RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	BOR-MP-17-N028
Project Title	PLPT TROA Water Management
Recipient	Pyramid Lake Paiute Tribe
Principal Investigator / Program Manager	Donna Marie Noel/Pyramid Lake Paiute Tribe Natural Resource Director
Anticipated Federal Amount	$529,500.00
Anticipated Non-Federal Amount	$0.00
New Award or Continuation?	New Award
Anticipated Period of Performance	Approximately 5 years from the date of execution
Award Instrument	Grant
Statutory Authority	Public Law 108-7. Consolidated Appropriation Resolution, 2003, Division D, Title II, Section 207, enacted February 20, 2003 Public Law 113-79. Agricultural Act of 2014 (Farm Bill), Title II, Section 2507, enacted February 7, 2014
CFDA # and Title	15.508 Providing Water to At-Risk Natural Desert Terminal Lakes
Single Source Justification Criteria Cited	(4) Unique Qualifications
Reclamation Point of Contact	Amanda Brinnand / Larry Glover-Meade

OVERVIEW

The Pyramid Lake Paiute Tribe's Reservation (Reservation) is located thirty-five miles northeast of Reno, Nevada in a remote desert area in the counties of Washoe, Lyon, and Storey. Diversions from the Truckee River into the Truckee Canal upstream from the Reservation have impacted the lake levels in Pyramid Lake and diminished river flows. By monitoring diversions and managing Tribal water rights in the most efficient manner, the river flows will increase water to Pyramid Lake to support and benefit associated fish, wildlife, and habitat resources and improve surface water quality and listed fishery habitat, all of which are the express goals of PL 108-7 and PL 113-79.

The Pyramid Lake Paiute Tribe (Tribe) is one of the five mandatory signatory parties to the Truckee River Operating Agreement (TROA), along with State of Nevada, State of California, Truckee Meadows Water Authority and the United States Government. These parties were directed by Congress to negotiate and develop TROA, authorized under PL 101-618. After the development of the Environmental Impact Statement and Record of Decision, the final TROA agreement was signed by all parties in 2008. From 2008 to 2015, the mandatory parties worked to meet the conditions for TROA to go into effect by developing accounting and operations models, and fulfilling the final legal and other conditions. These conditions were fully satisfied in December 2015, and the mandatory signatory parties executed a written agreement stating that all the conditions of TROA were met and the Federal Water Master notified the court that TROA implementation was ready to begin.

RECIPIENT INVOLVEMENT

Proposed activities to be funded by the award: The recipient will conduct active measures to reduce diversions and0020efficiently manage Tribal water rights from the Truckee River to maximize water flow to Pyramid Lake.

This project will:

(1) Implement TROA operational provisions to manage water rights efficiently and effectively to provide the delivery of water to Pyramid Lake through the Truckee River system which will provide conservation benefits to associated fish, wildlife, plant, and habitat resources.

(2) Monitor Truckee Canal operations, directly participate in projects regarding future Truckee Canal operations and/or repairs, and monitor upstream groundwater pumping to ensure these activities do not impact providing water to Pyramid Lake by diminishing the Tribal water resources or Tribal water rights that are used to support and enhance the associated fish, wildlife, plants, and habitat resources.

(3) Increase direct flow in the lower Truckee River and flow to Pyramid Lake from proper management of water releases, storage, and reservoir utilization for an efficient adaptive water management plan that will provide water to Pyramid Lake and conservation benefits to associated fish, wildlife, plants, and habitat resources.

(4) Enhance Truckee River flows for riparian vegetation, aquatic habitat, and water quality of the lower Truckee River and terminus Pyramid Lake.

(5) Participate in ongoing Federal litigation against TCID for the recoupment of water diverted to the Newlands Project in violation of operating criteria in order to establish

the amount of water to be repaid, and to ensure its repayment, to the lower Truckee River and Pyramid Lake to enhance the benefits to the associated fish, wildlife, plants, and habitat resources.

RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives funded by this award. It is anticipated that Reclamation's involvement will consist of standard Federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.…

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR
SINGLE SOURCE POLICY REQUIREMENTS

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

(1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a

compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

The applicant, Pyramid Lake Paiute Tribe (PLPT), is uniquely qualified to perform the activities described. This statement is based upon a variety of demonstrable factors such as location, property ownership, and technical expertise. The location of this project is along the lower Truckee River and Pyramid Lake situated within the boundaries of the PLPT reservation property. The PLPT's natural resources director, water resources technicians and consultants who will implement the work and have relevant expertise in TROA operations and the effect of outside activities on the flow of the lower Truckee River into Pyramid Lake, have years of experience and were instrumental in developing the TROA. For these demonstrable reasons, the PLPT is uniquely qualified to perform the proposed grant activities on their reservation.

STATUTORY AUTHORITY

The following two Public Laws specifically authorize Reclamation to enter into financial assistance agreements for the proposed work:

1) Public Law 108-7; Pertinent excerpts of this section that apply to financial assistance to State agencies are shown below:

Public Law 108-7 Division D, Title II, Section 207, enacted February 20, 2003
Consolidated Appropriations Resolution, 2003

SEC. 207. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.

(a) IN GENERAL.--In carrying out section 2507 of Public Law 107 171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall--

…

(b) ADMINISTRATION.--The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107-171.

2) Public Law 113-79; Pertinent excerpts of this section that apply to funding for terminal lakes associated with the Bureau of Reclamation and provides authorization for activities proposed in the statement of work are shown below:

Public Law 113-79 Title II, Section 2507, enacted February 7, 2014

Agricultural Act of 2014 (Farm Bill)

‘‘SEC. 2507. TERMINAL LAKES ASSISTANCE.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended to read as follows:

‘‘(a) DEFINITIONS.—In this section:

…

‘‘(3) TERMINAL LAKE.—The term ‘terminal lake’ means a lake and its associated riparian and watershed resources that is—

‘‘(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

…

‘‘(d) WATER ASSISTANCE.—

‘‘(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—

‘‘(A) to lease water;

‘‘(B) to purchase land, water appurtenant to the land, and related interests; and

‘‘(C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources.

‘‘(2) EXCLUSIONS.—The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

…

‘‘(e) FUNDING.—

…

‘‘(2) COMMODITY CREDIT CORPORATION.—As soon as practicable after the date of enactment of the Agricultural Act of 2014, the Secretary shall transfer to the ‘Bureau of Reclamation— Water and Related Resources’ account $150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.

The following statement directly relates the activities to be funded by the referenced authority Public Law 113-79:

The Public Law authority is to administer and provide financial assistance to carry out the law to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—

…

(B) to purchase land, water appurtenant to the land, and related interests; and
(C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources."