project-specific design for projects supporting water conservation, drought resilience, and ecological values. The Federal cost share of a project may be up to 50 or 75 percent depending on the project type.

Native American Affairs Technical Assistance Program (TAP). Reclamation's Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required, and technical assistance requests must satisfy "Program Criteria". Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation's website at the address below.

Section B. Award Information

B.1. Total Funding

This NOFO will allocate available program funds, including fiscal years (FY) 2023 and 2024 enacted appropriations for the Cooperative Watershed Management Program and funding made available for the Cooperative Watershed Management Program under the Bipartisan Infrastructure Law (BIL).

The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other WaterSMART programs. Any awards are subject to a determination by Reclamation that appropriations and/or BIL funds are available. Applications submitted under this NOFO may also be considered if other funding becomes available in FY 2023 or subsequently.

B.2. Expected Award Amount

Maximum Award: \$300,000

Minimum Award: \$10,000

A total of up to \$300,000 in Federal funds may be awarded to an applicant over the three-year period, with no more than \$100,000 to be available per year. A non-Federal cost-share contribution is not required for Phase I activities funded under this NOFO. For each year of the grant, Reclamation must determine whether a recipient has made sufficient progress on the project to justify additional funding (see Section F.3.4. Determination of Sufficient Progress for additional information).

B.3. Expected Award Funding and Federal Award Date

This funding opportunity has two application submittal periods (See Section D.4. Submission Date and Time). For proposals submitted under the first application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in spring 2024 (or later if necessary). The anticipated award and completion dates for the first submittal period are as follows:

Anticipated Award Date: December 31, 2024

Anticipated Project Completion Date: December 31, 2027.

For proposals submitted under the second application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in winter 2024/2025 (or later if necessary). The anticipated award and completion dates for the second submittal period are as follows:

Anticipated Award Date: September 30, 2025

Anticipated Project Completion Date: September 30, 2028

B.4. Number of Awards

Approximately 25 to 30 awards, per application submittal period, depending on the amount requested by each applicant and the amount of funding available.

B.5. Type of Award

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.

B.6. Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. To discuss available assistance and associated costs, contact the Program Coordinator identified in Section G. Agency Contacts.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this funding opportunity are described below.

Applicants (except non-profits organizations) 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.

Non-profit organizations must be located in the United States or one of the territories identified above and must be sponsoring the establishment or development of a watershed group located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.

C.1.1. Applicant Eligibility for New Watershed Groups

Applicants eligible to receive an award as a New Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, non-profit organizations, and institutes of higher education sponsoring a watershed group. To be eligible, applicants must also meet all the following requirements:

1. Be sponsoring the development of a New Watershed Group
2. Significantly affect or be affected by the quality or quantity of water in a watershed
3. Be capable of promoting the sustainable use of water resources

C.1.2. Applicant Eligibility for Existing Watershed Groups

Applicants eligible to receive an award as an Existing Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, non-profit organizations, and institutes of higher education sponsoring a watershed group. To be eligible, applicants must also be an Existing Watershed Group, which meets the definition of a watershed group as described above in Section A.3. Notice of Funding Opportunity Objectives and is legally incorporated as a non-profit entity; be a participating entity in an Existing Watershed Group; or be a fiscal sponsor of an Existing Watershed Group.

C.1.3. Applicant Category Guidance

In general, applicants should apply as a New Watershed Group if the group is just getting started, has completed little or no watershed restoration planning, and requires more substantial support for building the capacity of the watershed group and completing outreach to stakeholders. Groups that have been active in the watershed for several years and have previously conducted some watershed planning should apply as an Existing Watershed Group, even if the group is not incorporated as a legal entity. Entities that have previously received funding through CWMP Phase I should apply as an Existing Watershed Group and explain how their new project differs from and builds on their past Phase I project(s). Although New and Existing Watershed Groups will be scored using the same evaluation criteria (see Section E.1. Evaluation Criteria), they will be ranked separately to ensure fairness. Note: The Application Review Committee (ARC) (see Section E.2.2. Application Review Committee) has the discretion to change the Applicant Category when they deem appropriate.

C.1.4. Ineligible Applicants

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

- Federal Governmental entities
- Individuals
- Institutes of higher education, unless they are serving as a sponsor for a watershed group.

C.2. Cost Sharing or Matching

There is no requirement for a non-Federal cost-share contribution for Phase I activities, and an application will not receive additional priority under the evaluation criterion (see Section E. Application Review Information) for providing non-Federal cost-share. If the applicant is voluntarily providing a non-Federal cost-share this must be noted in the budget proposal (see Section D.2.2.3. Project Budget).

C.2.1. Cost Share Regulations

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

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. However, only one award will be made per watershed group.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

Applicants can apply for funding for activities within one or more of the following three Task Areas. It is acceptable and expected for an applicant not to address all three Task Areas. For example, a New Group might focus exclusively on Task A: Watershed Group Development or an Existing Group might focus exclusively on Task C: Watershed Management Project Design. An application will not receive more points simply because they are addressing more than one Task Area. In addition, applicants are not required to complete all activities identified under a certain Task Area. Developing ***articles of incorporation, bylaws, and business practices*** are eligible activities for both New and Existing Watershed Groups. See Section C.1.3. Applicant Category Guidance for a description of New and Existing Watershed Groups.

Reclamation funding can be used to support one full-time salary for a watershed group coordinator; however, most of the watershed group coordinators time that is funded by Reclamation should be spent on eligible activities specifically identified in the technical project description. Under the Section 6002 of the Cooperative Watershed Management Act administrative costs are limited to 20% of the grant award (see Section D.6.2. Project Cost Restrictions).

1. Task A: Watershed Group Development: Watershed group development activities include, but are not limited to:

- Developing a mission statement, vision statement, and goals for the watershed group.
- Developing articles of incorporation, bylaws, and business practices
- Conducting outreach activities including, but not limited to, development of informational materials about the watershed and the purpose of the watershed group community (e.g., brochures, advertisements, website, videos), creation of an outreach plan, conducting stakeholder meetings to establish broad-based and diverse membership, hiring a facilitator to assist with outreach and coalition building, tabling at community events, targeted outreach to specific groups and individuals (e.g., attending meetings of other groups, meeting with individual land owners, and tours of past watershed management projects).
- Gathering information about issues and needs related to water quality, water quantity and restoration needs within the watershed (e.g., through literature research and talking to government agencies, local universities, and stakeholders).
- Conducting pre-planning activities, including outlining a watershed restoration plan, reviewing existing plans related to the watershed, and collecting baseline information.

2. Task B: Watershed Restoration Planning: Watershed restoration planning activities may include, but are not limited to:

- Completing a watershed restoration plan, updating an existing restoration plan.
- Developing general watershed management project concepts or performing an analysis of the watershed to identify and prioritize watershed management projects. For example, creating a matrix within the watershed restoration plan that outlines and prioritizes watershed management projects.
- Conducting monitoring activities (e.g., water quality studies, water quantity studies, vegetation surveys, invertebrate surveys) needed to provide baseline information about the current condition and needs of the watershed to inform a broader watershed planning effort (see Section C.4.2. Eligibility of Monitoring, Measurement, and Field Work for additional information).
- Conducting mapping and other technical analyses, including obtaining data, performing modeling, or developing goals and benchmarks for the watershed restoration plan.
- Obtaining project management services or software technology required to formulate the watershed restoration plan.
- Interviewing watershed group members and stakeholders to gain an idea of projects that would improve the watershed.
- Working with watershed group members, landowners, Federal agencies, and state or local governments to determine how the watershed can be improved.

- Reviewing watershed-specific best management practices established by Federal, state, and local government agencies.

3. Task C: Watershed Management Project Design: Project design activities can include, but are not limited to:

- Completing an analysis to identify specific project locations.
- Completing site-specific project design and engineering, including but not limited to:
 - Preparing design drawings and specifications for the construction of the project.
 - Developing a basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)
 - Analyzing the means and methods for construction at the project site and identify constraints (necessary equipment, site access, etc.)
- Developing project timelines and milestones.
- Researching what type of site-specific environmental compliance will be necessary to implement a project, particularly if the applicant intends to seek Federal funding to implement the project in the future (e.g., under The WaterSMART Environmental Water Resource Projects or Aquatic Ecosystem Restoration Projects). We recommend contacting your local Reclamation office (www.usbr.gov/main/offices.html) as part of such research, to discuss the required environmental and cultural resource compliance and costs associated with potential projects. If a potential project is located on land owned by a different Federal agency, other than Reclamation, we also recommend contacting that agency.

C.4.1. Watershed Restoration Plan Guidance

A watershed restoration plan is a tool designed to help a watershed group plan for and implement restoration activities in their watershed. A watershed restoration plan should describe the issues of concern related to water resources within the watershed and identify potential solutions.

Reclamation understands that watershed restoration plans may take different forms depending on their purpose. Rather than prescribing specific requirements, Reclamation encourages recipients to develop a restoration plan that best meets the needs of the watershed. However, recipients should consider that the WaterSMART Environmental Water Resources Projects funding opportunity, which provides funding to watershed groups for on-the-ground watershed management projects, prioritizes projects that are identified and prioritized in a strategy or planning document that was developed collaboratively by a diverse set of water users and addresses water supply reliability for ecological value. You can find watershed restoration plans completed by previously selected CWMP Phase I recipients on Reclamation's website, www.usbr.gov/watersmart/cwmp/plans.html

C.4.2. Eligibility of Education and Training Activities

To be considered eligible activities, all outreach activities, training, and conferences must be specifically linked to the proposed watershed group development, watershed restoration planning, or watershed management project design activities. General education activities (e.g., K-12 educational programs) or general staff training are not eligible under this NOFO. Note: The ARC (see Section E.2.2. Application Review Committee) has the discretion to determine whether a specific education/outreach activity, training, or conference is eligible.

C.4.3. Eligibility of Monitoring, Measurement, and Field Work

Monitoring, measurement, and fieldwork (e.g., water quality monitoring, vegetation surveys) to collect baseline information regarding the current conditions and needs of the watershed is eligible under this funding opportunity if they will inform a broader planning or design effort being completed as part of the same grant project and costs do not exceed 50 percent of the Reclamation grant Reclamation funding. Applicants should also be aware that these on-the-ground activities may require more substantial environmental and cultural resources compliance.

C.5. Ineligible Projects

Projects not eligible for funding under this NOFO include, but are not limited to, scientific research and the project types identified immediately below.

C.5.1. Other Planning Projects

Proposals for developing planning efforts other than collaborative watershed restoration plans developed by watershed groups are not eligible for funding under this NOFO. This includes proposals for developing drought plans, appraisal investigations, feasibility studies, special studies, Basin Studies, or studies authorized under the Title XVI Water Recycling and Reuse Program, through P.L.102-575, as amended (43 U.S.C. 390h et seq.), or under the Rural Water Program, pursuant to the Rural Water Supply Act of 2006, P.L.109-45. Applicants interested in completing similar planning efforts that do not involve a collaborative watershed group should consider the WaterSMART Planning and Project Design Grant funding opportunity (see Section A.4. Other Related Funding Opportunities for additional information).

C.5.2. Implementation On-the-Ground Watershed Management Projects

Implementation of on-the-ground watershed management projects are not eligible under this funding opportunity. Implementation of on-the-ground watershed management projects that improve ecological value and watershed health are funded under the Environmental Water Resources Projects NOFO. On-the-ground watershed management projects include, but are not limited to, removing fish passage barriers, or installing fish passage structures, streambed and streambank modifications, invasive species removal, vegetation restoration, installing fences, and water conservation and efficiency projects (e.g., canal lining and piping).

C.5.3. Water and Land Purchases and Easements

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

C.5.4. Building Construction

A project that proposes to construct a building is 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.5.5. On-Farm Irrigation Efficiency Improvements

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

C.5.6. Pilot Projects

A project that proposes 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 is not eligible for Federal funding under this NOFO.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance NOFO Operations Section staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **25** consecutively numbered pages. If this section of the application exceeds **25** pages, only the first **25** pages will be evaluated. **The full application, including attachments, cannot exceed 75 pages. If the application exceeds 75 pages, only the first 75 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.6. Freedom of Information Act.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under Section G.1 Reclamation Financial Assistance Contact.

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is manually signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

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

SF-424A Budget Information Form.

A fully completed SF-424A Budget Information – Non-construction must be submitted with the application.

Failure to submit an SF-424A will result in the elimination of the application from further consideration.

SF-424B Assurances Form.

A SF-424B – Assurances – Non-construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

Failure to submit a signed SF-424B will result in the elimination of the application from further consideration.

D.2.2.2. Technical Proposal

Submission of a technical proposal (limited to 25 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

Title Page

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

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one paragraph project summary that briefly describes the location of the watershed area in which the group will work, the activities that will be carried out, any partners involved, watershed concerns in the watershed area, and how the activities completed through this grant are expected to help alleviate impacts of those concerns. This information will be used to create a summary of your project for our website if the project is selected for funding.

***Example:** The East Moloka'i Watershed Partnership, in collaboration with the State of Hawai'i, Department of Land and Natural Resources, will update their existing watershed management action plan. The Partnership is a collaborative of landowners and land managers, including the Nature Conservancy, the State of Hawai'i, the County of Maui, the Kamehameha Schools, and the Kapualei Ranch, on the east side of the island of Moloka'i. This effort is part of a larger vision to care for East Moloka'i's remaining native forests. These forests sit atop and help recharge Moloka'i's main aquifers, the source of residential water supplied by the County of Maui. As part of this project, the Partnership will complete design work for a fence to protect the native forests in the Kamalō-Kapualei area from non-native feral pigs, deer, and goats, which roam wild and trample and devour vegetation, and spread weeds. The Partnership will also draft the Pua'ahala watershed management plan for a recently acquired 800-acre property.*

- State the length of time and estimated completion date for the proposed project (month/year).

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- Whether or not the proposed planning efforts are focused on a Federal facility or will involve Federal land.

Project Location

Provide specific information on the geographic location of the area in which the watershed group will work including a map showing the geographic location. For example, {watershed area} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town}. If applicable, please provide the United States Geological Survey (USGS) Hydrologic Unit Codes (HUC) in which the group will work. If you are selected for funding, Reclamation may request additional detail regarding your project location. If the project will focus on site-specific planning or watershed management project design, please identify both the watershed area the watershed group works in and the location the site-specific planning or project will focus on.

Applicant Category

Please identify whether you are seeking funding as a New or Existing Watershed Group and explain why you chose to apply under that Applicant Category. As part of this discussion, please provide a brief history of the group, including discussion of (1) when and how the group was initiated, and (2) ongoing projects or efforts (e.g., previous watershed planning activities).

Eligibility of Applicant

Please write a narrative summary indicating how the applicant meets the eligibility requirements, as described in Section C.1. Eligible Applicants. Please include an explanation of the applicant's role in the New or Existing Watershed Group.

Project Description

Provide a detailed description of the activities that will be completed under this grant and the overall goals of the project.

- Please identify which of the Task Areas described in Section C.4. Eligible Projects you will address as part of this project, including a detailed discussion of what activities you will undertake within each Task Area.
- If the watershed group previously received a CWMP Phase I grant, please explain how the scope of work of this project differs from and builds upon the past grant. 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 described in Section E.1.3. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria described in Section E.1. This section is solely intended to provide an understanding of the technical aspects of the project.

Evaluation Criteria

Section E.1. Evaluation Criteria provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

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

D.2.2.3. Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

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

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A (Task A projects) or Cost Classification categories identified on the SF-424C (Task B projects). The budget narrative must clearly identify *all* items of cost (**total estimated project cost**), *including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation*, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

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

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

D.2.2.4. Environmental and Cultural Resources Compliance

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

D.2.2.5. Required Permits or Approvals

You should state in the application whether any permits or approvals are necessary 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.2.2.6. Overlap or Duplication of Effort Statement

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.2.2.7. Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

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

In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR §200.318 apply.

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.

Restrictions on Lobbying

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

Review Procedures

The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9. SF-LLL: Disclosure of Lobbying Activities (if Applicable)

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

D.2.2.10. Letters of Support

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

D.2.2.11. Official Resolution

If selected, the applicant must provide prior to award an official resolution adopted by your organization'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
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

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

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

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

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2. Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a [Unique Entity Identifier](https://sam.gov) (UEI) prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

Please see Section D.4.2.2, Applications Submitted by Mail, Express Delivery or Courier Services, if you are unable to submit an application electronically.

D.4. Submission Date and Time

This NOFO covers two submittal periods and will remain open until September 3, 2024.

- Applications received by **December 5, 2023, at 4:00 p.m. Mountain Standard Time (MST)**, will be considered under the first submittal period.
- Applications received after December 5, 2023, at 4:00 p.m. MST and before **September 3, 2024, 4:00 p.m. Mountain Daylight Time (MDT)** will be considered for the second submittal period.

Applications must be submitted no later than this due date and time identified for each submittal period.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *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.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1. Application Delivery Instructions

Applications may be submitted electronically through Grants.gov (www.grants.gov) or a paper application may be submitted to the following addresses. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

By mail or United States Postal Service overnight services:

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

By all other express delivery and courier services:

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

If you are submitting a paper application, please notify Christina Munoz at CMunoz@usbr.gov for approval no later than 2:00 p.m. Mountain Daylight Time on December 5, 2023, for the first submittal period and 2:00 p.m. Mountain Daylight Time on September 3, 2024, for the second submittal period.

D.4.2. Instructions for Submitting the Project Application

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

D.4.2.1. Applications Submitted Electronically

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

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available 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. Applicants are encouraged to submit applications 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. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to sha-dro-fafoa@usbr.gov that validates the delay.

D.4.2.2. Applications Submitted by Mail, Express Delivery or Courier Services

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

- We request that applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.

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

D.4.2.3. Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

D.6. Funding Restrictions

D.6.1. Pre-award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2. Project Cost Restrictions

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

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

Administrative Costs: Under the Section 6002 of the Cooperative Watershed Management Act administrative costs are limited to 20% of the grant award.

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

D.6.3. Environmental and Regulatory Compliance Costs

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

D.6.4. Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of

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Management and Budget (OMB). If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

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

Section E. Application Review Information

E.1. Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion 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 project description and that is reflected in the budget, not the larger project.

Evaluation Criteria Scoring Summary	Points:
A. Watershed Group Diversity and Geographic Scope	30
B. Developing Strategies to Address Critical Watershed Needs	35
C. Readiness to Proceed	20
D. Presidential and Department of the Interior Priorities	15
Total	100

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

E.1.1. Evaluation Criterion A—Watershed Group Diversity and Geographic Scope (30 points)

Up to **30 points** may be awarded for this criterion. Proposals demonstrating that the New or Existing Watershed Group will represent the maximum diversity of interests, including representatives of the different sectors that exist within the watershed (e.g., hydropower production; livestock grazing; agriculture; industry; state or local governments; Tribes; disadvantaged communities; recreation; environmental interests), will receive the highest priority consideration under this criterion. For example, in previous years, successful applicants targeted a diverse array of stakeholders that included farmers, irrigators, tourist and recreation groups, industry, environmental organizations, universities, local governments, and disadvantaged communities.

Priority will also be given to those proposals that target stakeholders and project concepts for small to medium sub-basin sized watersheds (e.g., an approximate 8-digit USGS HUC water.usgs.gov/GIS/huc.html) and that represent the full extent of the watershed.

E.1.1.1. Sub-criterion No. A1. Watershed Group Diversity

Points shall be awarded to proposals based on the extent to which they encourage collaboration with a diverse array of stakeholders across the watershed.

Please describe the efforts that you will undertake to ensure that the watershed group will include a diverse array of stakeholders. If the watershed itself does not include a diverse set of interests and sectors, please also provide an explanation of this (e.g., some watersheds may not include affected stakeholders in all the sectors identified in the definition of a “watershed group” provided in Section A.2. Objective of this Notice of Funding Opportunity). If your proposed project is for site-specific planning or project design, rather than watershed wide planning, please still discuss the stakeholder diversity throughout the entire watershed in which the watershed group works. In responding to this sub-criterion, please include:

- For New and Existing Watershed Groups, a description of the stakeholder groups (e.g., agriculture, municipal, recreation, environmental, Tribal) within the watershed that affect or are affected by the quantity or quality of water within the watershed (“affected stakeholders”). Describe their role in the watershed and how they interact with the water resources and identify specific organizations, entities, or individuals that make up these groups.
- For New Watershed Groups, a description of the affected stakeholders within the watershed that already support the formation of watershed group. To the extent possible, please identify the specific stakeholders or groups that already support the formation of the watershed group, describe their interest in the watershed, what their involvement in the group entails, and reference any letters of support or pledges/donations from affected stakeholders.
- For Existing Watershed Groups, an explanation of the specific individuals, entities, and organizations already participating in the watershed group and whether the current participation is representative of the affected stakeholders within the watershed. In other words, if the watershed group is already diverse, please provide support demonstrating the diversity of the group. Provide a description of the stakeholders that are involved, what their involvement in the group entails, and reference any letters of support or pledges/donations from affected stakeholders. and how.
- For New and Existing Watershed Groups, if the group does not already represent the full stakeholder diversity of the watershed, provide details on how you plan to target affected stakeholders to ensure that your group will represent a diverse set of stakeholders within the watershed, such as engaging in outreach to include new members, or collaborating with different groups or partners (e.g., outreach or partnership activities, public meetings, newsletters, marketing materials, or recruitment of new members).

- For Existing Watershed Groups, a description of the structure of the watershed group, and for New Watershed Groups, a description of the anticipated structure of the watershed group. Is there a formal membership process or is participation more informal? If a formal membership process exists, ensure your responses under this criterion make it clear which watershed group participants are formal members and which act as partner organizations. How are decisions made within the watershed group? Does a board of directors make decisions or are decisions made on a consensus basis? If the watershed group has a board of directors, how are board members chosen?
- Any other support demonstrating that the watershed group will include a diverse membership.

E.1.1.2. Sub-criterion No. A2. Geographic Scope

Under this sub-criterion, higher priority will be given to Watershed Groups representing the full geographic extent of the watershed. Applicants will receive points based on the extent to which they intend to do work and include stakeholders from across the entire extent of the watershed.

In addition, proposals that target small to medium sub-basin sized watersheds, for example an approximate 8-digit USGS HUC, water.usgs.gov/GIS/huc.html, will be given priority over large or very small watersheds.

Please provide the following information in response to this sub-criterion:

- Provide a map illustrating the geographic boundaries of the area in which the watershed group will work.
- The map should also identify the location or boundaries of the stakeholder groups within the area and indicate which stakeholders are currently involved in the group and which will be targeted through outreach. If a map of stakeholder locations cannot be provided, please describe the geographic scope of the area to the best of your knowledge, including where specific stakeholders are located within the watershed.
- Describe the extent to which the planned membership of the watershed group will represent the full geographic scope of the area in which the group intends to work. If applicable, describe the extent to which the watershed group already represents the geographic scope of the area.
- Describe the efforts that you will undertake to ensure that the watershed group will target stakeholders that represent the full geographic scope of the area in which the watershed group will work. For example, will outreach focus on stakeholders in a certain part of the watershed the have historically not been represented in the watershed group.
- Describe why you have chosen to work within the watershed area you described. For example, if the watershed group is only working along the river corridor, describe why they are not working within the larger watershed area.

- If your proposed project is for site-specific planning (e.g., completing planning for a specific stream reach) or watershed management project design, rather than watershed wide planning, please first address the above question for the entire watershed area in which the watershed group works and then address the following related to the smaller area for which you are completing planning or design.
 - Provide a map illustrating the location of the planning or design.
 - Briefly describe why you have chosen to complete site-specific planning or project design in this location.

E.1.2. Evaluation Criterion B— Developing Strategies to Address Critical Watershed Needs (35 points)

Up to **35 points** may be awarded under this criterion based on the extent of the critical issues or needs within the watershed that can be addressed by the New or Existing Watershed Group.

E.1.2.1. Sub-criterion No. B1. Critical Watershed Needs or Issues

Please describe in detail the critical issues or needs of the watershed, for example: declining ecological resiliency, water supply shortages, wildfire risk or post-fire concerns, flooding, water quality impairments, endangered species concerns, drought impacts, aquatic and riparian ecosystem degradation, habitat fragmentation and degradation, conflicts over water supply, and other related issues faced by affected stakeholders.

Provide quantitative and qualitative support to describe the severity of the critical issues or needs. If the concerns are not yet severe, describe why it is important to address the concerns preemptively and explain the potential impacts of not addressing the concerns.

Applicants should consider contacting Federal, state, and local agencies; non-governmental organizations; and other affected stakeholders to discuss what critical issues are affecting the watershed.

E.1.2.2. Sub-criterion No. B2. Project Benefits

Please respond to the following questions as applicable to your proposed project.

All Applicants:

- Linking your response to the critical watershed issues you identified in response to Criterion B1, please provide an explanation of why your proposed watershed group activities are an important next step for addressing the issues.
- Based on current information, what are the expected benefits of the proposed activities? To the extent possible, describe the anticipated benefits. Provide quantitative and qualitative support for the expected benefits (e.g., cite to relevant data sources or literature, provide examples where applicable).

- What stakeholders will benefit from the proposed project?

Applicants proposing activities under Task C: Watershed Management Project Design

- To the extent known, describe the project(s) for which the watershed group will complete a design.
- What type of site-specific project design and engineering will the watershed group complete?
- To the extent possible, describe and quantify the potential benefits of the watershed management project that would result from the design process.

E.1.3. Evaluation Criterion C—Readiness to Proceed (20 points)

Up to **20 points** may be awarded to proposals based on the extent to which the application demonstrates that the applicant understands program requirements, is able to proceed with proposed activities upon entering into a financial assistance agreement, and able to complete proposed activities within the required three-year time frame.

- Include a preliminary project schedule that shows the stages and duration of the proposed work including major tasks, milestones, and dates. For each task and milestone, indicate who will have the primary responsibility for completion. Proposals that provide a detailed project schedule broken down by tasks and subtasks with identified milestones will be prioritized.
- Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.
- Describe any new policies or administrative actions required to implement the plan or project being designed.

E.1.4. Evaluation Criterion D—Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: Tackling the Climate Crisis at Home and Abroad and E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and the President's memorandum, Tribal Consultation and Strengthening Nation-to Nation Relationships.

E.1.4.1. Climate Change

Points will be awarded based on the extent the project will reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Address the following as relevant to your project.

- Please provide specific details and examples on how the project will address the impacts of climate change and help combat the climate crisis.
- Does this proposed project strengthen water supply sustainability to increase resilience to climate change? Does the proposed project contribute to climate change resiliency in other ways not described above?

E.1.4.2. Benefits to Disadvantaged, Underserved, and Tribal Communities

Points will be awarded based on the extent to which the project directly serves disadvantaged, underserved, or Tribal communities. For the purposes of this criterion, Tribes and insular areas (American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands) are considered disadvantaged.

Disadvantaged and Underserved Community Benefits:

- Please use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify the disadvantaged communities that will benefit from your project.
- If applicable, describe how the proposed project will serve or benefit a disadvantaged or underserved community, identified using the tool described above. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits in a disadvantages or underserved community?

Tribal Benefits:

- Does the proposed project directly serve and/or benefit a Tribe? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, economic growth opportunities, or improving water management.
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.2. Review and Selection Process

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

E.2.1. First Level and Threshold Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

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

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

E.2.2. Application Review Committee

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the Section E.1. Evaluation Criteria.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

E.2.3. Red-Flag 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 the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. 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 can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

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 Reclamation Grants Officer will consider several factors that are important, but not quantified, such as:

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

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Dates

For applications received by the December 5, 2023, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in spring 2024, subject to the timing and amount of final appropriations. For applications received by the September 3, 2024, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in winter 2024/2025. 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

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

F.2.1. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Unique Entity Identifier (UEI) prior to the award of funds. If a recipient has multiple UEIs, they must separately enroll within ASAP for each unique UEI and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

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

F.2.2. Environmental and Cultural Resources Compliance

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

Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.

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As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete, and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO 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. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, state, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

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

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.59 Intangible Property [of this CFR]). The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without

approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

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

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

F.2.6. Title to Improvements P.L. 111-11 §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 §9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

F.3. Reporting Requirements and Distribution

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement. 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 SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports submitted on at least a semiannual basis, which include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period
- The reasons why established milestones were not met, if applicable

- The status of milestones from the previous reporting period that were not met, if applicable
- Whether the Project is on schedule and within the original cost estimate
- Any additional pertinent information or issues related to the status of the Project

F.3.3. Final Performance Report

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

- Whether the Project objectives and goals were met
- Discussion of the benefits achieved by the Project
- How the project demonstrates collaboration, if applicable
- If applicable, a copy of the completed Watershed Restoration Plan
- An industry standard map of the area in which the watershed group will work. Please provide this information in one of the following formats:
 1. Shapefile (.shp)
 2. KMZ/KML (.kmz or .kml) aka Google Earth File, not an exported Google Earth map
 3. AutoCAD (.dwg)
 4. PDF map (.pdf)
- Photographs documenting the Project are also appreciated

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

F.3.4. Determination of Sufficient Progress

Only a portion of funding will be made available when the financial assistance agreement is initially signed. As required under Section 6002 of the Cooperative Watershed Management Act (see Section A.1. Authority for the full citation), for each year of the grant, Reclamation must determine whether a recipient has made sufficient progress on its project during the year to justify any additional funding. If the applicant is awarded an agreement under this NOFO, Reclamation will review the interim reports to determine whether the recipient has made sufficient progress each year of the grant. If it is determined that the progress during the year justifies additional funding, grant funds will be made available for subsequent years of the grant project.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.1. Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.6. Freedom of Information Act

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

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

Published research findings mean when:

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

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

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

Section G. Agency Contacts

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

G.1. Reclamation Financial Assistance Contact

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

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

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R23AS00362 in the subject.**

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 Coordinator, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Robin Graber
Mail Code: 86-6300
P.O. Box 25007
Denver, CO 80225

By e-mail: 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.

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, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

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

- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on Tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. 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 **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

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

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? Or 95 percent?). The best

source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

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

H.1.2. 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.
 - 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. Endangered Species Act

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by

the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

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

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



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00007

WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024



Mission Statements

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

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

Cover Photo – Lake Meade, 2022. (Bureau of Reclamation)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year (FY) 2024
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R24AS00007
Assistance Listing Number:	15.514
Dates: (See NOFO Sec. D.4)	Application due date: Friday, October 31, 2023, 4:00 pm Mountain Daylight Time (MDT) (Paper Submissions). Friday October 31, 2023, 10:00 pm MDT (grants.gov submissions)
Eligible Applicants: (See NOFO Sec. C.1)	<p><u>Drought Resiliency Projects: Tasks A-C</u></p> <p>Category A: States, 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.</p> <p>Category A applicants must be located in the Western United States or United States Territories, including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico.</p> <p>Category B: Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described in Category A.</p> <p>Category B applicants must be in the United States or one of the Territories identified above.</p> <p><u>Domestic Water Supply Projects: Task D</u></p> <p>A State, Tribe, irrigation district, water district, or other organization with water or power delivery in one of the following states or territories: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.</p>
Recipient Cost Share: (See NOFO Sec. C.2)	Domestic Water Supply Projects for Tribes for disadvantaged communities (Task D projects) require a five percent non-Federal cost-share ¹ . All other projects require a non-federal cost-share of at least 50 percent or more of total project costs is required.

¹ Non-Federal cost-share for Domestic Water Supply Projects is waivable upon request. See Section C.2 for more information.

Federal Funding Amount (See NOFO Sec. B.2)	Drought Resiliency Projects Tasks A-C: Funding Group I: Up to \$500,000 per agreement for a project that can be completed within two years. Funding Group II: Up to \$2,000,000 per agreement for a project that can be completed within three years. Projects in this group may be funded on an annual basis. Funding for the second and third years of the project is contingent upon future appropriations. Funding Group III: Up to \$5,000,000 per agreement for a project that can be completed within three years. Projects in this group may be funded on an annual basis. Funding for the second and third years of the project is contingent upon future appropriations. Domestic Water Supply Projects Task D: Up to \$10,000,000 per agreement that can be completed within three years.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B)	Approximately 25 to 40 projects contingent upon available Federal appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants should contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372. www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf

Application Checklist

This table summarizes the information you are required to submit with your application.

✓	Mandatory Application Components:	Required Content Page
	Mandatory Federal forms: <ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) SF-424A: Budget Information - Non-Construction Programs (OMB) OR SF-424C: Budget Information - Construction Programs (OMB) SF-424B: Assurances - Non-Construction Programs (OMB) OR SF-424D: Assurances - Construction Programs (OMB) 	22
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	29
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	22
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	25
✓	Recommended Application Components:	Content Page
	Environmental and cultural resources compliance	26
	Required Permits and Approvals	26
	Overlap or duplication of effort statement	26
	Conflict of interest disclosure statement	27
	Uniform audit reporting statement	28
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable)	28
	Letters of Support	28
	OMB 4040-0013 Certification Regarding Lobbying (if applicable).	29
	Letter of Funding Commitment	29

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CEJST	Climate and Economic Justice Screening Tool
CFR	Code of Federal Regulations
CWA	Clean Water Act
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
E.O.	Presidential Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	Fiscal Year
GIS	Geographic Information Systems
IRA	Inflation Reduction Act
OMB	Office of Management and Budget
OM&R	Operations, Maintenance, and Replacement
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation
SAM	System of Award Management
SPOC	Single Point of Contact
TAP	Technical Assistance Program
UEI	Unique Entity Identifier
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow
WIIN	Water Infrastructure Improvements for the Nation

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Section A. Program Description

A.1. Authority

This Notice of Funding Opportunity (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, and the Inflation Reduction Act of 2022, P.L. 117-169, Section 50231.

A.2. Background, Purpose, and Program Requirements

The U.S. Department of the Interior's (DOI) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with States, Tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts.

Drought conditions across the West impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. While waves of precipitation have hit the Western United States since December of 2022, as of August 3, 2023, the U.S. Drought Monitor indicates that more than 51 percent of the land in the United States is still in abnormally dry to exceptional drought conditions. The WaterSMART Drought Response Program supports a proactive approach to drought by providing financial assistance to develop and update comprehensive drought plans (Drought Contingency Planning) and implement projects that will build long-term resilience to drought (Drought Resiliency Projects).

Collaboration with a multitude of customers, partners, and stakeholders is essential to identifying successful strategies to address complex water management issues such as drought. Collaborations are central to Reclamation's approach to addressing drought in the West, and WaterSMART's Drought Response Program supports the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership formed in 2016 to enhance Federal coordination of drought activities.

The WaterSMART Drought Response also provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad and aligned with other priorities, such as those identified in E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The WaterSMART Drought Response will advance the Biden-Harris Administration's Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that

40 percent of the overall benefits of certain federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.²

For further information on the Drought Response Program, please see www.usbr.gov/drought. For further information on the WaterSMART Program, please see www.usbr.gov/WaterSMART.

With the passage of the Inflation Reduction Act (IRA), Reclamation is able to offer an opportunity that provides up to 100 percent of the cost for the planning or design of domestic water supply projects that benefit disadvantaged communities or households that do not have reliable access to domestic water supplies. Tribes, territories, and other disadvantaged communities are encouraged to reach out to the Program Coordinator contact in *Section G – Federal Awarding Agency Contacts*, to learn more about this opportunity. If your project is selected, some technical assistance may be available, contingent on Reclamation staff availability.

A.3. Notice of Funding Opportunity Purpose and Objectives

This NOFO's objective is to invite eligible applicants to submit proposals for projects that can increase water management flexibility—making our water supply more resilient. This helps to prepare for and address the impacts of drought and water supply shortages. Projects that may be funded under this NOFO are divided into four task areas (Task A, B, C, or D), and a brief summary of each task area is provided below. For more detailed information regarding task areas, please see *Section C.4. Eligible Projects*.

Applicant eligibility and required non-federal cost-share vary by task area. Please see *Sections C.1. Applicant Eligibility* and *Section C.2. Cost Sharing or Matching* for detailed information.

- **Drought Resiliency Projects: Tasks A-C (50 percent non-federal cost-share required)**
 - Task A: Increasing the Reliability of Water Supplies through Infrastructure Improvements.
 - Task B: Increasing the Reliability of Water Supplies Through Groundwater Recovery.
 - Task C: Projects to Improve Water Management through Decision Support Tools, Modeling, and Measurement.

Proposals submitted under Tasks A-C need to demonstrate that the proposed project is supported by an existing drought planning effort. It is a well-established principle that

² For more information, see E.O. 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, <https://www.whitehouse.gov/environmentaljustice/justice40/>.

proactively identifying resiliency projects through drought planning, in advance of a crisis, is far more cost effective than emergency response. As stated on the University of Nebraska's Drought Resources website, droughtresources.unl.edu/why-plan:

One frequently cited estimate from the Federal Emergency Management Agency is that “mitigation”—taking steps ahead of time to prevent known impacts from a natural disaster—saves \$4 for every \$1 expended. Planning ahead is generally seen as more efficient and more effective than measures taken in crisis mode. Drought researchers have found that after-the-fact assistance to farmers, for example, is expensive and doesn't necessarily reach the right people.

- **Domestic Water Supply Projects: Task D (Five percent non-Federal cost-share is required³)**

Task D: Construction of domestic water supply projects for Tribes or disadvantaged communities that do not have reliable access to water supplies.

Proposals submitted under Task D need to demonstrate that the primary purpose of the proposed project is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies and that the project will benefit Tribes or disadvantaged communities.

A.4. Other Related Funding Opportunities

- **WaterSMART Drought Contingency Planning.** Financial assistance is provided under the Drought Response Program, on a 50/50 cost share basis, to develop a drought contingency plan or to update an existing plan.
- **WaterSMART Environmental Water Resources Projects.** Projects focus on environmental benefits developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources. Reclamation provides cost-share funding for projects that include water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values; water management or infrastructure improvements to mitigate drought-related impacts to ecological values; and watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management.

³ Non-Federal cost-share for Domestic Water Supply Projects is waivable upon request. See Section C.2 for more information.

The Federal share of the cost of an infrastructure improvement or activity may be **up to 75 percent** of the cost of the infrastructure improvement or activity, if certain conditions are met.

- **WaterSMART Grants: Water and Energy Efficiency Grants.** Financial assistance is provided, on a 50/50 cost share basis for projects that conserve and use water more efficiently; increase the production of hydropower; 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.
- **WaterSMART: Title XVI Congressionally Authorized Water Reclamation and Reuse Projects.** Through this NOFO, funding is available for planning, design, and construction of congressionally authorized Title XVI Projects.
- **WaterSMART: Title XVI Water Infrastructure Improvements for the Nation (WIIN) Water Reclamation and Reuse Projects.** Through this NOFO, funding is available for planning, design, and construction of Title XVI Projects and desalination projects that are eligible under Section 4009(c) of the WIIN Act.
- **Native American Affairs Technical Assistance Program (TAP).** Reclamation's Native American Affairs TAP provides technical assistance to assist Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required.
- **Inflation Reduction Act Section 50231.** A request for proposals from the Native American and International Affairs Office will be circulated in 2023 to solicit project proposals for planning, design, or construction of water projects to provide domestic water supplies to disadvantaged communities or households that do not have reliable access to domestic water supplies.

For information on the funding opportunities listed above, visit the WaterSMART Program website at www.usbr.gov/waterSMART or the Native American Affairs Program Technical Assistance Program website at www.usbr.gov/native/programs/TAPprogram.html

Section B. Award Information

B.1. Total Funding

This NOFO will allocate available program funds including fiscal year (FY) 2024 enacted appropriations for the Drought Program, funding available under the Bipartisan Infrastructure Law (BIL), P.L. 117-58, and funding made available through the IRA, P.L. 117-169.

Applications submitted under this NOFO also may be considered if additional funding becomes available in FY 2024 or thereafter. Applicants that are identified for BIL funding will need to meet additional requirements, including Buy American and Wage Rate Requirements (Davis-Bacon Act). See *Section F.2.10 Buy America Domestic Preference* and *Section F.2.11 Additional Bipartisan Infrastructure Law Requirements: Wage Rate Requirements* for more information.

B.2. Expected Award Amounts

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. See *Section C.3.1 Multiple Applications* for more information.

B.2.1. Drought Resiliency Projects: Tasks A-C

Maximum Award: \$5,000,000

Minimum Award: \$25,000

If an applicant intends to submit applications for the same project under multiple funding groups, the project scope and overall project budget should be scaled accordingly.

The Federal share (Reclamation's share in addition to any other sources of Federal funding) 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.

Applicants are invited to submit proposals under the following funding groups for Tasks A-C:

Funding Group I: Up to \$500,000 in Federal funds provided through this NOFO will be available for projects that generally should be completed in two years.

Funding Group II: Up to \$2,000,000 in Federal funds provided through this NOFO will be available for larger projects that may take up to three years to complete. Projects in this group

may be funded on an annual basis, and if so, funding for the second and third years of the project is contingent upon future appropriations.

Funding Group III: Up to \$5,000,000 in Federal funds provided through this NOFO will be available for larger projects that may take up to three years to complete. Projects in this group may be funded on an annual basis, and if so, funding for the second and third years of the project is contingent upon future appropriations.

B.2.2. Domestic Water Supply Projects for Tribes or Disadvantaged Communities: Task D

Maximum Award: \$10,000,000

Minimum Award: \$25,000

Applicants are invited to submit proposals under Task D for the construction of domestic water supply projects for Tribes or disadvantaged communities that do not have reliable access to water supplies. Up to \$10,000,000 in Federal funds provided through this NOFO will be available for projects that generally should be completed in three years.

B.3. Anticipated Award Funding and Dates

Anticipated Award Date: October 31, 2024

Anticipated Project Completion Date: October 31, 2026 – October 31, 2027, dependent on Funding Group or Task.

B.4. Number of Awards

Approximately 25 to 40 awards, depending on the amount of funding requested by each applicant and the amount of funding available, will be awarded under this NOFO. More awards may be made if additional funding becomes available.

B.5. Type of Award

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.

B.6. Technical Assistance

By request, Reclamation can provide technical assistance after award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. 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

Applicant eligibility varies by project category, otherwise referred to as Task Area (Task); therefore, please carefully review applicant eligibility for the Task in which you are applying. For more detailed information regarding eligibility per Task, please see *Section C.4. Eligible Projects*.

C.1.1. Eligible Applicants for Drought Resiliency Projects: Tasks A-C

Category A applicants:

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

Category A applicants must 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.

Category B applicants:

Nonprofit conservation organizations that are acting in partnership with and with the agreement of an entity described in Category A.

To be eligible, Category B applicants should include with their application a letter from the Category A partner stating that the Category A partner:

- Is acting in partnership with the applicant;
- Agrees to the submittal and content of the application; and
- Intends to participate in the project in some way (e.g., by providing input, feedback, or other support for the project).

Note: Partners do not necessarily need to contribute cost-share funding.

Category B applicants must be in the United States or one of the Territories identified above.

C.1.2. Eligible Applicants for Domestic Water Supply Projects: Task D

A State, Tribe, irrigation district, water district, or other organization with water or power delivery in one of the following states or territories: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

C.1.3. Ineligible Applicants

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

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

C.2. Cost Sharing or Matching

Applicant cost-share requirements for projects funded under this NOFO are dependent on the project type.

Note: In accordance with provisions of Public Law 95-134, Title V, § 501 (1977) (codified at 48 U.S.C. 1469a), as amended by Public Law 96-205, Title V, § 601, this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

- ***Drought Resiliency Projects Tasks A-C:*** Applicants must be capable of cost sharing 50 percent or more of the total project costs.

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

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Section D.2.3.12 Official Resolution* and *Section D.2.2.13 Letters of Funding 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.*

- ***Drought Resiliency Projects Task D:*** Domestic Water Supply Projects for Tribes or disadvantaged communities. A five percent non-Federal cost-share or match is required.

For Task D projects only, applicants may request a cost-share waiver. Upon applicant request and with concurrence from the Secretary of Interior, Reclamation may reduce or waive the five percent non-Federal cost share requirement for Task D projects if an overwhelming Federal interest and a significant financial need are identified. If the funding plan identifies less than five percent non-Federal cost share match, include the request for a cost-share reduction or waiver in the proposal. The request must include information and documentation addressing the factors set forth immediately below.

Reclamation will use the following factors when considering whether to reduce or waive the non-Federal cost share requirement. Please address each of the following criteria and provide an explanation for the applicability of each criterion with supporting documentation:

- Overwhelming Federal Interest. Reclamation will make a determination of whether an overwhelming Federal interest exists based on factors such as the programs and policies of the President and the Secretary of the Department of the Interior.
- Financial Hardship. In determining whether a significant financial need exists the following factors will be considered:
 - The population-weighted median household income and average unemployment rate within the study area and the state based on the latest available data from the U.S. Census Bureau's American Community Survey (<https://www.census.gov/programs-surveys/acs/data/data-tables.html>).
 - Family poverty level for the state as estimated by guidelines published annually by the U.S. Department of Health and Human Services (aspe.hhs.gov/poverty-guidelines)
 - A current financial statement of the applicant and a statement that the applicant does not possess sufficient funds or assets to pay for all or part of the required cost share.

For more information regarding cost share waivers, please contact the program coordinator identified in Section G. Agency Contacts.

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 benefitting and specifically identifiable to the proposed project. Applicants may not include as part of their cost share for projects funded under this NOFO 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. Applicants should refer to 2 CFR §200.434 for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, (for example, an applicant may submit a proposal for funding under Funding Group I, a separate proposal under Funding Group II, and a separate proposal under Funding Group III) provided that the project scopes are not duplicative. In general, for Tasks A-C, no more than \$5,000,000 will be awarded to any one applicant under this NOFO, and no more than \$10 million will be awarded to any one applicant under Task D. Category B applicants may be considered for multiple awards of up to \$15,000,000 if the Category A partners are different for each project selected. In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to construct a new storage and conveyance system coupled with a decision support tool for operation of the system), you should combine these in one application. However, if the projects are only loosely related or are independently operated, you should submit them as separate applications.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](https://www.sam.gov) for all applicant entities and their key project personnel prior to award, and ineligibility conditions apply to this Federal program. If entities or key project personnel are identified in the database as ineligible, prohibited/restricted, or otherwise excluded from receiving Federal contracts, certain subcontracts, or certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

In general, under this NOFO, Reclamation will provide funding for projects that increase water supply reliability and build long-term resilience to drought, reducing the need for emergency

response actions. Drought resiliency can be defined as the capacity of a community to cope with and respond to drought.

To be eligible for funding under this NOFO, the proposed project should be beyond routine water management activities or activities required by state law for conservation and efficiency. The proposed project should also help avoid the need for emergency response actions, such as water hauling programs and temporary infrastructure and have ongoing benefits to build long-term resilience.

Applicants may apply for funding in the following four task areas (Task A, B, C, or D) described below. ***Please see sections C.1.1. and C.1.2. to ensure you are an eligible applicant for the task area in which you are applying. Tasks A-C eligible applicants are outlined in Section C.1., and Task D eligible applicants are outlined in C.1.2.***

In general, you may seek funding under one application for multiple project components that include one or a combination of tasks if the project components are interrelated or closely related (e.g., a project to construct a new storage and conveyance system [Task A] coupled with a decision support tool for operation of the system [Task C]). However, if the projects are only loosely related, separate applications need to be submitted. Applications including multiple projects that are independently operated may not be considered for funding.

One phase of a larger project may be eligible for funding under this program, so long as the phase proposed for funding will generate benefits to address drought resiliency or water supply reliability, independent of completing additional phases. Certain restrictions apply to phased projects that include water reclamation, reuse, desalination, and water storage. Please see *Section C.4.2.3. Water Reclamation, Reuse and Desalination* and *C.4.2.4. Small Surface Water and Groundwater Storage Projects* for more information.

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

Proposed projects will be reviewed by the Program Office to determine whether the project type is eligible for evaluation.

Projects may be prioritized to ensure balance among the program task areas (described below) and to ensure that the projects address the goals and objectives of the NOFO.

C.4.1. Task A—Increasing the Reliability of Water Supplies through Infrastructure Improvements

Even small investments in infrastructure can improve resiliency to drought by increasing water management flexibility and providing alternative sources of water supply. For example, constructing new surface water intakes or new conveyance system components, such as pipes or pumping plants, can provide water managers with much needed options to deliver water from alternative sources or support voluntary water transfers during drought. Likewise, aquifer recharge facilities can support water banking in wet years for use in dry years and sustainable conjunctive use programs. **(Please note that Task A projects do not include the construction or rehabilitation of wells. Please see Task B for well construction and rehabilitation.)**

Task A projects include, but are not limited to the following:

- **System modifications or improvements.** Projects that will increase flexibility of water conveyance and deliveries, facilitating access to water supplies in times of drought. Projects include, but are not limited to:
 - Constructing or modifying surface water intakes to access supplies when water levels are low (e.g., at dead pool), or to allow access at different locations.
 - Constructing new conveyance system components (pipelines, canals, pumping plants, etc.) to increase flexibility to deliver water from different sources, to facilitate voluntary water marketing or to deliver water from alternative sources.
 - Constructing interties between water conveyance systems to increase options for water deliveries.
 - Installing barriers or other facilities to prevent saltwater intrusion into surface supplies.
- **Storing water and/or recharging groundwater supplies.** Projects that enable the capture or storage of additional water supplies that can be made available during drought. Projects include, but are not limited to:
 - Developing or expanding small-scale surface water storage facilities such as off-stream storage ponds.
 - Installing water towers and storage tanks to store water for municipal and domestic use.
 - Installing recharge ponds or injection wells to increase recharge of surplus, inactive, or reclaimed water. Recharged water can serve multiple purposes such as sustainable conjunctive use in times of drought, deterring saltwater intrusion into freshwater aquifers, and limiting additional land subsidence.
- **Developing alternative sources of water supply including water treatment.** Projects that develop alternative water supplies to build resiliency to the impacts of drought. Projects include, but are not limited to:
 - Constructing or expanding small-scale water treatment facilities to treat impaired groundwater, municipal wastewater, stormwater runoff, for environmental, agricultural, or potable purposes.
 - Constructing stormwater capture and reuse systems, including green stormwater infrastructure solutions such as rain gardens, cisterns, and bioswales.
 - Installing residential grey water and rain catchment systems.

Note for applicants applying for recharge basins: Multiple recharge basins in one application will be considered as one project (or a phase of a larger project, if applicable) and the total project costs cannot exceed \$10 million (*see Section C.4.2.4.*) to be eligible under this NOFO.

C.4.2. Task B—Increasing the Reliability of Water Supplies Through Groundwater Recovery

As water managers continue to face vulnerabilities due to drought and climate change, diversification of water supplies is critical for water security. The sustainable use of groundwater and recovery of recharged water are vital to building drought resiliency and supporting public health. Aquifer storage and recovery programs are becoming an important water management tool and the water recovered from these programs are being used for municipal and industrial water supplies, irrigation, and ecosystem restoration.

Wells funded under Task B of this NOFO are to be used for supplemental supplies during times of drought, to serve communities that are or are potentially facing a public health crisis due to a lack of potable water, or to recover previously recharged/stored water. This NOFO is not intended to provide funding for wells that are part of a long-term planning effort to support increased need due to population growth or increased irrigation demands. *However, if you are a Tribe or disadvantaged community that doesn't currently have reliable access to domestic water supplies and are looking to construct a domestic water supply system, please see Domestic Water Supply Projects: Task D below (Section C.4.1.3).*

Projects under Task B may include, but are limited to following:

- Constructing wells to provide back-up water supplies during times of drought.
- Constructing extraction wells at groundwater banks or other recharge areas to improve extraction and return capabilities during dry years.

Note for applicants applying for groundwater recovery well projects: Applications under Task B for groundwater recovery projects (including rehabilitation and the treatment of well water) will be limited to one well per application, and applicants will be limited to two well applications under this NOFO, even if the total requested federal cost-share is less than the funding limitations set forth in Section B.2.

C.4.3. Task C—Projects to Improve Water Management through Decision Support Tools, Modeling, and Measurement

Task C Projects are intended to help provide entities with water use information and tools to monitor the onset of drought, detect different levels of drought that may trigger certain drought mitigation and response actions, and identify potential strategies to address drought. Task C Projects also include developing tools that facilitate water marketing between willing buyers and sellers to redistribute water supplies to meet other existing needs or uses (e.g., agricultural, municipal, or dedication to in-stream flows).

Task C Projects include, but are not limited to the following:

- **Developing water management, water marketing, and modeling tools to help communities evaluate options and implement strategies to address drought.**
 - Developing online decision support tools to help communities identify alternative water supplies or water management options in times of drought.
 - For example, in 2019, Reclamation awarded the Texas Water Development Board with a Drought Resiliency Grant to modify their existing drought prediction tool to provide more accurate probabilistic forecast of average May through July rainfall, reservoir levels, and reservoir storage across the state by county. The project was completed in 2022, and the forecasts are updated bi-weekly and made accessible for water managers through the Water Data for Texas website: www.waterdatafortexas.org/reservoirs/statewide.
 - Developing new models or improving existing models for analyzing and predicting drought conditions. Such models should be based on proven methods to analyze drought frequency, duration, and intensity, as opposed to research type efforts.
 - Developing water budgets and tiered pricing programs that incentivize decreased consumptive use. Tiered pricing can be paired with water budgets to reward customers who use less water by charging lower rates for water in a lower tier. For example, Tier I pricing can include a relatively low price for indoor water use within a budgeted amount (e.g., 55 gallons per person per day). Reasonable water use above that amount—assumed to be for outdoor use—would be included within Tier 2 pricing at a higher cost than Tier 1. Tier 3 would establish an even higher price for all water use that exceeds the total water budget.
 - Real-time operational modeling to track supply conditions and demands. Modeling can be used to analyze different operational scenarios to optimize pumping capacities, evaluate user restrictions, water delivery needs, etc., and determine how to best meet other compliance standards such as temperature control points, water quality, or Endangered Species Act (ESA)-related requirements.
 - Assessing water quality with respect to the level of drought to determine appropriate measures to protect water quality for fish and wildlife, agriculture, and human consumption (e.g., water quality testing or constructing groundwater monitoring wells).
 - Developing tools to facilitate water marketing, connecting willing sellers and willing buyers that want to participate in the buying, selling, leasing, or exchanging of water.
- **Installing water measurement equipment and monitoring instrumentation devices to accurately track water supply conditions** (e.g., stream flow measurement structures, flow meters, well level instruments, reservoir level monitors).

Projects that primarily install meters or other water measurement devices are considered routine water management activities and are, therefore, not eligible for funding under this program as a standalone project. However, meters or other measuring devices are eligible as a necessary sub-component of another eligible Drought Resiliency Project as described in Tasks A-C.

Eligible measurement projects may include, but are not limited to:

- Installing and/or modifying monitoring equipment associated with stream flow measurement devices, water level sensors, etc.
- Installing dual municipal meters to track indoor versus outdoor water use, allowing water purveyors to control or discourage landscape irrigation and other outdoor uses in times of drought.

C.4.4. Task D— Domestic Water Supply Projects for Tribes or Disadvantaged Communities

Task D projects are for the construction of domestic water supply projects of which the primary purpose is to provide domestic water supplies to Tribal or disadvantaged communities that do not have reliable access to water supplies. This can include the development of new supplies and/or associated infrastructure for treatment and delivery. Please note that total project costs under Task D cannot exceed \$10,000,000.

C.4.5. Ineligible Projects

Projects not eligible for funding under this NOFO include scientific research, water hauling, education and outreach, land fallowing, cover cropping, and reimbursement for economic losses resulting from drought.

Other projects that are not eligible for funding under this NOFO are identified immediately below.

C.4.5.1. Operations, Maintenance, and Replacement

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

- Replacing malfunctioning components of an existing facility with the same components
- Improving an existing facility to operate as originally designed
- Performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval)

- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed
- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws
- Replacing broken meters with new meters of the same type
- Replacing leaky pipes with new pipes of the same type

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

C.4.5.2. Water Conservation Projects

Projects primarily focused on water conservation are not eligible under this NOFO, including:

- Lining or piping canals to conserve water
- Installing landscape irrigation measures
- Turf replacement
- Water metering and measurement projects are ineligible as a standalone project but may be included if paired with another project that is eligible under Tasks A-C, as a necessary subcomponent of that task

Projects that will result in water conservation as a secondary consideration, such as decision support tools that improve operational efficiency, are eligible under this NOFO, so long as they are consistent with the eligible projects described in Tasks A-C in Section C.4.

C.4.5.3. Water Reclamation, Reuse and Desalination

Any projects or project elements that are part of a congressionally authorized Title XVI Water Reclamation or Reuse Project are not eligible for funding under this NOFO.

Any projects or project elements that are part of a water desalination or recycling project eligible for funding under Section 4009(a) or 4009(c) of the WIIN Act, P.L. 114-322 are not eligible for funding under this NOFO.

In addition, if a water desalination, reclamation, or recycling project has a total estimated project cost of more than \$20 million, that project is not eligible under this NOFO and should be pursued under the Title XVI Water Reclamation and Reuse Program or the WaterSMART Desalination Planning and Construction Program. *Note, this applies to phases or project elements of a desalination, reclamation, or recycling project that are part of a larger project with a total estimated project cost of more than \$20 million.*

See the Title XVI-Water Reclamation and Reuse webpage, www.usbr.gov/watersmart/title, for more information.

C.4.5.4. Small Surface Water and Groundwater Storage Projects

An application for funding of a small surface or groundwater storage project (including groundwater recharge) with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, is not eligible under this NOFO. Applicants proposing such projects may wish to consider Reclamation's Small Storage Program. See the Small Storage Program webpage, www.usbr.gov/smallstorage, for more information.

C.4.5.5. Domestic Water Supply Projects

An application proposing a domestic water supply project to serve Tribes or disadvantaged communities with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, is not eligible under this NOFO. Reclamation is currently developing a comprehensive implementation plan for domestic water supply projects authorized under P.L. 117-169. Reclamation will post more information as it becomes available at www.usbr.gov/inflation-reduction-act. In addition, water supply projects of which the primary benefit is not to serve a Tribe or disadvantaged community is not eligible under this NOFO.

C.4.5.6. Water or Land Purchases

Proposals to use Federal funding to purchase water or land 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. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.4.5.7. Emergency Drought Response Projects

Emergency drought response projects that provide temporary benefits, including projects involving temporary facilities (e.g., temporary pipes and pumps). Applicants seeking funding drought emergency relief should request emergency drought assistance under Reclamation's Drought Response Program. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.4.5.8. Drought Contingency Planning

Development or updates of drought contingency plans are not eligible under this NOFO but may be eligible for funding under Reclamation's WaterSMART Planning and Design NOFO.

C.4.5.9. 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 a building to house promotion of public awareness for water conservation).

C.4.5.10. 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.4.5.11. On-Farm Improvements

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

Applicants interested in projects for water delivery systems improvements that will enable farmers to make additions on-farm improvements in the future should consider Reclamation's Water and Energy Efficiency Grants. See the WaterSMART Water and Energy Efficiency Grants webpage, www.usbr.gov/watersmart/weeg, for more information.

C.4.5.12. Projects Receiving Other Federal Financial Assistance

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

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance contact listed in Section G of this NOFO.

D.2. Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **25** consecutively numbered pages. If this section of the application exceeds 25 pages, only the first 25 pages will be evaluated. **The full application, including attachments, cannot exceed 125 pages. If the application exceeds 125 pages, only the first 125 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist located on page ii to be considered complete. To facilitate fair and timely reviews, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this NOFO. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See *Section F.2.6. Freedom of Information Act (FOIA)*.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under *Section G.1 Reclamation Financial Assistance Contact*.

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is manually signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

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

SF-424A or SF-424C Budget Information Form

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

Failure to submit an SF-424A or SF-424C will result in the elimination of the application from further consideration.

SF-424B or SF-424D Assurances Form

A SF-424B – Assurances – Non-construction Programs or SF-424D Assurances – Construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

Failure to submit a signed SF-424B or SF-424D will result in the elimination of the application from further consideration.

D.2.2.2. Technical Proposal

Submission of a technical proposal (limited to 25 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

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 number of the Project Manager.

Table of Contents

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

Executive Summary

The executive summary should include:

- The applicant name, city, county, and state and a brief explanation of how you meet the applicant eligibility requirements (See Section C.1).
- The Task Area you are applying under (Task A, B, C, or D) and what funding group, if applicable. Funding groups are only applicable to Tasks A-C.
- If applying under Task areas A-C, indicate whether you are a Category A applicant or 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 should include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). See *Section D.2.2.8. Letter of Partnership* 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, and recent drought conditions in your project area. Describe how this project is expected to help alleviate impacts of those conditions or other concerns in the area. Identify any plans or other planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

***Example:** The Town of Apple Valley, located in San Bernardino County in Southern California, will convert the source of irrigation water at five locations from potable water to reclaimed water by constructing a pipeline that will transport reclaimed water from the Apple Valley Water Reclamation Plant, and retrofitting the existing irrigation system at each site to utilize reclaimed water. Irrigating with reclaimed water will reduce use of potable groundwater—*

reducing the demand on the stressed Mojave River Groundwater Basin and adding 961 acre-feet of water per year during periods of drought.

- State the length of time and estimated completion date for the proposed project including the construction start date (mm/yr).
Note: proposed projects should not have an estimated construction start date that is prior to October 31, 2024.
- State whether or not the proposed project is located on a Federal facility or will involve Federal lands, and what work will occur on the Federal facility or Federal lands.
- Provide relevant background information about the applicant and service area such as services provided, population served, irrigated acres served, crops grown in the project area, etc.
- Include details regarding the applicant's or applicant partner's water supplies. This should include water delivered or diverted from all water sources including water supply contracts, water rights, applicant or partner owned wells, and any other long-term water supplies that are part of the water use portfolio (e.g., drainage from upstream users, reclaimed/recycled water, water transfer agreements, etc.). Include the total amount of water available in an unconstrained year (in acre-feet) and the 10-year average annual water supply (in acre-feet).

Project Location

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

Project Description

Provide a more comprehensive description of the technical aspects of your project, including the goals and objectives of the project, 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 and Project Implementation criterion in Section E.1.2.5. In addition, **avoid** discussion of the benefits of the project, which are also requested in response to evaluation criterion in Section E.1.1. Evaluation Criterion A—Project Benefits. This section is solely intended to provide an understanding of the technical aspects of the project.*

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

D.2.2.2.1. Performance Measures

All applicants are required to propose a brief summary describing the performance measure that will be used to quantify actual benefits upon completion of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts, as well as the overall effectiveness of the project.

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

D.2.2.2.2. Evaluation Criteria

Section E.1. Evaluation Criteria provides a detailed description of each criterion and sub-criterion and the points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

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

D.2.2.3. Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

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

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A (non-construction projects) or Cost Classification categories identified on the SF-424C (construction projects). The budget narrative must clearly identify *all* items of cost (**total estimated project cost**), *including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation*, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

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

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

D.2.2.4. Environmental and Cultural Resources Compliance

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

D.2.2.5. Required Permits or Approvals

In the Evaluation Criteria (*Section E.1.5. Evaluation Criterion E-Readiness to Proceed and Project Implementation*) applicant should discuss whether any permits or approvals are necessary 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.2.2.6. Overlap or Duplication of Effort Statement

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact immediately.

D.2.2.7. Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

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

In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR§200.318 apply.

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.

Restrictions on Lobbying

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

Review Procedures

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

Enforcement.

Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9. SF-LLL: Disclosure of Lobbying Activity (if Applicable)

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

D.2.2.10. Letters of Support

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

D.2.2.11. Letter of Partnership (Category B Applicants)

Category B applicants should submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). However, if the project is selected, a Letter of Partnership must be received prior to award.

D.2.2.12. Official Resolution

If selected, the applicant must provide prior to award an official resolution adopted by your organization'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
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.2.2.13. Letters of Funding Commitment

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

- 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

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

D.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

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

- Be registered in SAM before submitting an application. Instructions for registering are available at sam.gov/content/home

- Provide a valid UEI in the application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

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

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

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

NOTE: An organization’s SAM.gov registration process may take six weeks or more to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2. Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a UEI prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

D.4. Submission Date and Time

The submission deadline for applications submitted electronically in Grants.gov is:

October 31, 2023, at 10:00 p.m. MDT.

The submission deadline for applications submitted by mail, overnight delivery, or courier is

October 31, 2023, at 4:00 p.m. MDT.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *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.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1. Application Delivery Instructions

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. **We strongly encourage you to use Grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

By mail, express/overnight delivery, or courier services:

Bureau of Reclamation
Upper Colorado Regional Office
Attn: Karen Shubert
125 South State Street, Room 8100
Salt Lake City, Utah 84138-1147

If you are submitting a paper application, please notify Karen Shubert at kshubert@usbr.gov for approval no later than 2:00 p.m. Mountain Daylight Time on October 31, 2023.

D.4.2. Instructions for Submitting the Project Application

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

D.4.2.1. Applications Submitted Electronically

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

Application submission requires prior registration through Grants.gov, which may take up to 21 days. See the registration instructions available at <https://www.grants.gov/web/grants/applicants/registration.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. Applicants are encouraged to submit applications 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. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov help desk ticket number to the Financial Assistant contact listed in Section G of the NOFO.

D.4.2.2. Applications Submitted by Mail, Express Delivery or Courier Services

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

- We request that applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.
- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions.

D.4.2.3. Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5. Intergovernmental Review

Prior to application submission, U.S. state and local government applicants should visit the OMB Office of Federal Financial Management website and view the “State Point of Contact (SPOC) List” to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 “Intergovernmental Review of Federal Programs.” States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency. If your state is on the list, contact the designated entity for more information on the state’s prior review requirements for Federal assistance applications (<https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>).

D.6. Funding Restrictions

D.6.1. Pre-Award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity and are limited to costs related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2. Project Cost Restrictions

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

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

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

D.6.3. Environmental and Regulatory Compliance Costs

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

D.6.4. Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization’s cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

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

Section E. Application Review Information

E.1. 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 sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** It is suggested that applicants copy and paste the below criteria and sub-criteria into their applications to ensure that all necessary information is adequately addressed.

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	30
B. Planning and Preparedness	20
C. Severity of Actual or Potential Drought Impacts to be Addressed by the Project	15
D. Presidential and DOI Priorities	15
E. Readiness to Proceed and Project Implementation	10
F. Nexus to Reclamation	5
G. Stakeholder Support for Proposed Project	5
Total	100

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

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

Up to **30 points** may be awarded based on the expected drought resiliency and other benefits of the proposed project. Proposals containing a well-supported and detailed description of both quantifiable and qualitative benefits will receive the most points under this criterion.

E.1.1.1. Sub-criterion A1: Available Water Supplies and Water Better Managed

The purpose of this criterion is to ensure that funding is prioritized for projects that will provide significant benefits to drought resiliency and water supply reliability and will be evaluated accordingly. **For this criterion, your project will be evaluated under either Sub-Criterion A1.a: Adds to Available Water Supplies or Sub-Criterion A1.b: Water Better Managed.**

Generally, projects that increase access to water supplies that are **not currently available to an entity** is considered under **Sub-Criterion A1.a: Adds to Available Water Supplies**. Projects may include, but are not limited to, recharge basins, conveyance to bring new supplies into a service area including groundwater extraction, recycled water use, stormwater capture, treatment of unusable water supplies due to contamination, etc.

Projects that are considered under **Sub-Criterion A1.b: Water Better Managed** generally include projects that improve the delivery efficiency of water **already available to an entity**. Project types under Sub-Criterion A1.b: Water Better Managed may include, but are not limited to, regulating reservoirs, new conveyance to deliver available surface water (e.g., contracted water supplies not associated with flood flows) to those not able to receive surface water, upgrading infrastructure for more efficient deliveries (e.g., connecting pipelines and canals within a service area), water treatment of supplies already being utilized to ensure continued use, etc.

You need to determine if your project best falls under Sub-Criterion A1.a: Adds to Available Water Supply or Sub-Criterion A1.b: Water Better Managed and only respond to the relevant sub-criterion. If your proposed project has elements of both sub-criterion (e.g., groundwater extraction well and a modeling tool to inform groundwater extraction operations, you may elect to answer both sub-criteria).

In some cases, the ARC may determine that the project is a better fit under a different Sub-Criterion than initially determined by the applicant. In such cases, the ARC may choose to score the application under the Sub-Criterion they deem most appropriate.

Should you have any questions regarding your project and which sub-criterion is the most appropriate, please contact the Program Coordinator identified in *Section G Agency Contacts*.

NOTE: All Task C projects as described in Section C.4.1.3. will be evaluated under sub-criterion A1.b: Water Better Managed, and all Task D projects as described in Section C.4.1.4. will be evaluated under Sub-Criterion A1.a: Additional Water Supplies.

Sub-Criterion A1.a: Adds to Available Water Supplies

Drought Resiliency Projects Tasks A-C: Please address the following:

- How will the project build long-term resilience to drought? How many years will the project continue to provide benefits?
- What percentage of the total water supply does the additional water supply represent? How was this estimate calculated?
- What is the estimated quantity of additional supply the project will provide and how was this estimate calculated? Provide this quantity in **acre-feet per year** as the average annual benefit over ten years (e.g., if the project captures flood flows in wet years, state this and provide the average benefit over ten years or longer including dry years).

- Provide a qualitative description of the degree/significance of the benefits associated with the additional water supplies.

Domestic Water Supply Projects Task D: Please address the following:

- Provide a detailed description of the community that the project will serve. The Climate and Economic Justice Screening Tool (CEJST) developed by the White House Council on Environmental Quality is a geospatial mapping tool that utilizes publicly available, nationally consistent data sets related to climate change, the environment, health, and economic opportunity to identify disadvantaged communities. In addition to identifying specific census tracts that are disadvantaged, the CEJST considers the lands of Federally Recognized Tribes as disadvantaged communities. In addition, regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities are considered disadvantaged communities for the purposes of the Justice40 Initiative¹.

Using the CEJST's methodology and data information, describe the community's environmental, climate, socioeconomic, or other burdens. The CEJST's methodology and data information can be accessed at screeningtool.geoplatform.gov/en/methodology#16.49/36.631671/-105.181974.

- Proposals need to demonstrate that the primary purpose of the proposed project is to provide domestic water supplies to communities our households that do not have reliable access to domestic water supplies.
 - Describe the need for the domestic water supply project including any prominent public health and safety concerns, interruptions in supply or other reasons that the community does not currently have reliable access to domestic water supplies.
 - Explain how the proposed project will increase reliable access to domestic water supplies. Provide this quantity in acre-feet per year the average annual benefit that the domestic water supply project will provide. How many people is it estimated to serve? How were these estimates calculated (average benefit and population)?
- How many years will the project continue to provide benefits?

¹ Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST), M-23-09, (Jan. 27, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf.

Sub-Criterion A1.b: Water Better Managed

- How will the project build long-term resilience to drought? How many years will the project continue to provide benefits?
- How will the project improve the management of water supplies? For example, will the project increase efficiency, increase operational flexibility, or facilitate water marketing (e.g., improve the ability to deliver water during drought or access other sources of supply)? If so, how will the project increase efficiency or operational flexibility?
- What is the estimated quantity of water that will be better managed as a result of this project? How was this estimate calculated? Provide this quantity in **acre-feet per year** as the average annual benefit over ten years (e.g., if the project captures flood flows in wet years, state this and provide the average benefit over ten years or longer including dry years).
- What percentage of the total water supply does the water better managed represent? How was this estimate calculated?
- Provide a qualitative description of the degree/significance of anticipated water management benefits.
- Will the project make new information available to water managers? If so, what is that information and how will it improve water management?

Regardless of Sub-Criterion, if the proposed project includes any of the following components, applicants need to provide the additional information requested below for the specific project type. This additional information will be used in evaluating and scoring the proposal.

Salt Water Barriers

- What supply of water is the barrier protecting and to what degree is the comprehensive protection?
- What is the protected water supply mainly used for?

Wells

Proposals that do not sufficiently address the questions listed below will not be considered for funding.

- What is the estimated capacity of the new well(s), and how was the estimate calculated?
- How much water do you plan to extract through the well(s), and how does this fit within and comply state or local laws, ordinances, or other groundwater governance structures applicable to the area?

- Will the well be used as a primary supply or supplemental supply when there is a lack of surface supplies?
- Does the applicant participate in an active recharge program contributing to groundwater sustainability?
- Provide information documenting that proposed well(s) will not adversely impact the aquifer it/they are pumping from (overdraft or land subsidence). At a minimum, this should include aquifer description, information on existing or planned aquifer recharge facilities, a map of the well location and other nearby surface water supplies, and physical descriptions of the proposed well(s) (depth, diameter, casing description, etc.). If available, information should be provided on nearby wells (sizes, capacities, yields, etc.), aquifer test results, and if the area is currently experiencing aquifer overdraft or land subsidence.
- Describe the groundwater monitoring plan that will be undertaken and the associated monitoring triggers for mitigation actions. Describe how the mitigation actions will respond to or help avoid any significant adverse impacts to third parties that occur due to groundwater pumping.

Wells funded under this NOFO are to support communities and other entities facing water supply shortages due to drought or have public health and safety concerns. Wells funded under this NOFO are to be used for supplemental supplies during times of drought, to serve communities that are or are potentially facing a public health crisis due to a lack of potable water, or to recover previously recharged/stored water.

This NOFO is not intended to provide funding for wells that are part of a long-term planning effort to support increased need due to population growth or increased irrigation demands.

New Water Marketing Tool or Program

- How does the new tool or program increase the flexibility of acquiring water on the open market?
- What is the scope of water users and uses that will benefit?
- Are there any legal issues pertaining to water marketing that could hinder project implementation (e.g., restrictions under Reclamation or state law or contracts, or individual project authorities).

Metering/Water Measurement Projects

- To what extent are the methods tested/proven?

- To what degree will the project improve the ability to predict the onset of drought earlier and/or with more certainty?
- To what degree will the project improve the ability to anticipate the severity and magnitude of drought?
- To what degree will the project improve the likelihood/timing of detecting mitigation action triggers?
- Explain why this is a necessary sub-component of another eligible Drought Resiliency Project as described in Tasks A, B, and C.

E.1.1.2. Sub-criterion A2: Environmental & Other Benefits

Sub-Criterion A2.a: Climate Change

Pursuant to E.O. 14008: Tackling the Climate Crisis at Home and Abroad, consider the degree to which the application demonstrates that the proposed project will contribute to climate change resilience and adaptation.

For additional information on the impacts of climate change throughout the Western United States, see www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf. To describe how the project will address and build resilience to climate change, consider the following, but only answer if applicable to your project:

- In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?
- Will the proposed project establish and use a renewable energy source?
- Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?
- Does the proposed project include green or sustainable infrastructure to improve community climate resilience?
- Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?
- Does the proposed project have a conservation or management component that will promote healthy lands and soils or serve to protect water supplies and its associated uses?
- Does the proposed project contribute to climate change resiliency in other ways not described above?

Sub-Criterion A2.b: Environmental Benefits

Water supply reliability projects often provide environmental benefits in addition to water supply reliability benefits for other users. Ecological resiliency is crucial to sustain ecosystems that can respond to and recover from external stressors resulting from climate change and drought.

This sub-criterion will be scored based on **planned, direct benefits** that will result from project implementation. Applicants that can quantify the direct benefits and provide reasonable support will receive the most points in this sub-criterion. Example project types that may receive points in this category may include, but are not limited to, increasing storage to augment stream flows during dry periods to protect endangered species or improving water quality or providing water for wildlife habitat areas.

- Does the project seek to improve ecological climate change resiliency of a wetland, river, or stream to benefit to wildlife, fisheries, or habitats? Do these benefits support an endangered or threatened species?
- What are the types and quantities of environmental benefits provided, such as the types of species and the numbers benefited, acreage of habitat improved, restored, or protected, or the amount of additional stream flow added? How were these benefits calculated?

Will the proposed project reduce the likelihood of a species listing or otherwise improve the species status?

Sub-Criterion A2.c: Other Benefits

This sub-criterion will be scored based on the project's contributions to addressing water sustainability in other ways **not previously described** in the application. For example (but not limited to):

- Will the project assist States and water users in complying with interstate compacts?
- Will the project benefit multiple sectors and/or users (e.g., agriculture, municipal and industrial, environmental, recreation, or others)? Describe the associated sector benefits.
- Will the project benefit a larger initiative to address sustainability?
- Will the project help to prevent a water-related crisis or conflict? Is there frequently tension or litigation over water in the basin?

E.1.2. Evaluation Criterion B—Planning and Preparedness (20 points)

Up to **20 points** may be awarded based on the extent that the proposed project is supported by an existing planning effort. Such plans do not require Reclamation approval and may include plans prepared by someone other than the applicant (e.g., an existing state, county, municipal, or other plan is acceptable).

The purpose of this criterion is to ensure that funding is prioritized for projects that have a foundation in collaborative planning efforts. Proposals that demonstrate that the proposed project is clearly supported by an existing plan will be awarded the most points under this criterion. While the proposed project may be supported by multiple planning efforts, please provide specific details related to only **one** relevant plan.

Please note that this criterion does not address the benefits of the project and the description should be limited to the extent to which a plan supports the project. Project benefits are addressed under Section E.1.1. Evaluation Criterion A—Project Benefits.

Drought Resiliency Projects Tasks A-C: For purposes of evaluating this criterion, please address the following:

- Explain how the applicable plan addresses drought. Proposals that reference plans clearly intended to address drought will receive the most points under this criterion.
 - Does the drought plan contain drought focused elements (e.g., a system for monitoring drought, drought projections that consider climate change, identification of drought mitigation projects, drought response actions, and an operational and administrative framework)?
 - Describe how the drought plan includes consideration of climate change impacts to water resources or drought.
- When was the plan developed and how often is it updated?
- Was the drought plan developed through a collaborative process?
 - Describe who was involved in preparing the plan and whether the plan was prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses)? Describe the process used for interested stakeholders to provide input during the development of the plan.
 - If the plan was prepared by an entity other than the applicant describe whether and how the applicant was involved in the development of the plan. If the applicant was not involved in the development, explain why.
- Describe how your proposed drought resiliency project is supported by an existing drought plan.
 - Does the drought plan identify the proposed project as a potential mitigation or response action? How is the proposed project prioritized in the drought plan?
 - Does the proposed project implement a goal or need identified in the drought plan? Is the supported goal or need prioritized within the plan?

- Attach relevant sections of the plan that are referenced in the application, as an appendix to your application. These pages will be included in the total 125-page count for the application.

Domestic Water Supply Projects Task D: For purposes of evaluating this criterion, please address the following:

- Describe any prior planning efforts related to the proposed project.
- Was the plan developed through a collaborative process?
 - Describe who was involved in preparing the plan and whether the plan was prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses)? Describe the process used for interested stakeholders to provide input during the development of the plan.
 - If the plan was prepared by an entity other than the applicant describe whether and how the applicant was involved in the development of the plan. If the applicant was not involved in the development, explain why.
- If the referenced plan was not developed collaboratively, please explain why. For example, the planning effort is focused on a very small area or concerns internal to the applicant.
- Does the plan include elements of drought planning? If so, please describe.

E.1.3. Evaluation Criterion C—Severity of Actual or Potential Drought or Water Scarcity Impacts to be addressed by the Project (15 points)

Up to **15 points** may be awarded based upon the severity of actual or potential drought or water scarcity impacts to be addressed by the project. Proposals that address more urgent needs will receive higher priority consideration on this criterion than proposals that address less significant needs and impacts. **Do not repeat information already discussed in Criterion A or B.**

Describe the severity of the impacts that will be addressed by the project:

- Describe recent, existing, or potential drought or water scarcity conditions in the **project area**.
 - Is the project in an area that is currently suffering from drought, or which has recently suffered from drought or water scarcity? Please describe existing conditions, including when and the period of time that the area has experienced drought or water scarcity conditions. Include information to describe the frequency, duration, and severity of current or recent conditions. You may also provide information relating to

historical conditions. Please provide supporting documentation (e.g., Drought Monitor, droughtmonitor.unl.edu).

- Describe any projected increases to the severity or duration of drought or water scarcity in the project area resulting from changes to water supply availability and climate change. Provide support for your response (e.g., reference a recent climate informed analysis, if available).
- What are the ongoing or potential drought or water scarcity impacts to specific sectors in the **project area** if no action is taken (e.g., impacts to agriculture, environment, hydropower, recreation, tourism, forestry, etc.), and how severe are those impacts? Impacts should be quantified and documented to the extent possible. For example, impacts could include, but are not limited to:
 - Whether there are public health concerns or social concerns associated with current or potential conditions (e.g., water quality concerns including past or potential violations of drinking water standards, increased risk of wildfire, or past or potential shortages of drinking water supplies? Does the community have another water source available to them if their water service is interrupted?).
 - Whether there are ongoing or potential environmental impacts (e.g., impacts to endangered, threatened or candidate species or habitat).
 - Whether there are local or economic losses associated with current water conditions that are ongoing, occurred in the past, or could occur in the future (e.g., business, agriculture, reduced real estate values).
 - Whether there are other water-related impacts not identified above (e.g., tensions over water that could result in a water-related crisis or conflict).

E.1.4. Evaluation Criterion D—Presidential and DOI Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration’s priorities, *including E.O. 14008: Tackling the Climate Crisis at Home and Abroad, E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President’s memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*. Points will be allocated based on the degree to which the project supports the priorities listed and whether the connection to the priority(ies) is well supported in the application. **Describe, in detail, how the proposed project supports a priority(ies) below. Note: Domestic Water Supply Projects (Task D) must address the criteria below to explain how the project will benefits Tribes and/or disadvantaged communities.**

E.1.4.1. Disadvantaged or Underserved Communities

Points will be awarded based on the extent to which the project directly serves disadvantaged or underserved communities.

E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities. For the purposes of this criterion, Tribes and insular areas (American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands) are considered disadvantaged.

- Please use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify the disadvantaged communities that will benefit from your project.
- If applicable, describe how the proposed project will serve or benefit a disadvantaged or underserved community, identified using the tool described above. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits in a disadvantaged or underserved community?

E.1.4.2. Tribal Benefits

Points will be awarded based on the extent to which the Project will honor the Federal government’s commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, economic growth opportunities, or improving water management.
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.1.5. Evaluation Criterion E—Readiness to Proceed and Project Implementation (10 points)

Up to **10 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Please note, if your project is selected, responses provided in this section will be used to develop the scope of work that will be included in the financial assistance agreement. Please note that information provided in the budget section and *Section H.1 Environmental and Cultural Resource Considerations* will be utilized when assessing this criterion. However, there is no need to repeat the budget information or H.1. information in this section of the proposal.

Applications that include a detailed project implementation 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. ***Please also see Section B.2. regarding eligible lengths of projects for this NOFO.***

- Describe the implementation plan of 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. Milestones may include, but are not limited to, the following: design, environmental and cultural resources compliance, permitting, construction/installation.

Milestone/Schedule Example:

Milestone / Task / Activity	Planned Start Date	Planned Completion Date
Task 1 Project Management	October 2023	October 2026
Task 2 Environmental Compliance	October 2023	March 2024
Task 3 Bidding	March 2024	May 2024
Task 4 Construction	June 2024	October 2026

- Describe any permits or approvals that will be required (e.g., water rights, water quality, stormwater, or other regulatory clearances). Include information on permits or approvals already obtained. For those permits and approvals that need to be obtained, describe the process, including estimated timelines for obtaining such permits and approvals.
- Identify and describe any engineering or design work performed specifically in support of the proposed project.
- Describe any land purchases that must occur before the project can be implemented.
- Describe any new policies or administrative actions required to implement the project.

E.1.5. Evaluation Criterion F—Nexus to Reclamation (5 points)

Up to **5 points** may be awarded if the proposed project is connected to a Reclamation project or Reclamation activity. Previously awarded grants do not constitute as a nexus under this criterion.

Describe the nexus between the proposed project and a Reclamation project or Reclamation activity. Please consider the following:

- Does the applicant have a water service, repayment, or O&M contract with Reclamation?
- If the applicant is not a Reclamation contractor, does the applicant receive Reclamation water through a Reclamation contractor or by any other contractual means?
- Will the proposed work benefit a Reclamation project area or activity?
- Is the applicant a Tribe?

E.1.6. Evaluation Criterion G—Stakeholder Support for Proposed Project (5 Points)

Up to **5 points** may be provided based on the level of stakeholder support for the proposed project. Applications that demonstrate support for the project from a diverse array of stakeholders will receive the most points under this criterion.

- Describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided? Are any stakeholders providing support for the project through cost-share contributions or through other types of contributions to the project?
- Explain whether the project is supported by a diverse set of stakeholders, as appropriate, given the types of interested stakeholders within the project area and the scale, type, and complexity of the proposed project. For example, is the project supported by entities representing agricultural, municipal, Tribal, environmental, or recreation uses?

E.2. Review and Selection Process

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

E.2.1. First Level and Threshold Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

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

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be

considered for funding. Reclamation reserves the right to remove an application from funding consideration during the initial screening; does not include a SF-424; does not include a technical proposal or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant.

If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

E.2.2. Application Review Committee (ARC)

The technical merit of the application will be reviewed by an ARC, made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Evaluation Criteria*.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

E.2.3. Red-Flag 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. Additionally, the Red-Flag Review will address several of the determinations listed in *Section A.2. Program Requirements*.

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 the proposal 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 can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a Notice to Proceed is issued by the awarding Reclamation Grants Officer.

E.2.5.2. Budget Analysis and Business Evaluation Review

A Reclamation Grants Officer will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Reclamation 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 procedure, as established by applicable OMB circular.

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a

Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Dates

Reclamation expects to contact potential award recipients and unsuccessful applicants in Spring 2024, subject to the timing and amount of final 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

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

F.2.1. Automated Standard Application for Payments Registration

All applicants must also be registered with, and willing to process all payments through, the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in the ASAP system under the appropriate Agency Location Code(s) and the UEI prior to the award of funds. If a recipient has multiple UEIs, they must separately enroll within the system for each unique UEI and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP system staff if selected for award.

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

F.2.2. Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, Clean Water Act (CWA), 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, some 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. A portion of Reclamation's estimated cost to complete environmental and cultural compliance activities may be withheld from the initial obligation of Federal funding. After compliance activities are completed, any remaining Federal funding will be obligated to the Agreement.

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

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete and 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.2.3. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. The Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

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

Title to intangible property (see definition for Intangible property in § 200.1) acquired under a Federal award vest upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

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

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

F.2.6. Real Property (2 CFR §200.311)

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust relationship*). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by Reclamation, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from Reclamation. As required by 2 CFR §200.329 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.7. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B)

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

- Not to use any associated water savings to increase the total irrigated acreage of the applicant and

- Not to otherwise increase the consumptive use of water in the operation of the applicant, as determined pursuant to the law of the state in which the operation of the applicant is located.

F.2.8. 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.2.9. 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.2.10. Liability under P.L.111-11, Section 9504(a)(3)(F)

Except as provided under 28 U.S.C. Chapter 171 (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.2.11. Buy America Domestic Preference

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

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

1. All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means that the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the

minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

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

F.2.11.1. Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

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

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

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

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request.

Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant Product Service Code (PSC) or North American Industry Classification System (NAICS) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

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

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

F.2.11.2. Definitions

“Construction materials” include an article, material, or supply that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, or drywall.

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

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

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

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

F.2.12. Additional Bipartisan Infrastructure Law and Inflation Reduction Act Requirements: Wage Rate and Signage Requirements

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates no less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with 40 U.S.C. IV., Chapter 31 (also known as the Davis-Bacon Act).

Any award made in whole or in part by BIL or IRA funding will contain a term and condition that requires Investing in America signage at project sites. Information and guidelines regarding Investing in America signage can be found at <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>.

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 twice a year and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least twice a year and will include:

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

F.3.3. Final Performance Report

Recipients will be required to submit a final performance report encompassing the entire period of performance no later than 120 calendar days after the period of performance end date. The final performance report must include, but is not limited to, the following information:

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits.
- How the project improves long-term ecological value.
- How the project demonstrates collaboration.
- Any work products developed as a result of funding provided under this agreement. These products may include, but are not limited to, any data or tools developed in the performance of the Project.
- Photographs documenting the project are also appreciated, but not required.

F.4. Disclosures

F.4.1. Conflict of Interest

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.2. Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.6. Freedom of Information Act

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

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

Published research findings mean when:

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

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

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

Section G. Federal Awarding Agency Contacts

An informational webinar will be held in August 2023. The webinar will provide general information about the Drought Resiliency Projects NOFO, and individuals will have the opportunity to ask questions.

An additional webinar will be held for successful applicants in spring 2024 following their notice of selection to review next steps and pre-Financial Assistance Agreement procedures.

G.1. Reclamation Financial Assistance Contact

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

Name: Karen Shubert
Email: kshubert@usbr.gov
Phone: 801-524-3663

Note that staff availability on the day of the NOFO closing will be limited. Please include the NOFO number R24AS00007 in the subject.

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to:

Name: Sheri Looper
By email: slooper@usbr.gov
By Phone: 303-445-2232

Section H. Other Information

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

H.1. Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants should respond to the following list of questions focusing on NEPA, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge and note that this information will be used in evaluating the project's readiness to proceed and project implementation. If any question is not applicable to the project, please explain why. The application should include the answers to the following questions:

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

- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on Tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. 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 **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. *The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.*

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

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

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

H.1.2. 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 successful applicant 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.
 - 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.1.3. Endangered Species Act

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. *This process can take anywhere from one day to one month.*

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

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

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



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00109

WaterSMART Planning and Project Design Grants for Fiscal Year 2023 and Fiscal Year 2024



Mission Statements

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

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

Cover photo – Rio Grande, New Mexico (Reclamation/Alex Stephens).

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Planning and Project Design for Fiscal Year (FY) 2023 and FY 2024
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R23AS00109
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507 and 15.514
Dates: (See NOFO Sec. D.4)	<p>This NOFO covers two application submittal periods.</p> <p>Proposals received prior before Tuesday, October 17, 2023, at 4:00 p.m. Mountain Daylight Savings Time will be considered for FY 2023 funding.</p> <p>Proposals received after October 17, 2023 and before April 2, 2024, at 4:00 p.m. Mountain Daylight Savings Time will be considered for FY 2024 funding, contingent on appropriations.</p>
Eligible Applicants: (See NOFO Sec. C.1)	<p>Applicants eligible to receive financial assistance to fund activities under this NOFO include:</p> <p><u>Water Strategy Grants and Project Design Grants</u></p> <p>Category A applicants: States, Tribes, irrigation districts, and water districts; State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority.</p> <p>All applicants must 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.</p> <p>Category B applicants: Nonprofit conservation organizations that are acting in partnership with, and with the agreement of, an entity described in Category A. All Category B applicants must be located in the United States or the specific territories identified above. Category B applicants must include with their application a letter from the Category A partner stating that the Category A partner: (1) is acting in partnership with the applicant; (2) agrees to the submittal and content of the application; and (3) intends to participate in the project in some way, for example, by providing</p>

	<p>input, feedback, or other support for the project.</p> <p><u>Drought Contingency Planning</u></p> <p>A State, Tribe, irrigation district, water district, or other organization with water or power delivery in one of the following states or territories: 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, or the Virgin Islands.</p>
Recipient Cost-Share: (See NOFO Sec. C.2)	0 percent, 25 percent or 50 percent, depending on the project type
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$400,000 per application for projects that can be completed within 3 years
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately \$35,000,000 is available under this program. Approximately 60-70 projects, contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for application submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372. www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf

Application Checklist

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

✓	Mandatory Application Components:	Page
	Mandatory Federal forms: <ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) SF-424A: Budget Information - Non-Construction Programs (OMB) OR SF-424C: Budget Information - Construction Programs (OMB) SF-424B: Assurances - Non-Construction Programs (OMB) OR SF-424D: Assurances - Construction Programs (OMB) 	20
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	27
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	20
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	23
✓	Recommended Application Components:	Page
	Environmental and cultural resources compliance	23
	Required Permits and Approvals	23
	Overlap or duplication of effort statement	24
	Conflict of interest disclosure statement	24
	Uniform audit reporting statement	25
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable)	25
	Letters of Support	25

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
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior (also DOI)
DUNS	Data Universal Numbering System
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
GIS	Geographic information system
IBC	Interior Business Center
IRA	Inflation Reduction Act
MDT	Mountain Daylight Time
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity

NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SECURE	Science and Engineering to Comprehensively Understand and Responsibly Enhance
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
West	Western United States

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Section A: Funding Opportunity Description

A.1 Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Science and Engineering to Comprehensively Understand and Responsibly Enhance (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, Title I of the Reclamation States Emergency Drought Relief Act of 1991 (Public Law [P.L.] 102-250, 43 United States Code [U.S.C.] Section 2201, et seq.), as amended, Consolidated Appropriations Act, 2021; P.L. 116-260, Section 40907 (“Multi-Benefit Projects to Improve Watershed Health”) of the Bipartisan Infrastructure Law (BIL) (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, and P.L. 117-169, Section 50231 (“Bureau of Reclamation Domestic Water Supply Projects”).

A.2 Background and Program Requirements

The U.S. Department of the Interior’s (Department) WaterSMART (Sustain and Manage America’s Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department’s priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with States, Tribes, and local entities as they plan for and implement actions to increase water supply sustainability through investments in existing infrastructure and attention to local water conflicts. WaterSMART provides support for priorities identified in Presidential Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008) and aligned with other priorities, such as those identified in Presidential Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985). The WaterSMART Planning and Project Design Grants (Planning and Project Design Grants) also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership. These grants will advance the Biden-Harris Administration’s Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has it made it a goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Federal agencies are using the Climate and Economic Justice Screening Tool to help identify disadvantaged communities.¹

¹ For more information, see E.O. 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, <https://www.whitehouse.gov/environmentaljustice/justice40/>; Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening

Drought conditions across the West impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. The Western United States (West) is experiencing its worst drought this century—historic in both duration and severity—threatening to kill crops, spark wildfires, and harm public health. As of January 2023, the U.S. Drought Monitor indicates that more than 63% of the land in the 17 Western states is in moderate to exceptional drought conditions, and nearly 34% of the area is experiencing severe to exceptional drought. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the West.

Through Planning and Project Design Grants, Reclamation provides funding for collaborative planning and design projects to support water management improvements. This includes funding for: (1) Water Strategy Grants to conduct planning activities to improve water supplies (e.g., water supplies to disadvantaged communities that do not have reliable access to water, water marketing, water conservation, drought resilience, and ecological resilience); (2) Project Design Grants to conduct project-specific design for projects to improve water management; and (3) comprehensive Drought Contingency Plans. Note that funding to develop a water marketing strategy – formerly funded through Water Marketing Strategy Grants, a stand-alone funding opportunity under WaterSMART - is now available through (1) Water Strategy Grants.

With the passage of the Inflation Reduction Act, Reclamation is able to offer an opportunity that provides up to 100 percent of the cost for the planning or design of domestic water supply projects that benefit disadvantaged communities or households that do not have reliable access to domestic water supplies. Tribes, insular areas (American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands), and other disadvantaged communities are encouraged to reach out to the Program Coordinator contact in Section G – Federal Awarding Agency Contacts, to learn more about this opportunity. If your project is selected, technical assistance from Reclamation staff may be available for your project (see Section B.6 – Technical Assistance).

A.3 Notice of Funding Opportunity Purpose and Objectives

The objective of this Notice of Funding Opportunity (NOFO) is to invite eligible applicants (*Section C.1. Eligible Applicants*) to leverage their money and resources by cost sharing with Reclamation on the projects described below.

Funding Opportunity Summary Table	
<i>This table provides a brief summary of the projects funded under this NOFO. For more detailed information regarding applicant eligibility see Section C.1.1 – Eligible Applicants and Section C.2 Cost Sharing Requirements for a more detailed description of cost-share requirements, including exemptions and waivers where applicable.</i>	
Water Strategy Grants (see Section C.4.1 - Water Strategy Grants)	
Eligible Projects:	Projects to conduct planning to support water supply and management solutions (e.g., domestic water supply projects for disadvantaged communities, water marketing, water conservation, drought resilience, and ecological resilience) (see Section C.4.1 - Water Strategy Grants)
Non-Federal Cost Share:	0, 25 or 50%
Project Design Grants (see Section C.4.2 – Project Design Grants)	
Eligible Projects:	Projects to conduct project-specific design for projects to improve water management or water supplies.
Non-Federal Cost Share:	0, 25 or 50%
Drought Contingency Planning (see Section C.4.3 – Drought Contingency Planning)	
Eligible Projects:	Proposals to develop a new or update an existing Drought Contingency Plan
Non-Federal Cost Share:	50%

A.4 Other Related Funding Opportunities

WaterSMART Drought Resiliency Project Grants. Reclamation provides funding on a 50/50 cost share basis for projects that will increase the reliability of water supplies or improve water management to build long term resilience to drought and are supported by an existing drought contingency plan. Typical projects include:

- Projects that will increase the flexibility of water conveyance and deliveries, facilitating access to water supplies in times of drought.
- Projects that enable the capture or storage of additional water supplies that can be made available during drought.
- Projects that develop alternative water supplies to build resiliency to the impacts of drought.

- Domestic water supply projects of which the primary purpose is to provide domestic water supplies to Tribal or disadvantaged communities that do not have reliable access to water supplies
- Aquifer storage and/or recovery projects that are to be used for supplemental supplies during times of drought, to serve communities that are or are potentially facing a public health crisis due to a lack of potable water, or to recover previously recharged/stored water.

For information on the Drought Resiliency Projects, visit the WaterSMART Program website at <https://www.usbr.gov/drought/projects.html>.

WaterSMART Grants: Water and Energy Efficiency Grants. Financial assistance is provided on a 50/50 cost share basis for the construction of projects that conserve and use water more efficiently; increase the production of hydropower; 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 West. Typical projects include:

- Projects that line or pipe canals, resulting in conserved water
- Projects that install meters, resulting in measurable water savings.
- Projects that improve measurement accuracy and result in reduced spills and over-deliveries to irrigators including Supervisory Control and Data Acquisition and Automation (SCADA).

For information on the Water and Energy Efficiency Grants, visit the WaterSMART Program website at www.usbr.gov/watersmart/weeg/index.html.

WaterSMART Small-Scale Water Efficiency Projects. Financial assistance is provided on a 50/50 cost share basis for small-scale water management projects (up to \$100,000 in Federal funding for each project) that have been identified through previous planning efforts. Typical project types are the same as those funded through the WaterSMART Grants, listed immediately above. Reclamation has developed a streamlined selection and review process to reflect the small-scale nature of these projects.

For information on the Small-Scale Water Efficiency Projects, visit the WaterSMART Program website at www.usbr.gov/watersmart/swep/index.html.

WaterSMART Environmental Water Resources Projects. Financial assistance is provided on a cost share basis (either 50% or 75% Federal cost share) for water conservation, water management, and restoration projects that provide significant benefits to ecological values or watershed health. Typical projects include:

- Watershed management or restoration projects influencing water temperature or improving the timing or volume of available flows at particular locations to improve aquatic conditions.

Section A. Funding Opportunity Description

- Riparian restoration, including bank and instream restoration through revegetation, or low-tech, process-based restoration, to create habitat for fish and wildlife, reduce erosion, improve groundwater recharge and benefit other ecological values.
- Upgrades to water conveyance or diversion technology that reduce water loss, ensuring more water for instream flows, or upgrades that allow for improved fish passage.
- Restoring natural wetlands, constructing new, or improving existing wetlands for treatment of irrigation water or stormwater flows, or improving other natural features to reduce water supply and demand imbalances or the risk of drought or flood.
- Water management or restoration projects to restore a natural feature or a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flooding.

For information on the Environmental Water Resources Projects, visit the WaterSMART Program website at www.usbr.gov/watersmart/ewrp/index.html.

WaterSMART Cooperative Watershed Management Program. Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the Cooperative Watershed Management Programs for watershed group development, restoration planning, and watershed management project design.

For information on the Cooperative Watershed Management Program, visit the WaterSMART Program website at www.usbr.gov/watersmart/cwmp/index.html.

WaterSMART Aquatic Ecosystem Restoration Projects. Reclamation provides funding on a 65/35 cost share basis for the study, design, and construction of projects that restore or protect aquatic ecosystems. Projects benefit aquatic ecosystems across multiple basins, build habitat and systems resiliency, support threatened and endangered species, and provide broad environmental benefits.

For information on the Aquatic Ecosystem Restoration Program, visit the WaterSMART Program website at www.usbr.gov/watersmart/aquatic/index.html.

Native American Affairs Technical Assistance Program. Reclamation's Native American Affairs Technical Assistance Program provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required and technical assistance requests must satisfy "Program Criteria." Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation's website at the address below.

For information on the Native American Affairs Program Technical Assistance Program, visit www.usbr.gov/native/programs/TAPprogram.html.

Inflation Reduction Act Section 50231. A request for proposals from the Native American and International Affairs Office will be circulated in 2023 to solicit project proposals for planning, design, or construction of water projects to provide domestic water supplies to disadvantaged

For information on the funding opportunities listed above, visit the WaterSMART Program website at www.usbr.gov/waterSMART or the Native American Affairs Program Technical Assistance Program website at www.usbr.gov/native/programs/TAPprogram.html communities or households that do not have reliable access to domestic water supplies.

Section B: Award Information

B.1 Total Funding

This NOFO will allocate available program funds including fiscal year (FY) 2023 and FY 2024 enacted appropriations for WaterSMART Grants and the Drought Response Program, and funding available under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in FY 2023 or FY 2024, or future years. This NOFO will also be used to allocate BIL funding for projects that will improve the condition of a natural feature or nature-based feature, for multi-benefit projects to improve watershed health under Section 40907 of the BIL, and to allocate funding for domestic water supply projects for disadvantaged communities under the Inflation Reduction Act of 2022, P.L. 117-169, Section 50231.

The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other WaterSMART programs. Any awards are subject to a determination by Reclamation that appropriations, IRA, and/or BIL funds are available. Applications submitted under this NOFO may also be considered if other funding becomes available in FY 2023, FY 2024, or subsequently.

B.2 Expected Award Amount

Water Strategy and Project Design Grants:

Maximum Award: \$400,000.00

Minimum Award: \$100,000.00

Drought Contingency Planning:

Maximum Award: \$400,000.00

Minimum Award: \$25,000.00

Information regarding multiple applications and restrictions on total award amounts under this funding opportunity can be found in C.3.1 Application and Award Limitations.

B.3 Anticipated Award Funding and Dates

This NOFO covers two application periods.

For applications submitted by the **October 17, 2023** deadline:

Anticipated Award Date: July 1, 2024

Anticipated Project Completion Date: June 30, 2027

For applications submitted by the **April 2, 2024** deadline:

Anticipated Award Date: January 2, 2025

Anticipated Project Completion Date: December 31, 2028

B.4 Number of Awards

Approximately 60 to 70 awards will be awarded under this NOFO, depending on the amount requested by each applicant and the amount of Federal funding available.

B.5 Type of Award

B.5.1 Water Strategy Grants and Project Design Grants

Project awards for Water Strategy Grants and Project Design Grants 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:

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

B.5.2 Drought Contingency Planning

Project awards for Drought Contingency Planning will be made through cooperative agreements. Recipients should expect Reclamation to have substantial involvement in the project. Substantial involvement by Reclamation will 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 will include review, input, and approval at key interim stages of the plan, including input regarding the composition of the Drought Planning Task Force (Task Force), review and acceptance of detailed work plans, and review of the Drought Contingency Plan for conformance to program goals and objectives.

While the application is for the entire drought contingency planning process, if selected for award, the cooperative agreement for the project will consist of two phases:

- Phase I for the establishment of a Task Force and development of a Detailed Work Plan (includes Communication and Outreach Plan) and
- Phase II for the plan development.

Initially, the cooperative agreement will be limited to Phase I activities and will only obligate the Federal share of the estimated costs for the completion of these activities. In addition, the initial period of performance for the cooperative agreement will be limited to the time necessary to complete Phase I activities (generally six months). Reclamation will work closely with the recipient to develop a detailed work plan that will meet program requirements. After the detailed work plan is reviewed and accepted by Reclamation, the agreement will be modified to incorporate the costs of Phase II activities, obligate the remaining Federal funds, and extend the period of performance.

B.6 Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. To discuss available assistance and these costs, contact the Program Coordinator identified in *Section G. Agency Contacts*.

Section C: Eligibility Information

C.1 Eligible Applicants

Applicants eligible to receive an award under this Funding Opportunity are described below.

Note: Applicant eligibility varies by project category; therefore, please carefully review applicant eligibility for the project category in which you are applying.

C.1.1 Water Strategy Grants and Project Design Grants

C.1.1.1 *Category A Applicants*

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

All applicants must also be located in the West or Territories as identified in the Reclamation Act of June 17, 1902, as amended and supplemented; specifically: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.

C.1.1.2 *Category B Applicants*

Nonprofit conservation organizations that are acting in partnership with, and with the agreement of, an entity described in Category A. All Category B applicants must be located in the United States or the specific Territories identified in Section C.1.1.1 above.

Category B applicants should include with their application a letter from the Category A partner stating that the Category A partner:

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

Note: Partners do not necessarily need to contribute cost share funding.

C.1.2 Drought Contingency Planning Applicants

A State, Tribe, irrigation district, water district, or other organization with water or power delivery in one of the following states or territories: 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, or the Virgin Islands.

To be eligible under this NOFO for a Drought Contingency Plan, applicants must participate in a technical consultation with Reclamation Drought Coordinator before developing a proposal. During this technical consultation, the Reclamation Drought Coordinator will discuss Drought Response Program objectives, the six required elements of a drought plan or plan update (as outlined in Attachment 3), planning steps, and eligible tasks. The technical consultation will provide interested applicants an opportunity to ask questions about the Drought Response Program and ensure that applicants are applying under the proper NOFO project task. Reclamation reserves the right to remove an application from consideration if a technical consultation was not completed. To schedule a technical consultation, contact the program coordinator identified in *Section G. Agency Contacts*.

C.1.3 Ineligible Applicants

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

- Federal Governmental entities
- Individuals
- Institutes of higher education

C.2 Cost Sharing Requirements

Applicant cost-share requirements for projects funded under this NOFO will be 0 percent, 25 percent or 50 percent of the total project costs, depending on the project type. 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.

- Water Strategy Grants and Project Design Grants with Ecological Benefits-Projects that meet the requirements described in Section C.2.1 Water Strategy Grants and Project Design Grants, applicants must be capable of cost sharing 25 percent or more of the total project costs.
- Proposals for the planning or design of projects the purpose of which is to provide domestic water supplies to disadvantaged communities may be eligible for 0% non-Federal cost share (see P.L. 117-169, Section 50231).
- For all other projects, applicants must be capable of cost sharing 50 percent or more of the total project costs.

- **Drought Contingency Plans:** In exceptional circumstances and upon request of the applicant, Reclamation may reduce or waive the non-Federal cost share requirement, if an overwhelming Federal interest and a significant financial need are identified. The criteria used by Reclamation to evaluate requests to reduce or waive the non-Federal cost share requirement are set forth in Attachment 3.

Note: Cost-sharing requirements are not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Section D.2.2.12 Official Resolution* and *Section D.2.2.13 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 Water Strategy Grants and Project Design Grants for Domestic Water Supply Projects

A non-Federal cost share or match is not required for Water Strategy Grants and Project Design Grants projects for the primary purpose of providing domestic water supplies to Tribes or disadvantaged communities or households that do not have reliable access to domestic water supplies **AND** are located in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

C.2.2 Water Strategy Grants and Project Design Grants with Ecological Benefits

Water Strategy Grants and Project Design Grants projects with primarily ecological benefits that also meet the requirements listed in this section are eligible for up to 75 percent Federal cost-share contribution. To qualify for this cost-share, the application must demonstrate that the project a) increases water supply reliability for ecological values (e.g. improves the timing or quantity of water available or improve water quality or temperature); b) is being developed as part of a collaborative planning process that included consideration of ecological values (note: if this project represents the applicants' initial planning effort, the applicant may refer to an

existing local, state or regional plan with a nexus to the project to satisfy this requirement). This does not exclude projects expected to result in benefits to multiple sectors, such as projects or project components that benefit ecological values AND agricultural, municipal, tribal, or recreational water uses.

Applications who meet these requirements must be capable of cost sharing **25 percent (25%) or more** of the total project costs. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions. ***For projects that do not meet the requirements necessary to qualify for 75 percent Federal cost-share contribution, applicants must be capable of cost sharing 50 percent or more of the total project costs.*** Applicants will be notified prior to selection if their project is being considered for award but does not qualify for the 75 percent Federal cost-share contribution. Such applicants will be given an opportunity to commit to a 50 percent non-Federal cost-share contribution or withdraw their application. The application review committee (see *Section E.2.2. Application Review Committee*) will determine whether each application qualifies for 75 percent Federal cost-share contribution based on responses to the evaluation criteria (see *Section E.1. Evaluation Criteria*).

C.2.3 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.2.4 Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3 Other

C.3.1 Application and Total Funding Limitations

Multiple applications for funding may be submitted for consideration; however, an applicant may not submit more than one proposal for each eligible project category identified below. For example, an applicant may submit proposals for a Water Strategy Grant, Project Design Grant, and Drought Contingency Planning; however, an applicant cannot submit two proposals under the Water Strategy Grants category. In general, no more than \$1,200,000 will be awarded per FY to any one applicant under this NOFO. However, a Category B applicant may receive funding up to \$2,000,000 total if each project includes a different Category A partner.

C.3.2 Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4 Eligible Projects

Although projects will be scored using the same evaluation criteria (see Section E.1. Evaluation Criteria), projects within each of the Task areas identified below will be ranked separately to ensure fairness.

C.4.1 Task A: Water Strategy Grants

The objective of the Water Strategy Grants is to leverage money and resources by cost sharing with Reclamation for initial, or early-stage planning activities, including outreach and collaboration, technical analyses and assessments, project scoping activities to identify and prioritize potential implementation projects, and to develop a strategy document for water supply projects, water marketing activities, water management projects, and/or activities and river restoration activities, including planning projects to restore a natural feature or to use a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flooding; and projects that otherwise mitigate against the impacts of climate change to fish and wildlife habitats. This includes planning projects that will provide benefits to multiple sectors, including projects that will benefit ecological values or watershed health AND agricultural, municipal, Tribal, or recreation water uses. This also includes planning for the construction of domestic water supply projects for the primary purpose of providing domestic water supplies to communities or households that do not have reliable access to domestic water supplies. This can include the development of new supplies and/or associated infrastructure for treatment and delivery.

Proposals for Water Strategy Grants must address the required project components identified in Attachment 1, including the preparation of the strategy document. Projects may be scaled to meet the needs of the applicant and may build on work completed to date.

While not a pre-requisite, Water Strategy Grants provide an opportunity to conduct planning and project scoping activities to prepare for future applications for funding for on-the-ground projects through WaterSMART (*see Section A.4. Other Related Funding Opportunities*).

Water Strategy Grants can also be used as a preliminary step in preparation for more advanced planning activities (e.g., a Drought Contingency Plan; a WaterSMART Basin Study(see [Basin Studies | WaterSMART \(usbr.gov\)](#)); or an Aquatic Ecosystems Restoration Program Task A – Study and Design project). Note: for applicants interested in submitting an application in the future to complete an on-the-ground drought project under the Drought Resiliency Projects

funding opportunity, preparation of a Drought Contingency Plan (see *Section C.4.2 Drought Contingency Planning*) will provide more direct support for your application and more points will be awarded in the criteria for Drought Resiliency Projects supported by a Drought Contingency Plan.

Proposals to develop a new or update an existing water strategy (e.g., a water marketing, management, or river restoration strategy) are eligible for funding under this NOFO.

Additional information regarding project types eligible for funding under the Water Strategy Grants project category and eligible activities can be found in Attachment 1.

C.4.2 Task B: Project Design Grants

The objective of the Project Design Grants is to leverage money and resources by cost sharing with Reclamation the final design of medium and large-scale on-the ground water supply construction (including domestic water supply projects for Tribes, insular areas, and disadvantaged communities), water management construction and restoration projects. For the purposes of this funding opportunity, medium and large-scale water management construction and restoration projects are those with construction/restoration costs of at least \$250,000 and above (total construction costs, including Federal and non-Federal funding) excluding design and permitting costs (see *Section A.4. Other Related Funding Opportunities*).

The Build America Buy America Act is a requirement specific to infrastructure projects, and applicants should consider Reclamation's focus on advancing the objectives of using American-made products and materials and building domestic manufacturing when initiating the planning and design of projects.

Prior to applying for a Project Design Grant, it is expected that applicants will have already performed some general planning work and preliminary studies that led to the identification of a specific location for project design. Project Design Grants should result in a final design package at a 60% design level (approximately), so that the design package can be used subsequently to apply for construction funding. In general, if you are seeking funding for multiple projects in one application the projects must be interrelated or closely related in scope and/or geography.

Additional information regarding eligible activities for funding under the Project Design Grants project category can be found in Attachment 2.

C.4.3 Task C: Drought Contingency Planning

The WaterSMART Drought Response Program supports a proactive approach to drought by providing financial assistance to develop and update comprehensive drought plans (Drought Contingency Planning). Through this NOFO, Reclamation provides funding for planning that, when implemented, will increase water reliability and improve water management through the use of expanded technologies and improved modeling capabilities.

Proposals to develop a new Drought Contingency Plan, or to update to an existing plan are eligible for funding under this NOFO. Proposed projects submitted in response to this NOFO must be divided into two phases (Phase I and Phase II). The program requirements described

here are intended to increase the transparency of the planning process, encourage collaboration and participation by interested stakeholders, and ensure that the Drought Contingency Plan will meet program requirements upon completion.

Phase I: This phase must include the Establishment of a Drought Planning Task Force, Development of a Detailed Work Plan, and Development of a Communication and Outreach Plan. Additional information regarding Phase I is described in Attachment 3.

Phase II: After the detailed work plan is reviewed and accepted by Reclamation, the planning lead designated by the applicant will then develop the plan or plan update including the required Drought Contingency Plan elements and must include each of the project components described on Attachment 3.

C.5 Ineligible Projects

Proposals to develop planning studies other than those described in Section C.3.1 Water Strategy Grants and in Section C.3.2. – Drought Contingency Planning, are not eligible for funding under this NOFO. This includes proposals to develop appraisal investigations, system optimization reviews, feasibility studies, special studies, Basin Studies, water management and conservation. Projects for planning and project design that are eligible for funding under Reclamation’s Water Conservation and Field Studies Program, authorized under the Title XVI Water Recycling and Reuse Program, through P.L.102-575, as amended (43 U.S.C. 390h et seq.), or under the Rural Water Program, pursuant to the Rural Water Supply Act of 2006, P.L.109-451.

C.5.1 Operations, Maintenance, and Replacement

Proposals for the design of projects considered normal operations, maintenance, and replacement (OM&R) are ineligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

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

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.5.2 Pilot Projects

With the exception of pilot projects that are a component of a Water Strategy Grant, applications to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology are not eligible for Federal funding under this NOFO.

C.5.3 On-Farm Improvements

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

C.5.4 Construction

Proposals to complete on the ground construction are not eligible for funding under this NOFO.

C.5.5 Projects Receiving Other Federal Financial Assistance

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

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 to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by contacting the Reclamation Financial Assistance Contact identified in Section G.1 of this announcement.

D.2 Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1 Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **20** consecutively numbered pages. If this section of the application exceeds **20** pages, only the first **20** pages will be evaluated. **The full application, including attachments, cannot exceed 125 pages. If the application exceeds 125 pages, only the first 125 pages will be considered in the evaluation.** The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2 Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.2.6. Freedom of Information Act.

D.2.2.1 Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under Section G.1 “Reclamation Financial Assistance Contact.”

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. The SF-424 must contain a valid Unique Entity Identifier (UEI). See D.3 for additional information. Applications that fail to include a SF-424 will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official’s signature on the appropriate SF-424, Application for Federal Assistance form represents the entity’s certification of the statements in 43 CFR Part 18, Appendix A.

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

SF-424A: Budget Information - Non-Construction Programs

A fully completed SF-424A: Budget Information form must be submitted with the application.

SF-424B: Assurances for Non-Construction Activities

A SF-424B: Assurances for Non-Construction Programs form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

D.2.2.2 Technical Proposal Content

Submission of a technical proposal (limited to 20 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

Title Page

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

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- Indicate which task area you are applying under (Task A: Water Strategy Grant; Task B: Project Design Grant; or Task C: Drought Contingency Planning). Proposals for a Water Strategy Grant or Drought Contingency Planning Grant should clearly indicate if the proposal is the development of a new strategy or drought contingency plan or an update to an existing strategy or drought contingency plan.
- Indicate whether you are a Category A applicant, Category B applicant, or a Drought Contingency Planning applicant. If you are a Category B applicant, please briefly explain how you are acting in partnership with a Category A partner. Note: If you are a Category B applicant, you must include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the application (see Section C.1. Eligible Applicants. See Section D.2.2.8. Letters of Support and Letters of Partnership for additional information regarding documentation requirements).
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, concerns in your project area, and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

Example: Western Municipal Water District provides water and wastewater services to retail customers and wholesale agencies in western Riverside County, California, serving a population of over 880,000 people. The District will convene a local task force and develop a comprehensive Drought Contingency Plan that considers impacts to local water supplies and infrastructure that will help Western customers during the next drought. The planning area experienced a multi-year drought from 2014-2017. The District will leverage existing planning efforts such as its 1992 Drought Contingency Plan and 2015 Water Supply Shortage Contingency Plan. This drought plan will complement the WaterSMART Santa Ana Watershed Basin Study.

- State the length of time and estimated completion date for the proposed project (month/year).

- Whether or not the proposed planning or design effort is focused on a Federal facility or will involve Federal land.

Project Location

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

Project Description

Provide a more comprehensive description of the technical aspects of your project, including the specific activities to be accomplished and the approach to complete the work.

Proposals should address all project-specific requirements (e.g., planning steps, project components, design products to be developed). 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 Ability to Meet Program Requirements criterion described in Section E.1.3. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria described in Section E.1. 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. Please do not duplicate information.

Evaluation Criteria

Section E.1. Evaluation Criteria provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

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

D.2.2.3 Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

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

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A. The budget narrative should clearly identify *all* items of cost (**total estimated project cost**), *including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation*, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

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

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

D.2.2.4 Environmental and Cultural Resources Compliance

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

D.2.2.5 Required Permits or Approvals

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

If a Project Design Grant proposal includes improvements to Federal facilities, Reclamation may also require additional reviews and approvals prior to implementation 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.2.2.6 *Overlap or Duplication of Effort Statement*

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.2.2.7 *Conflict of Interest Disclosure Statement*

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

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

In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR§200.318 apply.

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass- through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.

Restrictions on Lobbying

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

Review Procedures

The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8 Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9 SF-LLL: Disclosure of Lobbying Activities (if Applicable)

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

D.2.2.10 Letters of Support

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

D.2.2.11 Letter of Partnership (Category B Applicants)

Category B applicants should submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). However, if the project is selected, a Letter of Partnership must be received prior to award.

D.2.2.12 Official Resolution

If selected, the applicant must provide prior to award an official resolution adopted by your organization'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
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.2.2.13 Letters of Commitment

If a project is selected for award under this funding opportunity and cost share funding is anticipated to be provided by a source other than the applicant, the third-party cost share must be supported with letters of commitment from these additional sources prior to award. Letters of commitment should 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

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.

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

D.3 Unique Entity Identifier (UEI) and System for Award Management (SAM)

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1 Register with the System for Award Management

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

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

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2 Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a [Unique Entity Identifier](#) (UEI) prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

D.4 Submission Date and Time

This funding opportunity includes two submittal periods. The deadlines for submitting an application are:

- *October 17, 2023, at 4:00 p.m. Mountain Daylight Savings Time for FY 2023 funding; and*
- *April 2, 2024, at 4:00 p.m. Mountain Daylight Savings Time for FY 2024 funding.*

Applications must be submitted no later than these due dates and times.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *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.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1 Application Delivery Instructions

Applications may be submitted electronically through Grants.gov (www.grants.gov) or a hard copy may be submitted by mail, express delivery or courier services to the following address. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

Bureau of Reclamation
Upper Colorado Regional Office
Attn: Karen Shubert
125 South State, Room 8100
Salt Lake City, UT 84138-1147

If you are submitting a paper application, please notify Karen Shubert at kshubert@usbr.gov for approval no later than 2:00 p.m. Mountain Standard Time on October 17, 2023 for the first application period and no later than 2:00 p.m. Mountain Standard Time on April 2, 2023, for the second application period.

D.4.2 Instructions for Submitting the Project Application

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

D.4.2.1 Applications Submitted Electronically

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

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available at <https://www.grants.gov/web/grants/applicants/registration.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. Applicants are encouraged to submit applications 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. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to the Reclamation Financial Assistance Contact identified in Section G.1 of this announcement.

D.4.2.2 Applications Submitted by Mail, Express Delivery or Courier Services

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

- We request that applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.
- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions. Faxed and e-mailed copies of application documents will not be accepted.

D.4.2.3 Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5 Intergovernmental Review

Prior to application submission, U.S. state and local government applicants should visit the OMB Office of Federal Financial Management website and view the “State Point of Contact (SPOC) List” to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 “Intergovernmental Review of Federal Programs.” States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency. If your state is on the list, contact the designated entity for more information on the state’s prior review requirements for Federal assistance applications. <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

D.6 Funding Restrictions

D.6.1 Pre-award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2 Project Cost Restrictions

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

Decision support tools. Water Strategy Grant activities that would be considered development or modification of decision support tools to support the overall strategy development may be eligible for funding so long as it is integral to the strategy and funding for this work does not exceed 30 percent of the total project cost (see Attachment 1 - Water Strategy Grants).

Legal analysis. The costs of legal analysis activities such as analyzing water rights issues, including legal mechanisms for transferring water within the relevant area, and legal constraints on existing water rights (type and place of use requirements, title issues, or other constraints) cannot exceed 30 percent of the total project cost and may not be used for the preparation of a specific water court case (see Attachment 1 – Water Strategy Grants).

D.6.3 Environmental and Regulatory Compliance Costs

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

D.6.4 Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, Office of Indirect Cost Services, at ibc.doi.gov/ICS/icrna.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization’s cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate.

Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

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

Section E: Application Review Information

E.1 Evaluation Criteria

Applications will be evaluated against the evaluation criteria listed below. The evaluation criteria should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented. **It is suggested that applicants copy and paste the below criteria and sub-criteria into their applications to ensure that all necessary information is adequately addressed**

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. Inclusion of stakeholders, stakeholder support, and previous planning efforts	25
C. Ability to meet program requirements	20
D. Presidential and Department of the Interior priorities	15
E. Nexus to Reclamation	5
Total	100

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

E.1.1 Evaluation Criterion A. Project Benefits (35 Points)

Up to **35 points** may be awarded based on the extent to which the proposed planning or design project will result in significant benefits to water supply reliability. Reclamation will use the following criteria to prioritize proposals that address significant threats to water supply reliability for agricultural, municipal, tribal, or environmental water uses, or for fishing or river-based recreation, and that demonstrate that project benefits will address the identified risks.

Note: if the project will update an existing plan or design, please respond to the following based on how the newly proposed scope of work will benefit water supply reliability, i.e., what is the value added by this proposed planning or design effort?

In responding to the following criteria, please identify the water supply reliability issues in the area of your proposed planning or design project, and how your project will help address those issues.

- Identify the threats to water supply, water quality, and river-based ecosystem or watershed health within the geographic area of the planning or design project. This could include threats from drought conditions, climate change vulnerabilities, changes to stream conditions or water quality, significant water shortages, or other threats to the environment or watershed health. Your response should include:
 - Information regarding past, current, and projected threats to water supplies, water quality (including surface or ground water), or river-based ecosystem or watershed health.
 - Documentation supporting your response (e.g., the [Drought Monitor](#), referenced statistical data, excerpts from or citations to relevant studies or analyses, local climate change data, etc.).
- How do the threats identified in your response to the preceding bullet impact specific water uses or sectors in the geographic area of the planning or design project? Specific water uses or sectors could include agriculture, municipal water supplies (i.e., drinking water, public health and safety, etc.), hydropower or energy production, the environment, or watershed health (i.e., aquatic and riparian ecosystems, species, and habitat reliant on water supplies), Tribal ceremonial, commercial, recreational, or subsistence or fishing, tourism, river-based recreation, forestry, energy or threats to infrastructure or other sectors or water uses. Your response should include:
 - Information about the specific impacts to water uses or sectors resulting from supply reliability issues within the project area. **Only address impacts to those specific water uses or sectors that are relevant to your project area.**
 - Provide supporting documentation for your response. For example, you could include support for economic impacts to specific sectors, support quantifying water shortfalls to specific sectors, data and statistics regarding fish populations, ecosystem or watershed health, fishing or recreation, records of water quality issues, excerpts or citations to studies or analyses, etc. If your project will address a specific water supply shortfall, please provide support and documentation of the specific shortfall to be addressed by your project.
- How will the planning or design project help address the threats to water supplies and water uses identified in your response to the preceding bullets? Your response should include:
 - Information about the benefits that you expect to result from your planning or design effort and the projects you are planning or designing, to the extent known. Only address the benefits that are applicable to your project.

- Which sectors or water uses will benefit from your planning or design effort – and the projects you are planning or designing - and how? For example, how will your project help attain any of the following: reduce the likelihood of conflicts over water; increase resiliency to drought and climate change; sustain agricultural communities; support instream flows for species, recreation, or water quality objectives; improve the condition of rivers, streams and other water bodies for environmental values; improve reliability of drinking water; result in an action plan to improve water management; or lead to modernized water delivery infrastructure?
 - Provide supporting documentation for your response, including referenced statistical data, excerpts or citations from studies or analyses regarding the results of similar projects, or other references.
- Is the planning or design effort for the purpose of providing domestic water supplies to a Tribe, insular area, or disadvantaged community(ies) that do not have reliable access to water supplies?
 - Provide a detailed description of the community that the project will serve.
 - Describe the need for the new domestic water supply project including any prominent public health and safety concerns, interruptions in supply, or other reasons that the community does not currently have reliable access to domestic water supplies.
 - Explain how the proposed project will increase reliable access to domestic water supplies. Provide a qualitative description of the degree/significance of the benefits associated with the new water supply. Quantify in acre-feet per year the average annual benefit that the new domestic water supply project will provide. How many people is it estimated to serve? How were these estimates calculated (average benefit and population)?
- Does the planning or design effort involve the improvement of nature-based features? If so, please describe.
- Is the project for the purpose of meeting *existing environmental mitigation or compliance obligations* under Federal or State law?

E.1.2 Evaluation Criteria B- Inclusion of Stakeholders, Stakeholder Support, and Previous Planning Efforts (25 Points)

Up to **25 points** may be awarded based on the extent to which the proposal demonstrates support for the project from a diverse set of stakeholders. Note, stakeholders should include a mix of entities internal and external to the applicant's organization (e.g., municipal, agricultural, environmental non-profits, landowners, Tribes, and state and local water management entities, among others.) For projects proposed by Tribes, if the intent is to engage with stakeholders

internal to the Tribe, please describe the engagement of those tribal stakeholders and explain why that is an appropriate level of engagement for the proposed project.

For purposes of this criterion, applicants submitting a planning proposal under Task A: Water Strategy Grants and Task C: Drought Contingency Planning project categories should only respond to Sub-Criterion B1, and applicants submitting a design proposal under the Project Design Grants project category should respond to Sub-Criterion B2.

E.1.2.1 Sub-Criterion B1: Task A - Water Strategy Grants and Task C - Drought Contingency Planning

More points will be awarded for projects that are collaborative and inclusive of stakeholder input. In responding to the following bullets, please explain why the level of collaboration and input is reasonable and appropriate given the type of strategy or planning project and its effect on local stakeholders.

- Will the project help meet the water supply needs of a large geographic area, region, or watershed? If the project will not address the water supply needs of a large geographic area, why is the area significant and appropriate for the proposed planning activity?
- If the project is supported by an existing water planning effort, please describe that effort. Planning efforts may include, but are not limited to, water management plans, water conservation plans, system optimization reviews, drought plans, watershed restoration plans, integrated regional water management plans, or other types of plans. (Note: if this project represents an initial planning effort, you may refer to an existing local, state, or regional plan with a nexus to the project to satisfy this requirement).
 - Does the referenced plan identify the project as a potential water management action?
 - If identified in a plan, how is the project prioritized in the plan?
 - If not identified in the plan, does the proposed project implement a goal or need identified in the plan?
 - Was the referenced plan developed or updated using a collaborative process with input from multiple and diverse stakeholders?
 - If the referenced plan was not developed collaboratively, please explain why, for e.g., the planning effort was focused on a very small area or concerns internal to the applicant.
- Identify stakeholders in the planning area who have *committed to be involved* in the planning process.
 - Describe what sector(s) the participating stakeholders represent and how they will engage in this effort, e.g., will they be part of the planning committee, contribute funding or in-kind services, or otherwise engage in the planning process?

- Provide documentation of the commitment by stakeholders to participate in the planning process. This could include letters from stakeholders committing to be involved in the planning process; such letters should explain what their specific interest is and how they plan to participate.
- Describe stakeholders in the planning area who have *expressed their support* for the planning process, whether or not they have committed to participate. Supporting documentation for this sub-criterion could include letters of support from stakeholders or a description of feedback from interested stakeholders.
- For tribal strategies or plans that will be developed collaboratively with multiple tribal interests, but do not include collaboration with external entities, please provide explanation as to why collaboration with entities external to the Tribe will not occur in the development of the strategy or plan.
- Describe what efforts the applicant will undertake to ensure participation by a diverse array of stakeholders in the development of a plan (or plan update). If specific stakeholders have not yet been identified, or if some sectors are not yet represented, explain how this will be accomplished. Supporting documentation for this sub-criterion could include a description of key stakeholder interests in the planning area and what efforts you will undertake to engage them in the planning process (e.g., workshops, public meetings, or outreach tools such as using local media, outreach to known stakeholder groups, web-based outreach, social media, or other kinds of announcements, etc.), including outreach to stakeholders or collaborating with other groups or partners.
- Is there opposition to the proposed planning effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.2.2 Sub-Criterion B2: Task B - Project Design

More points will be awarded for design projects that are collaborative and inclusive of stakeholder input. In responding to the following bullets, please explain why the level of collaboration and input is reasonable and appropriate given the type of project being designed and its effect on local stakeholders.

- If the project(s) being designed is/are supported by an existing water planning effort, please describe that effort. Planning efforts may include, but are not limited to, water management plans, water conservation plans, system optimization reviews, drought plans, watershed restoration plans, integrated regional water management plans, or other types of plans.
 - Does the referenced plan identify the project being designed as a potential water management action?
 - If identified in a plan, how is the project prioritized in the plan?
 - If not identified in the plan, does the proposed project implement a goal or need identified in the plan?

- Was the referenced plan developed or updated using a collaborative process with input from multiple and diverse stakeholders?
 - If the referenced plan was not developed collaboratively, please explain why, for e.g., the planning effort was focused on a very small area or concerns internal to the applicant.
- Describe any planned efforts for public outreach and stakeholder engagement during the design process. This can include, but is not limited to workshops, public meetings, or outreach tools such as using local media, outreach to known stakeholder groups, web-based outreach, social media, or other kinds of announcements, etc.
- For Tribal strategies or plans that were developed collaboratively with multiple Tribal interests, but did not include collaboration with external entities, please provide explanation as to why collaboration with entities external to the Tribe were not involved in the development of the strategy or plan.
- Describe stakeholder support for the proposed project (i.e., the design project and/or the project you are designing). Supporting documentation for this sub-criterion could include letters of support from stakeholders or a description of feedback from interested stakeholders.
- Is there opposition to the proposed project? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.3 Evaluation Criterion C—Ability to Meet Program Requirements (20 Points)

Up to 20 points may be awarded based on the extent to which the proposal supports the applicant's ability to proceed with developing the plan or design upon entering into a financial assistance agreement and to complete the plan or design within the required timeframe. Please see the applicable appendix for required program elements (i.e., Appendix 1: Water Marketing, Supply, and Strategy Grants; Appendix 2: Drought Contingency Planning; or Appendix 3: Water Management, Conservation, and Restoration Project Design Grants). Responses to this criterion should demonstrate a clear understanding of the tasks required to meet program components.

- Describe how the project will address the program specific requirements described in the appropriate program-specific appendix.
- Describe the approach that will be undertaken to meet the applicable program components and requirements.
 - Include a preliminary project schedule that shows the stages and duration of the proposed work including major tasks, milestones, and dates. For each task and milestone, indicate who will have the primary responsibility for completion. Proposals that provide a detailed project schedule broken down by tasks and subtasks with identified milestones will be prioritized.

- Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.
- If prior planning work will be relied on to meet any of the required program components, please explain and describe the work that will be relied on. For example, if you are applying for a Drought Contingency Plan and already have a water shortage allocation based on drought stages, please describe this and how it will be incorporated into the Drought Contingency Plan.
- Describe the availability and quality of existing data and models¹ applicable to the proposed plan or design.
- Identify staff with appropriate technical expertise and describe their qualifications. Describe any plans to request additional technical assistance from Reclamation or by contract.
- Describe any new policies or administrative actions required to implement the plan or project being designed.

E.1.4 Evaluation Criterion D—Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration’s priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President’s memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*. Points will be allocated based on the degree to which the project supports the priorities listed, and whether the connection to the priority(ies) is well supported in the application. Only address the sub-criterion that are relevant to your project.

E.1.4.1 Sub-criterion No. D1. Climate Change

Points will be awarded based on the extent the project will reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Address the following as relevant to your project.

Combating the Climate Crisis: E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, focuses on increasing resilience to climate change and supporting climate- resilient development. For additional information on the impacts of climate change throughout the western United States, see: www.usbr.gov/climate/secure/docs/2021secure/2021SECUREREport.pdf. Please describe how the project will address climate change, including the following:

¹ Data and models include, but are not limited to, hydrologic models, operational models, climate data, water demand data or projections, water quality data, recreational water needs, environmental water needs, demographics, and economic data and models.

- Please provide specific details and examples on how the project will address the impacts of climate change and help combat the climate crisis.
- Does this proposed project strengthen water supply sustainability to increase resilience to climate change? Does the proposed project contribute to climate change resiliency in other ways not described above?

E.1.4.2 Sub-criterion No. D2. Disadvantaged or Underserved Communities

E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities. For the purpose of this criterion, Tribes and insular areas (Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands) are considered disadvantaged.

- Please use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify any disadvantaged communities that will benefit from your project.
- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project increase reliability of water supplies, improve water quality, provide economic growth opportunities, improve or expand public access to natural areas or recreation, or provide other benefits in a disadvantaged or underserved community?

E.1.4.3 Sub-criterion No. D3. Tribal Benefits

Points will be awarded based on the extent to which the Project will honor the Federal government’s commitments to Tribal Nations. The Department of the Interior is committed to strengthening Tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President’s memorandum, “Tribal Consultation and Strengthening Nation-to-Nation Relationships,” asserts the importance of honoring the Federal government’s commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for a Tribe?
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and safety by addressing water quality, new water supplies, or economic growth opportunities?
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.1.5 Evaluation Criterion E— Nexus to Reclamation (5 points)

Up to **5 points** may be awarded based on the extent that the proposal demonstrates a nexus between the proposed project and a Reclamation project, activity, and priority. Describe this nexus:

- Is there a Reclamation project, facility, or activity within the planning area?
- Is the planning area in the same basin as a Reclamation project, facility, or activity?
- In what way will the proposed project benefit a basin where a Reclamation project, facility, or activity is located? For example, will the project *improve watershed health* in a river basin that is adversely impacted by a Reclamation water project?
- Does the applicant have a water service, repayment, or O&M contract with Reclamation?
- If the applicant does not hold a type of contract named above, does the applicant receive Reclamation water through a Reclamation contractor or by any other contractual means?

E.2 Review and Selection Process

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

E.2.1 Initial Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

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

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

If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

E.2.2 Application Review Committee

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Technical Proposal: Evaluation Criteria*.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO. The ARC may also change the Applicant Category for an application where they deem appropriate (See *Section C.1.3. Applicant Category Guidance*).

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 the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. 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 can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

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 Reclamation 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 OMB circulars

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313).

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

performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.3 Anticipated Announcement and Federal Award Dates

For applications received by the October 3, 2023, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in March 2024, subject to the timing and amount of final appropriations. For applications received by the April 2, 2024, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in late Summer 2024. 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

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

F.2.1 Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and Uniform Entity Identifier (UEI) Number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

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

F.2.2 Environmental and Cultural Resources Compliance

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

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

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

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

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

F.2.3 Approvals and Permits

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

F.2.4 Geospatial Data and Data Tools

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

GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

F.2.5 Intangible Property (2 CFR §200.315)

Title to intangible property (see definition for Intangible property in § 200.1) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment.

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 §401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements."

F.2.6 Real Property, 2 CFR §200.311

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust relationship*). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by Reclamation, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from Reclamation. As required by 2 CFR §200.329 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.3 Reporting Requirements and Distribution

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

F.3.1 Financial Reports

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

F.3.2 Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least twice a year, which include:

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

F.3.3 Final Performance Report

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

- Whether the project objectives and goals were met.
- If applicable, a copy of the completed strategy document or plan.
- If applicable, identify the design products that were developed.
- Photographs documenting the project are also appreciated.

F.4 Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.2 Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance*

Matters are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5 Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.6 Freedom of Information Act

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

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

Published research findings mean when:

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

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

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

Section G: Federal Awarding Agency Contact(s)

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

G.1 Reclamation Financial Assistance Contact

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

Name: Karen Shubert
Email: kshubert@usbr.gov
Phone: 801-524-3663

G.2 Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the appropriate point of contact below

G.2.1 Water Strategy Grants

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Irene Hoiby
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225-0007

By e-mail: ihoiby@usbr.gov

By phone: 303-445-3575

G.2.2 Project Design Grants

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Nickie McCann
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225-0007

By e-mail: nmcann@usbr.gov

By phone: 720-610-3480

G.2.3 Drought Contingency Planning

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Sheri Looper
Mail Code: MP-400
2800 Cottage Way
Sacramento, CA 95825

By e-mail: slooper@usbr.gov

By phone: 916-978-5556

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.

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, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.

- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, 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.1.1 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 **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

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

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

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

H.1.2 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 successful applicant 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.
- 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 Endangered Species Act

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a

determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.

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

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

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

Attachment 1 - Water Strategy Grants

A. Project Requirements

Water Strategy Grants funded under this NOFO must meet the requirements listed below. These requirements are intended to guide the planning process but still allow recipients flexibility to use an approach that meets their budget and planning needs.

The three following project components are required to be completed upon selection of a Water Strategy Grant:

1. Required Project Component 1: Outreach and Partnership Building—Informing and obtaining input from potential participants or stakeholders within the relevant geographic area, including:

- Develop a public engagement plan that describes how the public will be involved and when public comment will occur throughout the course of the study and design project.
- Conducting outreach to potential partners, participants, and interested or affected stakeholders in the area. For example, hosting workshops to gather input and feedback on the development of the water marketing, water supply, or restoration strategy.
- Making the draft strategy document available for review and comment to stakeholders and others as appropriate.

Note: Outreach and partnership building costs, including advertising and public relations costs, must be directly related to the development of the strategy project, as opposed to providing general information or advertisements. Please see the applicable cost principles contained in 2 CFR Part §200.421 Advertising and Public Relations, available at the Electronic Code of Federal Regulations (www.ecfr.gov).

2. Required Project Component 2: Analyses, Scoping and Planning Activities—Water Strategy Grant projects must include planning activities to support the development of a future water supply project (e.g., domestic water supply projects), water management project or water market/marketing activities, and at a minimum must include the following planning activities described in more detail below:

- a. Analysis of problems and needs
- b. Identification of potential opportunities and comparison of alternatives, and prioritization of project concepts
- c. Development of strategy for moving forward with project concepts

The types of eligible activities that may be included as sub-tasks within a-c of this required component are described in more detail below in Section B of this Attachment.

3. Required Project Component 3: Development of a Water Strategy Document— A written water strategy document must be completed and included with the final performance report. Reclamation will review the strategy document to determine if it meets program requirements, but will not provide input or feedback on the substance of the strategy. **A strategy is a written document and must address each of the following topics:**

- **Outreach Summary:** The outreach conducted under required project component 1, including a description of how input was solicited, the input received, and how the input was addressed in the course of the planning activities and in developing the strategy
- **Statement of Problems and Needs:** Summarize the work performed under required project component 2 and identify the problems and needs in the planning area, including, for example, the issues related to water supply reliability and needs for different water uses, the need for new infrastructure or infrastructure improvements, issues related to operation of a water market, or issues related to the environment or restoration needs within the planning area.
- **Project Opportunities and Comparison of Alternatives:** Summarize the work performed under required project component 2 to identify, compare and prioritize potential solutions/projects to address the problems and needs in the planning area, and:
 - Describe the solutions or potential on-the-ground projects identified, and their relative priority.
 - Explain the findings and conclusions resulting from your comparison of project costs and benefits (for example, are the expected benefits of the projects or water market/activity identified still realistic after comparing alternatives?).
- **Implementation Strategy:** Describe your strategy for moving forward with project concepts or solutions identified through your planning effort, including:
 - How the potential projects or water marketing activities identified will be implemented following completion of the strategy, and any barriers to implementation.
 - For water marketing strategies, please also describe: The potential administrative and legal framework for the water market or marketing activities including, the institutional components (i.e., how will marketing activities be overseen and tracked?), the participants, water rights, infrastructure involved, and the types of legal agreements used or needed, and description of potential rules and requirements for operation of the water market or marketing activity.

- Next steps for project development, including future outreach plans (how stakeholders will be engaged in future project phases), need for project design or engineering, and any information gaps and need for additional analysis.
- Any next steps to address permitting, environmental compliance, or legal requirements; financing needs or plans; water rights or infrastructure issues.
- How project performance will be monitored.
- **Discussion of lessons learned.**
 - Describe how development of the strategy benefitted you
 - Identify lessons learned through the course of developing the strategy
 - Identify any feedback for Reclamation on the process or program
- If the recipient already completed significant work on a particular strategy component prior to receiving a Water Strategy Grant, a summary of prior work must be included when addressing that component in the strategy document.

B. Activities Eligible under Required Project Component 2: Analyses, Scoping and Planning Activities

As described above, Water Strategy Grant projects must address required project component 2 Analysis, Scoping and Planning Activities, including sub-components a-c. Following is a description of potential tasks to meet project component 2. The applicant can substitute appropriate tasks or may provide explanations for certain tasks that have already been completed or are not necessary but, collectively, the tasks identified by the applicant to meet project component 2 should contribute to a holistic, overarching, water strategy.

- **Technical Analyses to Identify Problems, Needs and Opportunities:** Conducting hydrologic, engineering, or environmental analyses to better understand the water supply, water quality, and restoration problems and needs that exist in the study area and to identify options to address those needs for municipal, agricultural, Tribal, and environmental water uses, mitigation of climate change impacts, enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing, or enhancement of river-based recreation. These types of analyses could include but are not limited to:
 - Water availability analyses or establishment of a water balance including assessment of the availability of surface or groundwater, the availability of future water supplies using climate change projections, and assessment of current and future water demands for relevant water uses. Note: if you have questions about how to consider climate change within your study, or are looking for resources to support this type of analysis, please contact your local Reclamation office or the WaterSMART Program office.
 - Modeling reservoir or system operations to develop scenarios for optimizing use of existing infrastructure

- Completion of hydrologic analyses, hydraulic modeling, wetland evaluations, watershed assessments, geotechnical investigations, or floodplain assessments.
- Assessment of drought preparedness and existing infrastructure and to identify needs and options for new drought strategies or infrastructure (e.g., additional storage, new conveyance to access additional water supplies, interties to support water transfers, or infrastructure to support river restoration for ecological purposes), including nature-based solutions.
- Assessment of the need and options for potential infrastructure improvements to increase water conservation and efficiency, such as lining or piping canals to decrease water losses, installation of automated gates, water measurement devices, or other infrastructure to support water marketing or environmental benefits.
- Assessment of river-based ecosystem or watershed restoration needs and opportunities, including needs for aquatic plant and animal habitat, ecosystem or watershed health, and restoration of other ecological values. This could include but is not limited to development of:
 - Baseline information about habitat or species, aquatic conditions, and other needs for watershed or ecosystem health;
 - Metrics for improving habitat, and identification of best management practices; and,
 - Identifying potential restoration projects benefiting ecological value or watershed health, fish and wildlife habitat, mitigation of climate change impacts, enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing, or enhancement of river-based recreation.
- If some measurements, monitoring, or field work is required to complete the analyses described above in this section, such work may be eligible for funding so long as funding for this work does not exceed 30 percent of the total project cost and the applicant includes funding in their budget for related environmental and cultural resources compliance costs.
- **Water Marketing and Water Rights Analyses:** Conducting analyses to explore water marketing options or to investigate the use different sources of water supply for water management or restoration purposes, including:
 - Financial or economic analyses to identify potential buyers and sellers, assess demands for the water market, and research the cost of implementing the water market.
 - Researching different water marketing approaches to support development of administrative or institutional requirements for implementation of a water market/water marketing activities.

- Analyzing water rights issues, including legal mechanisms for transferring water within the relevant area, and legal constraints on existing water rights (type and place of use requirements, title issues, or other constraints). Note: Funding for legal analysis cannot exceed 30 percent of the total project cost and may not be used for the preparation of a specific water court case.
- Quantifying water rights, consumptive use, diversions, and return flows to determine how much water is available for marketing or for other use in meeting water supply needs and to avoid impacts to downstream water users.
- Analyzing economic, social, community, and environmental impacts of potential market/transaction(s).
- Projects to develop a water marketing strategy may include pilot activities to test moving water if a pilot would support the development of a water marketing strategy, in compliance with applicable laws. Pilot projects may include a short-term lease of water to perform pilot activities; however, projects may not include a water rights purchase or long-term lease of water rights. If a pilot is included, the applicant must include funding in their budget for related environmental compliance work.
- **Research of Legal and Institutional Requirements**
 - Conduct research on legal and institutional requirements; permitting and environmental compliance; land ownership and necessary easements; and state and/or local requirements with the potential to affect implementation of the project.
 - Research the impacts of any proposed projects on contractual water and power supply obligations, water rights, Tribes, and other area stakeholders.
- **Decision Support Tools:** Analysis of the need for decision support tools, including software databases, registries, dashboards or models that would help facilitate water management improvements, water marketing or river restoration. **Note:** Some work that would be considered development or modification of decision support tools to support the overall strategy development may be eligible for funding so long as it is integral to the strategy and funding for this work does not exceed 30 percent of the total project cost.
- **Development and Comparison of Project Alternatives:** Work to prioritize, compare or otherwise scope potential project alternatives, could include, but is not limited to:
 - Formulate alternatives and create decision matrix
 - Compare project alternatives, qualitative or quantitative comparison of costs and benefits
 - Solicit stakeholder input on potential project options
 - Create a prioritized list of potential future projects.

C. Submittal of a Draft Strategy for Review

As will be specified in your financial assistance agreement if your project is selected for award, 120 days prior to the completion of the period of performance for the award, recipients must submit their draft strategy to Reclamation for review and feedback.

Reclamation review of the strategy document is only to ensure compliance with program requirements, not to approve the recommended approach or decisions documented in the strategy.

Attachment 2 - Project Design Grants

A. Project Requirements

Project Design Grant funded under this NOFO must meet the requirements listed below and submit a final design package to Reclamation along with their final financial assistance report. Reclamation encourages applicants to reach at least 60% final design at the completion of their project. Project activities leading to construction plans and specifications must be reviewed and approved by a professional registered in the appropriate engineering/architectural discipline. The recipient of a Project Design Grant is responsible for the technical adequacy of the design. Reclamation's review of the final report and design package are only for the purpose of ensuring that program requirements were met – not to ensure technical adequacy.

Products for submission generally include, but are not limited to:

- A document, commonly referred to as a “Basis of Design,” that identifies the project goals and requirements, technical design criteria, safety design considerations, design codes, operating descriptions, details of stream conditions and diversions, habitat information, and assumptions to be used to develop final designs, as applicable.
- Site specific design drawings including plan, elevation, and section drawings. Site preparation information such as erosion and sediment control plans, site grading, drainage, utilities, and demolition, and removal including hazardous materials.
- Details and specifications for fabrication, supply of material, construction, as applicable.
- Construction cost estimate and schedule.

B. Eligible Activities

In general, development of a design package should include, but is not limited to, the following:

- **Development of project requirements and evaluation of design alternatives.** Tasks may include, but are not limited to:
 - Developing design criteria and standards
 - Designing alternatives analysis and decision matrix
 - Stakeholder outreach activities directly linked to project design such as public meetings, etc.
 - Conducting Value Engineering/Value Planning/Value Analysis workshops
 - Analyzing site alternatives and identifying specific project sites

- **Evaluation of site alternatives and selection of project site.** Tasks may include, but are not limited to:

- Conducting monitoring, measurement, or other fieldwork needed to inform project design
- System loss field investigations and estimates
- Site surveying and field exploration
- Geologic field exploration
- Drilling of pilot wells

Note: Ground disturbing activities will require environmental and cultural compliance.

- **Preparation of final design drawings and specifications for the construction of the project.** Tasks may include, but are not limited to:

- Modeling activities such as hydrologic, groundwater, (there is modeling associated with restoration design activities)
- Develop basis of design documentation
- Site-specific design and engineering associated with the project
- Revegetation plan, including a schedule and selected species to be planted
- Develop manufacturing and construction plans and specifications
- Analyze means and methods for construction at the project site and identify constraints

- **Evaluation of economic conditions, preparation of project cost estimates, and development of project implementation plan.** Tasks may include, but are not limited to:

- Analyzing markets and materials (including domestic sources),
- Developing an estimate of probable construction cost
- Developing project implementation plan, budget, and milestones for completing the project

- **Legal and Institutional Requirements Research.** Task may include, but are not limited to:

- Researching legal and institutional requirements; permitting and environmental compliance; land ownership and necessary easements; and state and/or local requirements with the potential to affect implementation of the project.
- Researching the impacts of any proposed projects on contractual water and power supply obligations, water rights, Tribes, and other area stakeholders.
- Consulting with Reclamation regarding potential environmental compliance

While the Build America Buy America Act is a requirement specific to infrastructure projects, applicants are encouraged to consider Reclamation's focus on advancing the objectives of using American-made products and materials and building domestic manufacturing when initiating the planning and design of projects.

Attachment 3 - Drought Contingency Planning Projects

A. Project Requirements

Drought contingency plans (new plan development and plan update) funded under this NOFO must be required to address the six elements of a drought contingency plan outlined below in Section B, *Required Elements for New Plans or Plan Updates*. In developing these required elements, successful applicants will be required to follow procedural steps outlined below in Section A.1 and A.2. In developing these requirements, Reclamation relied on proven approaches and common practices used in drought planning.

Once the applicant has been informed that a proposal submitted under this NOFO has been selected for funding, Reclamation will enter into a cooperative agreement with the applicant, documenting the requirements and conditions related to the provision of financial assistance. The cooperative agreement will be divided into two phases: Phase I for the establishment of a drought planning task force and development of a detailed work plan and Phase II for development or update of a drought contingency plan. The cooperative agreement will require the following drought contingency planning:

A.1 Phase I Requirements

Phase I must include the establishment of a drought planning task force and the development of a detailed work plan that includes a communication and outreach plan.

- **Establishment of a Drought Planning Task Force.** — At the outset of the planning process, the planning lead will develop a Drought Planning Task Force (Task Force) made up of interested stakeholders within the planning area that want to actively participate in developing the Drought Contingency Plan. The Task Force must have diverse membership representing multiple interests in the planning area.
- **Development of a Detailed Work Plan.** — The detailed work plan will be developed by the planning lead in consultation with Reclamation and will describe in detail how the various tasks included in developing or updating the plan will be accomplished, along with a detailed work schedule, and the responsibilities of Reclamation (Reclamation will provide input on this element), the planning lead, the Task Force, and other interested stakeholders. The work plan also includes a communication and outreach plan describing how stakeholders and the public will be involved in the planning process. The work plan must be submitted to Reclamation for review and acceptance before substantive work on the plan development or update may begin.

A.2 Phase II Requirements

After the detailed work plan is reviewed and accepted by Reclamation, the planning lead will then develop the plan or plan update including the required elements described below.

B. Required Elements for New Plans or Plan Updates

All new drought contingency plans must address each of the six elements described immediately below. Updates to an existing drought plan may focus on only those elements that have not yet been developed in the plan or that require further development or updating; however, completed plan updates must address each of these six elements.

The six required elements for drought contingency plans developed or updated under this NOFO are:

- 1. Drought Monitoring**—The drought contingency plan must establish a process for monitoring near and long-term water availability, and a framework for predicting the probability of future droughts or confirming an existing drought.
- 2. Vulnerability Assessment**—The drought contingency plan must include a vulnerability assessment evaluating the risks and impacts of drought. The assessment will drive the development of potential mitigation and response actions and must be based on a range of future conditions, including uncertainties related to changing hydrologic conditions.
- 3. Mitigation Actions**—The drought contingency plan must identify, evaluate, and prioritize mitigation actions and activities that will build long-term resiliency to drought and that will mitigate the risks posed by drought.
- 4. Response Actions**—The drought contingency plan must identify, evaluate, and prioritize response actions and activities that can be implemented during a drought to mitigate the impacts.
- 5. Operational and Administrative Framework**—The drought contingency plan must identify who is responsible for undertaking the actions necessary to implement each element of the drought contingency plan, including communicating with the public about those actions.
- 6. Plan Development and Update Process**—The drought contingency plan must describe the process that was undertaken to develop the plan, including how stakeholders were engaged and how input was considered. In addition, the drought contingency plan must also include a process and schedule for monitoring, evaluating, and updating the drought contingency plan.

For further guidance on approaches for meeting the program requirements, please see the Drought Response Program Framework, available at www.usbr.gov/drought.

Note: Proposals to develop one or more elements of a drought contingency plan that would not result in a completed plan within the three-year period of performance are not eligible for

funding consideration. Applicants interested in a narrower scope of planning should see Attachment 1: Water Strategy Grants.


C. Request for a Cost Share Reduction or Waiver

Reclamation may reduce or waive the non-Federal cost share requirement upon request by the applicant if an overwhelming Federal interest and a significant financial need are identified. If the funding plan identifies less than 50 percent non-Federal cost share match, please include the request for a cost-share reduction or waiver in the proposal. The request must include information and documentation addressing the factors set forth immediately below.

Reclamation will use the following factors when considering whether to reduce or waive the non-Federal cost share requirement. Please address each of the following criteria and provide an explanation for the applicability of each criterion with supporting documentation:

- Overwhelming Federal Interest. Reclamation will make a determination of whether an overwhelming Federal interest exists based on factors such as the programs and policies of the President and the Secretary of the Department of the Interior.
- Financial Hardship. In determining whether a significant financial need exists the following factors will be considered:
 - The population-weighted median household income within the study area and the state based on the latest available data from the U.S. Census Bureau’s American Community Survey (www.census.gov/acs/www/data/data-tables-and-tools/).
 - Family poverty level for the state as estimated by guidelines published annually by the U.S. Department of Health and Human Services (aspe.hhs.gov/poverty-guidelines)
 - The population-weighted average unemployment rate within the study area based on the latest available data from the U.S. Census Bureau’s American Community Survey (www.census.gov/acs/www/data/data-tables-and-tools/)
 - A current financial statement of the applicant and a statement that the applicant does not possess sufficient funds or assets to pay for all or part of the required cost share

For more information regarding cost share waivers, please contact the program coordinator identified in *Section G. Agency Contacts*.

<div>U.S. Department of the Interior Bureau of Reclamation WaterSMART</div> <div>Status of WaterSMART Program Funding Opportunities</div> <div></div>				
Program	Eligible Applicants	Federal/Non-Federal Cost Share	Funding	Current Status
Water and Energy Efficiency Grants On-the-ground water management improvement projects, including projects that conserve water and address water supply reliability. Program Contact: Josh German jgerman@usbr.gov	Category A Applicants: States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority. Category B Applicants: Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described above. Applicants must be located in the Western United States or United States Territories specifically: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming (the "17 Western States"), Alaska, Hawaii, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.	Up to \$500,000 for projects to be completed within two years; up to \$2 million for projects to be completed within three years; and up to \$5 million for large projects to be completed within three years. Non-Federal Cost Share: 50% or greater.	Reclamation's FY 2022 and FY 2023 spend plans for Bipartisan Infrastructure Law funding together include \$310 million for these funding opportunities. Consistent with the Bipartisan Infrastructure Law, 25% of that amount is designated for Environmental Water Resources Projects that improve natural infrastructure.	FY23 selections were announced on April 21, 2023. 84 projects were selected to receive \$140 million in federal funding, including Bipartisan Infrastructure Law funding. FY24 Funding Opportunity is expected September 2023.
Small-Scale Water Efficiency Projects Small water efficiency improvements that have been identified through previous planning efforts. Program Contact: Nickie McCann nmccann@usbr.gov		Up to \$100,000 for projects to be completed within two years. Total project costs should generally be less than \$225,000. Non-Federal Cost Share: 50% or greater.	\$38 million available for cooperative watershed management projects under the Bipartisan Infrastructure Law in FY 2022 and FY 2023 is also being allocated through the Environmental Water Resources Projects funding opportunity. These funding opportunities are also being used to allocate available FY 2023 appropriations. Each funding opportunity includes further details.	FY22 selections were announced on January 5, 2023. 82 projects were selected to receive \$7 million in Bipartisan Infrastructure Law funding. FY23 Funding Opportunity is expected September 2023.
Drought Resiliency Projects Funding for on-the-ground projects and modeling tools that will increase water reliability and improve water management. Program Contact: Sheri Looper slooper@usbr.gov		Up to \$500,000 for projects to be completed within two years; up to \$2 million for projects to be completed within three years; and up to \$5 million for large projects to be completed within three years. Non-Federal Cost Share: 50% or greater. NEW Task D Projects: Construction of domestic water supply projects for Tribes or disadvantaged communities that do not have reliable access to water supplies. Up to \$10,000,000 for projects to be completed within three years. 5% Non-Federal cost share with possible waiver available.		FY23 selections were announced on December 22, 2022. 36 projects were selected to receive \$84.7 million in Bipartisan Infrastructure Law funding. FY24 Funding Opportunity was posted August 7, 2023. Applications are due October 31, 2023.
Environmental Water Resources Projects Environmental Water Resources Projects, including water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values; water management or infrastructure improvements to mitigate drought-related impacts to ecological values; and watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management. Program Contacts: Robin Graber rgraber@usbr.gov		Up to \$3 million for projects to be completed within three years. Total project costs should not exceed \$6 million. Non-Federal Cost Share: 25 - 50%		A Funding Opportunity to allocate FY23 and Bipartisan Infrastructure Law funding was posted on grants.gov on January 24, 2023. Applications received by April 5, 2023, are currently under review. Selections are expected October 2023.
Applied Science Grants Projects to develop hydrologic information and water management tools and to improve modeling and forecasting capabilities. Program Contacts: Avra Morgan aomorgan@usbr.gov Nickie McCann nmccann@usbr.gov	States, Indian tribes, irrigation districts, water districts, universities, non-profit research institutions, organizations with water or power delivery authority, or non-profit organizations located in the 17 Western States, Alaska, Hawaii, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.	Up to \$400,000 per agreement for a project that can be completed within two years. Non-Federal Cost Share: 25 - 50%	Approximately \$95 million available for aquatic ecosystem restoration projects under the Bipartisan Infrastructure Law in FY2023 and FY2024 (including funding for Section 40904 Multi-Benefit Projects To Improve Watershed Health) will be provided through this Funding Opportunity.	The FY23 Funding Opportunity was posted on grants.gov on June 28, 2023 and closes on October 17, 2023.
Aquatic Ecosystem Restoration Program Funding for the study, design and construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Program Contacts: Avra Morgan aomorgan@usbr.gov Irene Hoiby ihoiby@usbr.gov	Category A Applicants: States, Tribes, irrigation districts, or water districts, state, regional, or local authorities, agencies established under State law for the joint exercise of powers, and other entities or organizations that own a dam that is eligible for upgrade or modification located in the 17 Western States, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands. Category B Applicants: Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity.	Non-Federal Cost Share: 35%		A Funding Opportunity to allocate FY23 and Bipartisan Infrastructure Law funding was posted on grants.gov on March 14, 2023. Proposals for the first application submission period were due June 1, 2023, and are currently being evaluated. Proposals for the second application submission period are due on January 24, 2024.
Cooperative Watershed Management Program - Phase I Watershed group development, watershed restoration planning, and watershed management project design. Program Contact: Robin Graber rgraber@usbr.gov	States, Indian tribes, local and special districts (e.g., irrigation and water districts), local governmental entities, and non-profit organizations that are located in the 17 Western States, Alaska, Hawaii, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.	Up to \$300,000 may be awarded to an applicant per year, for a period of up to three years. Non-Federal Cost Share: No non-Federal cost-share required.		FY23 and FY24 Funding Opportunity was posted August 7, 2023. First round of applications are due by December 5, 2023; second round of applications are due by September 4, 2024.

Program	Eligible Applicants	Federal/Non-Federal Cost Share	Funding	Current Status
Planning and Project Design Grants Collaborative planning and design projects to support water management improvements, include the following activities: Water Strategy Grants (WSG): Projects to conduct planning to support water management solutions, such as water marketing, water conservation, drought resilience, and ecological resilience Project Design Grants (PDG): Projects to develop the final design of on-the-ground water management construction and restoration projects. Drought Contingency Planning (DCP): Projects to develop a new or update an existing Drought Contingency Plan. Program Contacts: WSG Irene Hoiby ihoiby@usbr.gov PDG Avra Morgan nmccann@usbr.gov DCP Sheri Looper slooper@usbr.gov	Category A Applicants: States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority. Category B Applicants: Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described above. Applicants must be located in the 17 Western States, Alaska, Hawaii, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico. Note: Drought Contingency Planning funding is limited to Category A and applicants located in the 17 Western States, Hawaii, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.	Up to \$400,000 for projects that can be completed within 3 years. Non-Federal Cost Share: 25 - 50%	Approximately \$35 million in available program funds, including BIL funding (including funding for Section 40904 Multi-Benefit Projects To Improve Watershed Health) will be provided through this Funding Opportunity.	NEW FUNDING OPPORTUNITY: FY23 Funding Opportunity was posted August 7, 2023. Applications are due October 17, 2023. Separate funding opportunities for Water Marketing and Drought Contingency Planning are consolidated into this Funding Opportunity as project types. In addition, this Funding Opportunity includes a new project type for final project design.
Title XVI Authorized Projects Funding for planning, design, and construction of specific congressionally authorized water recycling and reuse projects. Program Contact: Maribeth Menendez mmenendez@usbr.gov	Sponsors of water reclamation and reuse projects specifically authorized for funding under Title XVI of P.L. 102-575.	Federal funding is limited to 25% of the total project cost, up to \$20 million, unless otherwise specified by Congress. Non-Federal Cost Share: 75% or greater.	Funding opportunities planned for September 2023 will be used to allocate up to \$179 million in Bipartisan Infrastructure Law funding and a portion of \$60 million in annual appropriations for this program.	FY22 selections were announced August 18, 2022. 25 water reuse projects were selected to receive \$310 million in federal funding, including Bipartisan Infrastructure Law funding. The next Funding Opportunity is expected September 2023.
Title XVI WIIN Act Water Reclamation and Reuse Projects Funding for planning, design, and construction of WIIN Act water recycling and reuse projects. Program Contact: Maribeth Menendez mmenendez@usbr.gov	Sponsors of water reclamation and reuse projects with completed feasibility studies that have been submitted to Reclamation for review. Entities must be located in the 17 Western States, Hawaii, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.	Federal funding is limited to 25% of the total project cost, up to \$30 million. Non-Federal Cost Share: 75% or greater.		The next Funding Opportunity is expected September 2023.
Desalination Construction Funding for planning, design, and construction of WIIN Act brackish groundwater and ocean desalination projects. Program Contact: Maribeth Menendez mmenendez@usbr.gov	Sponsors of desalination projects with completed feasibility studies that have been submitted to Reclamation for review. Entities must be located in the 17 western states.	Federal funding is limited to 25% of the total project cost, up to \$30 million. Non-Federal Cost Share: 75% or greater.	The funding opportunity planned for August 2023 will be used to allocate over \$30 million in Bipartisan Infrastructure Law funding and \$12 million in annual appropriations for this program, along with other available program funding.	The next Funding Opportunity is expected September 2023.
Large-Scale Water Recycling Projects Funding for planning, design, and construction of Large-Scale Water Recycling Projects with a total project cost greater than \$500 million. Program Contact: Maribeth Menendez mmenendez@usbr.gov	Sponsors of water recycling projects with a total project cost greater than \$500 million with completed feasibility studies that have been submitted to Reclamation for review. Entities must be located in the 17 Western States.	Federal funding is limited to 25% of the total project cost. Non-Federal Cost Share: 75% or greater.	The FY23 BIL spend plan includes \$50 million for these projects.	FY23 Funding Opportunity to allocate Bipartisan Infrastructure Law funding is expected August 2023.
Water Recycling and Desalination Planning Funding for planning and pre-construction activities, including the development of water recycling and desalination feasibility studies, to facilitate project development under the Title XVI Program, the Desalination Construction Program, and the Large-Scale Water Recycling Program. Program Contact: Maribeth Menendez mmenendez@usbr.gov	States, Indian Tribes, irrigation districts, and water districts; and any state, regional, or local authority located in the 17 Western States, Hawaii, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.	Non-Federal Cost Share: 50% or greater for planning and pre-construction activities for Title XVI and Desalination Construction projects. Non-Federal Cost Share: 75% or greater for planning and pre-construction activities for Large-Scale Water Recycling Projects with an anticipated total project cost greater than \$500 million.	Approximately \$30 million in available program funds will be provided through this Funding Opportunity	FY23 Funding Opportunity was posted on grants.gov on December 23, 2022. Applications received by February 28, 2023, are currently under review. Selections are expected September 2023.

This table is intended as a summary of programs including some basic program requirements.

Refer to each Notice of Funding Opportunity for details on program requirements, eligible projects, eligible applicants, and cost share.

For the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianan Islands, all non-federal cost-share requirements are waived per Public Law 96-205, title VI, section 601, as amended, in conjunction with 48 U.S.C. § 1469a(d).