



— BUREAU OF — RECLAMATION

**Notice of Funding Opportunity Announcement No.
BOR-CGB-20-F002**

Sacramento River Salmonid Habitat Restoration



Mission Statements

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

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

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Interior Region 10, California Great Basin
Funding Opportunity Title:	Sacramento River Salmonid Habitat Restoration
Announcement Type:	Notice of Funding Opportunity Announcement (NOFO)
Funding Opportunity Number:	BOR-CGB-20-F002
Catalog of Federal Domestic Assistance (CFDA) Number:	15.512
Dates: (See NOFO Sec. D.4)	This NOFO covers one application submittal period. Application due date for Fiscal Year (FY) 2020 funding: Thursday May 21, 2020, at 2:00 p.m. Pacific Standard Time Funding available for projects submitted under the submittal period is contingent on available appropriations.
Eligible Applicants: (See NOFO Sec. C.1)	The State of California or an agency or subdivision thereof, an Indian tribe, or a non-profit entity
Recipient Cost Share: (See NOFO Sec. C.2)	Costs associated with implementation of Public Law 102-575, Section 3406 (b)(13) shall be reimbursed in accordance with the following formulas: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California Costs associated with Section 3406(b)(1) shall be reimbursable pursuant to existing statutory and regulatory procedures.
Federal Funding Amount: (See NOFO Sec. B)	Up to \$10,000,000 per agreement for a project that can be completed within five years.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B)	Approximately 1-4 projects per application submittal period contingent upon available Federal appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	This NOFO is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf .

Application Checklist

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

✓	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424B and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.2.2.2		*
	Table of contents	See Sec. D.2.2.3		*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4		*
	Background data	See Sec. D.2.2.4		*
	Project location	See Sec. D.2.2.4		*
	Project description	See Sec. D.2.2.4		*
	Evaluation criteria	See Sec. E.1		*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5	Page 15	*
	Budget proposal	See Sec. D.2.2.5	Page 16	*
	Budget narrative	See Sec. D.2.2.5	Page 17	*
	Required permits or approvals	See Sec. D.2.2.6		*
	Unique Entity Identifier and System for Award Management	See Sec. D.3		***

* Submit materials with your application.

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

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

Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FEMA	Federal Emergency Management Agency
NOFO	Notice of Funding Opportunity
FOIA	Freedom of Information Act
FY	fiscal year
GSA	Government Services Administration
NHPA	National Historic Preservation Act
P.L.	Public Law
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SAM	System of Award Management
SF	Standard Form
SHPO	State Historic Preservation Officer
SPOC	Single Point of Contact
USACE	United States Army Corps of Engineers
U.S.C.	United States Code

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Section A. Funding Opportunity Description

A.1. Program Information

The Sacramento River contains populations of Chinook salmon and steelhead trout, some of which are listed under the Endangered Species Act (ESA). Flow regulation and stream channel manipulations have modified the salmonid habitat. Gravel is regularly lost from spawning sites on the river and rearing habitat is degraded.

Through this Notice of Funding Opportunity Announcement (NOFO), the Bureau of Reclamation (Reclamation) provides funding for projects that restore, maintain and improve the Chinook Salmon and steelhead habitats consistent with the goals of *Public Law (P.L.) 102-575, Title XXXIV, Central Valley Project Improvement Act, Sections 3406(b)(13), (b)(1), and 3407(e)*.

A.2. Objective of this Notice of Funding Opportunity Announcement

The objective of this NOFO is to restore, maintain and improve Chinook Salmon and steelhead habitats and thereby improve the status of the species in California. Actions can include:

- Create new side channels and modify existing side channels to create and/or improve rearing habitats for the juvenile life stages of anadromous salmonids in the Sacramento River and tributaries;
- Place woody material, boulders, and other structures as appropriate, to provide habitat for salmonids;
- Create/enhance incrementally inundating floodplain habitat;
- Provide spawning habitat/coarse substrate;
- Provide passage to and from disconnected habitats;
- Conduct pre-and post-project site surveys and monitoring to document the effectiveness of projects at improving salmonid habitat; and
- Coordinate activities with an interagency restoration group consisting of agencies and local stakeholders. Projects will be selected through a competitive process that will focus on achieving the outcomes identified in this NOFO.

A.3. Statutory Authority

This NOFO is issued under the authority of P.L. 102-575, Title XXXIV of the Central Valley Project Improvement Act, Sections 3406(b)(13), (b)(1)(a), and 3407(e).

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The habitat projects in the Sacramento River upstream of Red Bluff Diversion Dam will use the 3406(b)(13) authority and other projects will use 3406(b)(1).

Section B. Award Information

B.1. Total Project Funding

Up to \$40 million is available for award under this NOFO through the CVPIA Program. Project funds are limited to eligible applicants. See Section C.1 for more information.

B.2. Project Funding Limitations

Up to \$10 million in Federal funds could be available in fiscal year (FY) 2020, with up to approximately \$40 million available over the next five years.

B.3. Assistance Instrument

Awards will be made through cooperative agreements. Recipients should expect Reclamation to have substantial involvement in the project. Substantial involvement by Reclamation will include:

- Providing survey, design, and biological services as needed. Reclamation will oversee project implementation in coordination with the recipient.
- Coordination with the recipient on biological and engineering support for project planning, design, and implementation to ensure projects are implemented effectively.
- Participation in the Sacramento River Restoration Technical Team and make decisions as needed on project implementation.
- Working with the recipient to obtain permits, hold permits and serve as Federal lead for the project.
- Providing technical information including habitat criteria, permitting information, and construction guidance for projects.
- Providing access to Reclamation-owned facilities and/or properties.

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

Section C. Eligibility Information

C.1. Eligible Applicants

As specified in CVPIA Section 3407(e) an eligible applicant is the State of California or an agency or subdivision thereof, an Indian tribe, or a non-profit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values who is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner. The Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified actions.

To be eligible under this NOFO, applicants must participate in a technical consultation with Reclamation staff prior to development of a proposal.

To schedule a technical consultation, contact the program coordinator identified in *Section G. Agency Contacts*.

C.2. Cost Sharing Requirements

Costs associated with implementation of P.L. 102-575, Section 3406 (b)(13) shall be reimbursed in accordance with the following formulas: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

C.2.1. Cost Share Regulations

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

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions, available at www.ecfr.gov.

C.3. Eligible Projects

C.3.1 Eligible Projects

Projects should seek to restore, maintain and improve the Chinook Salmon and steelhead habitats in the Sacramento River and its tributaries to improve the status of the species. Projects should result in quantifiable and reliable benefit to the species.

The following are current CVPIA project priorities in the Sacramento River area.

All Chinook Runs:

- Increase perennially inundated juvenile habitat, Sacramento River above the American River confluence;
- Increase seasonally inundated juvenile habitat at two-year frequency Sacramento River above American River confluence;
- Increase spawning habitat, Upper Sacramento River;
- Adaptively manage juvenile habitat restoration to allow the evaluation of the effect of habitat restoration on wild juvenile Chinook salmon survival in the Sacramento River;
- Increase access to juvenile rearing habitat in Sutter and Yolo Bypasses; and
- Maintain spawning habitat in the CVP streams.

Previously funded projects in the Sacramento River include:

- Re-opening of historic side channels to provide habitat year-round and particularly during low flow periods, when these types of habitats are most limited;
- Incorporating large and fine woody material into projects to provide juvenile cover;
- Addition of anchored juvenile rearing structure in deep-water and pond-like areas where juvenile cover is limited;
- Spawning gravel placement to provide immediately usable spawning habitat;
- Coarse sediment augmentation to provide a source of material to be transported downstream under high flows and make up for that blocked by the dams; and
- Monitoring effectiveness of projects using a before-after, control-treatment framework.

Specific projects prioritized by the Sacramento River Restoration Technical Team and not yet underway are the following listed by project name and river mile. The tiers represent priorities of the group with Tier 1 being highest priority and Tier 3 being lowest priority. Other project sites not listed below and otherwise meeting the criteria could also be funded. *The authority covering each project site follows each site name.*

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Tier 1:

- Keswick gravel placement 302 (b)(13)
- Redding Riffle gravel placement 297.7 (b)(13)
- Turtle Bay Island gravel and juvenile rearing habitat 297 (b)(13)
- Kapusta 1b 287.5(b)(13)
- Kapusta Island 288.1 (b)(13)
- Battle Creek Levee ~3 miles up Battle Creek (b)(1)
- Mooney Unit 235 (b)(1)
- Blethen Island 223 (b)(1)
- Blackberry Island 239.5 (b)(1)

Tier 2:

- Wyndham 293.8 (b)(13)
- Tobiasson Island 291.6 (b)(13)
- I-5 280.4 (b)(13)
- Dog Island 246 (b)(13)
- La Barranca 239.7 (b)(1)
- Oklahoma Island 238 (b)(1)
- McClure Creek 226.5 (b)(1)
- Foster Island 211 (b)(1)

Tier 3:

- Salt Creek gravel 300.7 (b)(13)
- Cow Creek 280.6 (b)(13)
- China Garden 279.2 (b)(13)
- Rancho Breisgau 274.4 (b)(13)
- Battle Creek Floodplain 271.4 (b)(13)
- Jellys Ferry 268 (b)(13)
- Altube Island 242.5 (b)(1)
- Flynn Unit 231 (b)(1)

Applications may include any one, or combination of the types of projects below. In general, if an applicant is seeking funding for multiple projects and those projects are interrelated or closely related, they should be combined into one application. Conversely, if the projects can be completed independently and are easily separated or phased, they should be applied for separately.

Applicants may submit multiple project proposals or multiple projects within a single proposal.

Points may be awarded for proposals with planning efforts that provide support for the proposed project.

The following types of projects can be proposed in the Sacramento River and Sacramento River tributaries in suitable locations.

- Create New Side Channels/Modify Existing Side Channels: create and/or improve rearing habitats for the juvenile life stages of anadromous salmonids in the Sacramento River watershed.

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- Place Woody Material, Boulders, and Other Structures: to provide and increase cover habitat for salmonids.
- Create/Enhance Incrementally Inundating Floodplain Habitat: to provide and increase rearing habitat and food availability for salmonid juveniles under elevated flow conditions.
- Provide Spawning Gravel/Course Substrate in the River: to maintain and increase spawning habitat for salmonids.
- Provide Fish Passage into Disconnected Habitats: to provide access to currently inaccessible habitat for salmonids.

C.3.2. Ineligible Projects

Projects specifically not identified in *C.3.1. Eligible Projects*, will not be eligible for funding consideration.

C.3.3. Length of Projects

Projects funded under this NOFO should be completed within five years of award.

Section D. Application and Submission Information

D.1. Address to Request Application Package

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

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

By mail: Bureau of Reclamation
Financial Assistance Branch
Attn: Ms. Christina Muñoz
2800 Cottage Way, Room E-1815
Sacramento, CA 95825

By email: cmunoz@usbr.gov

D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **30** consecutively numbered pages. If this section of the application exceeds **75** pages, only the first **75** pages will be evaluated. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

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

- Mandatory Federal Forms:
 - o Standard Form (SF)-424 Application for Federal Assistance
 - o SF-424A Budget Information Non-Construction Programs
 - o SF-424B Assurances Non-Construction Programs
 - o SF-LLL Disclosure of Lobbying Activities (if applicable)

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- o Verification of Automated Standard Application for Payments (ASAP) account
- o Verification of System of Award Management (SAM) account

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

- Title page
- Table of contents
- Technical proposal and evaluation criteria (limited to **30** pages):
 - o Executive summary
 - o Background data
 - o Project location
 - o Project description
 - o Evaluation criteria
- Project budget:
 - o Funding plan
 - o Budget proposal
 - o Budget narrative
- Required permits or approvals

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms.

SF-424 Application for Federal Assistance

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

SF-424 Budget Information

A fully completed SF-424A Budget Information for Non-Construction Programs must be submitted with the application.

SF-424 Assurances

A SF-424B Assurances for Non-Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included. Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.

SF-LLL Disclosure of Lobbying Activities

A fully completed and signed SF-LLL, Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee

of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

ASAP Registration

All applicants must maintain an ASAP registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active ASAP account.

SAM Registration

All applicants must maintain an active SAM registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active SAM account. A screenshot of your SAM account submitted with your application will be considered verification.

D.2.2.2. Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, email address, and telephone of the project manager.

D.2.2.3. Table of Contents

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

D.2.2.4. Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (**30** pages maximum) include:

- (1) Executive summary
- (2) Background data
- (3) Project location
- (4) Project description
- (5) Evaluation criteria

Executive Summary

The executive summary should include:

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

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Background Data

Provide a map of the area showing the location of the proposed projects. The map should easily identify the project area and major geographic features including roads, streams, reservoirs, towns, and canals.

Identify known landowners, easements, and utility rights of way.

Describe habitat conditions in the area regarding carrying capacity for the target fish species and include the expected limiting factors to salmonid productivity within the project reach and through the rest of the lifecycle from the project area through the Bay Delta and the ocean.

Describe the applicant's relationship to habitats of the Sacramento River, Bay Delta, and tributaries.

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

Describe any other relevant background information.

Project Location

Provide specific information on the proposed planning area (e.g., watershed, basin, county). Please also provide location information for the planning area (i.e., outline of the area) in one of the following formats:

1. Shapefile (.shp)
2. KMZ/KML (.kmz or .kml) aka Google Earth File
3. PDF map (.pdf)

Project Description

The project description should describe the work in detail, including specific activities that will be accomplished. This description shall have enough detail to permit a comprehensive evaluation of the proposal.

Provide an estimated project schedule demonstrating the stages and duration of the proposed work, including major milestones and dates.

Briefly describe and summarize any engineering plans, designs, and analyses to be prepared in connection with the proposed project.

Describe working closely with Reclamation to implement salmonid habitat restoration projects and coordinating with agencies and other appropriate entities in selecting project sites, conducting site surveys, obtaining permits for projects and monitoring effects of projects on the environment. Typical objectives and tasks involved in completing an aquatic habitat improvement project are shown below.

Objective: Restore side channels, floodplain, riverbank, spawning and other important salmonid habitats to improve spawning, rearing, holding, and migratory habitats for freshwater life stages of anadromous salmonids in the Sacramento River and its tributaries.

- Conduct site investigations
- Contact and arrange agreements with landowners
- Conduct site surveys and investigations as needed for project permitting and design
- Obtain approval to implement identified projects through environmental compliance and permitting. Potentially needed permits include National Environmental Policy Act required analysis (potentially California Environmental Quality Act) and documentation on environmental effects. Obtain permits as needed for the project such as the Clean Water Act Section 401 and 404 permits, ESA coverage through National Oceanic and Atmospheric Administration Fisheries and the US Fish and Wildlife Service, State Lands Commission lease and flood risk assessments
- Complete project designs and model design performance (biological and physical) through an interactive process with input from the interagency coordination group
- Conduct topographic site surveys before, during and following projects to assess the change in conditions from the project

Objective: Implement project designs for salmonid habitat restoration projects.

- Implement in-channel rearing habitat, side channel habitat, spawning habitat, floodplain habitat, and fish passage projects. Include habitat structure using woody material, planting, and rock as needed to optimize habitat value.

Objective: Conduct pre and post biological and physical monitoring to evaluate the effectiveness of the projects at meeting the needs of the targeted species.

- Survey for and document juvenile and adult salmonid habitat use, timing, sizes, and intensity of use. Include macroinvertebrate and water quality monitoring as needed to document project effectiveness. Compare habitat project sites to other control sites in the river before and after implementation. Document and report monitoring results. Ensure monitoring meets Science Integration Team monitoring guidelines.

Objective: Coordinate activities within the Interagency Restoration group.

- Prioritize activities with the group and maintain a public website for dissemination of activities to the group members and the public.

Demonstrated Results

Explain how this project will benefit the salmonid populations in the Sacramento River watershed. Be specific by including measurable outcomes. Describe how objectives will be addressed.

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Provide the following information regarding project benefits:

- (a) Identify estimated benefits to ESA listed and non-ESA listed salmonids by species and lifestage in regard to numbers of fish, habitat productivity, population resiliency, ability to withstand environmental variability.
- (b) Identify any indirect benefits such as benefits to other ecosystem attributes, educational opportunities, recreational opportunities. If the time period that such benefits will continue is different from the time period indicated above in response to (a), please explain.
- (c) Discuss other benefits from the proposed project which are not included above. Any expected benefits that cannot be quantified should be described in a narrative.
- (d) Provide documentation and support for how estimates of direct project benefits and any indirect project benefits were made (i.e., calculations, measurements, and references).

Need for the Project and Community Involvement

Explain the need for the proposed project to include:

- The urgency of the project.
- The negative consequences or potential impacts if not implemented.
- Other information relevant to the need of the proposed project.

Describe any public outreach that the applicant has provided to groups or individuals that may be affected by the project. Include how other local agencies might be involved in the project, third party impacts, and any opposition to the proposed project.

Evaluation Criteria

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

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

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

D.2.2.5. Project Budget

The project budget includes:

- (1) Funding plan
- (2) Budget proposal
- (3) Budget narrative

Note: Budget proposals should not include costs that have already been incurred or are anticipated to be incurred prior to the award of the financial assistance agreement. Pre-award costs are not authorized for projects funded under this NOFO.

Please note that the costs for preparing and applying in response to this NOFO, including the development of data necessary to support the proposal, are not eligible project costs under this NOFO and must not be included in the project budget.

Funding Plan

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

Budget Proposal

The total project cost (Total Project Cost), is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project.

Table 1.—Total Project Cost Table

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

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

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

The budget proposal should include detailed information on the categories listed below and must clearly identify **all** items of cost, including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must

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be provided for all budget items including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.326 before developing their budget proposal.

It is also strongly advised that applicants use the budget proposal format shown below in Table 3 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 3.—Sample Budget Proposal Format

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

Budget Narrative

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

Note: All successful applications will undergo a rigorous cost-price analysis and multi-level review prior to award of Federal funding. The budget narrative's cost items will be used for this analysis. If the grant application does not contain the appropriate amount of detail and supporting documentation, the award process will be delayed, and may result in the elimination of the application from further consideration.

The budget narrative should support Table 3.

Salaries and Wages

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

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.3. Reporting – Requirements and Distribution* for information on types and frequency of reports required.

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

Fringe Benefits

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

Section D. Application and Submission Information

Travel

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

Equipment

Budget proposals should not include the purchase of equipment. Per 2 CFR §200.33, equipment means 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 non-Federal entity for financial statement purposes, or \$5,000.

Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology). *Note: If the materials/supplies will be provided by a consultant, the costs should be included in the consultant contract cost estimate.*

Contractual

Identify all work that will be accomplished by consultants or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all procurements with an anticipated aggregate value that exceeds the Simplified Acquisition Threshold (currently \$10,000) must use a competitive procurement method (see 2 CFR §200.320 – *Methods of procurement to be followed*). Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.326 for additional information regarding procurements, including required contract content.

Third-Party In-Kind Contributions

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

Other Expenses

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

Indirect Costs

Indirect costs are costs incurred by the applicant for a common or joint purpose that benefit more than one activity of the organization and are not readily assignable to the activities specifically benefitted without undue effort. Costs that are normally treated as indirect costs include, but are not limited to, administrative salaries and fringe benefits associated with overall financial and organizational administration; operation and maintenance costs for facilities and equipment; and, payroll and procurement services. If indirect costs will be incurred, identify the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the applicant's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.68 available at www.ecfr.gov. If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, and Indirect Cost Services, at www.doi.gov/ibc/services/finance/indirect-cost-services.

D.2.2.6. Required Permits or Approvals

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

D.2.2.7. Existing Drought Contingency Plan (if applicable)

If there is an existing drought contingency plan addressing the relevant geographic area, please attach a copy (or relevant sections) of the existing plan.

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

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

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

Meeting the requirements set forth above is mandatory. If the applicant is unable to complete registration by the application deadline, the unique entity identifier must be obtained, and SAM registration must be initiated within 30 days after the application deadline in order to be considered for selection and award.

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

D.4. Submission Date and Time

This NOFO identifies one submittal period. The application submission deadline is May 21, 2020, at 2:00 p.m. Pacific Standard Time for FY 2020 funding.

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

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

D.4.1. Application Delivery Instructions

The application may be submitted electronically through Grants.gov (www.grants.gov) or e-mail cmunoz@usbr.gov.

D.4.2. Instructions for Submission of Project Application

Each applicant should apply in accordance with the instructions contained in this section.

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

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

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

D.4.2.2. Applications Submitted Electronically

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

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

active in SAM as both a user and an Authorized Organizational Representative.

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

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

D.4.2.3. Acknowledgement of Application Receipt

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

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

D.5. Intergovernmental Review

This ~~FOA~~NOFO is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf. Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's website, www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf.

D.6. Automated Standard Application for Payments Registration

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

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

Section E. Application Review Information

E.1. 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.**

Evaluation Criteria Scoring Summary	Points:
A. Benefits to salmonids	30
B. Project Feasibility	20
C. Collaboration and Coordination	15
D. Cost Effectiveness	10
E. Experience and Qualifications	10
F. Department of the Interior Priorities and Bureau of Reclamation Priorities	10
G. Ecosystem Benefits	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—Benefits to Salmonids (30 points)

Up to **30 points** may be awarded based on the estimated ability of the envisioned project to support the target species (Chinook Salmon, steelhead) based on habitat attributes and habitat area. Projects benefitting Endangered and Threatened species will receive a higher ranking. Estimate the annual benefit to fish from the project's habitat attributes and/or habitat area, include potential numbers of fish supported by lifestage. Calculate the lifetime project benefit.

Describe the performance measures and project monitoring plan that will capture, verify, and document the actual benefits of the project once it is implemented.

E.1.2. Evaluation Criterion B— Project Feasibility (20 points)

Up to **20 points** may be awarded based on demonstrating how a project can be constructed within the constraints of permitting requirements, river flows, construction timing windows, landowner permission, and engineering complexity. Applications with fewer and less significant negative environmental effects will be given higher priority than applications with significant impacts:

- Project describes the number and extent of identified environmental impacts
- Proposal identifies the complexity and cost associated

***E.1.3. Evaluation Criterion C— Collaboration and Coordination
(15 points)***

Up to **20 points** may be awarded based on demonstrating public awareness and support with no major resource conflicts as a result of the project. Multiple entities working together can enhance the success of projects by involving a wide range of expertise. Broad public awareness and support is a desirable feature of habitat projects.

E.1.4. Evaluation Criterion D—Cost Effectiveness (10 points)

Up to **10 points** may be awarded based on the estimated adult salmon and/or steelhead equivalents projected to be realized by the project. Costs will include all components requesting funding in the proposal, including construction, planning, design, environmental compliance, maintenance and protection into perpetuity, etc. Applications with the lowest cost per adult equivalent will generally be given highest priority. Include the methodology utilized to come up with and support the estimate of adult equivalents.

***E.1.5. Evaluation Criterion E—Experience and Qualifications
(10 points)***

Up to **10 points** may be awarded based on a description of relevant experience from past projects of similar nature to that of the proposal and the qualifications of the team members relative to tasks involved in the projects.

***E.1.6. Evaluation Criterion F—Department of the Interior
Priorities (10 points)***

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

Department of the Interior Priorities

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

- a. Utilize science to identify best practices to manage land and water resources and adapt to changes in the environment
- b. Examine land use planning processes and land use designations that govern public use and access
- c. Revise and streamline the environmental and regulatory review process while maintaining environmental standards
- d. Review the Department's water storage, transportation, and distribution systems to identify opportunities to resolve conflicts and expand capacity
- e. Foster relationships with conservation organizations advocating for balanced stewardship and use of public lands
- f. Identify and implement initiatives to expand access to Department lands for hunting and fishing
- g. Shift the balance towards providing greater public access to public lands over restrictions to access

2. *Utilizing our natural resources*

- a. Ensure American energy is available to meet our security and economic needs
- b. Ensure access to mineral resources, especially the critical and rare earth minerals needed for scientific, technological, or military applications
- c. Refocus timber programs to embrace the entire "healthy forests" lifecycle
- d. Manage competition for grazing resources

3. *Restoring trust with local communities*

- a. Be a better neighbor with those closest to our resources by improving dialogue and relationships with persons and entities bordering our lands
- b. Expand the lines of communication with governors, state natural resource offices, Fish and Wildlife offices, water authorities, county commissioners, tribes, and local communities

4. *Striking a regulatory balance*

- a. Reduce the administrative and regulatory burden imposed on U.S. industry and the public
- b. Ensure that ESA decisions are based on strong science and thorough analysis

5. *Modernizing our infrastructure*

- a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure
- b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs
- c. Prioritize Department infrastructure needs to highlight:
 - (1) Construction of infrastructure
 - (2) Cyclical maintenance
 - (3) Deferred maintenance

Bureau of Reclamation Priorities

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

7. Implementation of new Title Transfer authority pursuant to P.L. 116-9

E.1.7. Evaluation Criterion G—Ecosystem Benefits (5 points)

Up to 5 points may be awarded based on describing other parts of the ecosystem, in addition to anadromous fish, receiving benefits of the project. Example: habitat area enhanced, created, or accessed for other species.

Points may be awarded proposals with planning efforts that provide support for the proposed project.

E.2. Review and Selection Process

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

E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed SF-424, Application for Financial Assistance and form SF-424B, Assurances for Non-Construction Programs and a completed SF-424A, Budget Information for Non-Construction Programs.
- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 30 days after the application deadline).
- The application and funding plan meet or exceeds the minimum non-Federal cost-share requirements identified in this NOFO.
 - As set forth in *Section C.2. Cost sharing Requirements*, in exceptional circumstances, 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 your request for a cost share reduction or waiver in the proposal.

- The proposed project must be completed within five years of the award date.

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

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1 Evaluation Criteria*. Applications will be scored against the evaluation criteria by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO.

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

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the 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.

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

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

E.3. Federal Award Performance Integrity Information System

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

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in June 2020 for FY 2020 funding, subject to the timing and amount of final FY 2020 appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Successful applicants will receive by electronic mail, a notice of selection signed by a Reclamation Grants Officer. This notice is not an authorization to begin performance.

F.2. Administrative and National Policy Requirements

F.2.1. 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.2.2. Responsibility for Content

The recipient is solely responsible for the content of the Drought Contingency Plan. Reclamation participation in a financial assistance agreement is limited to the provision of funding and technical assistance for the development of a Drought Contingency Plan that strives to anticipate and mitigate impacts and conflicts that arise from drought. Reclamation does not exercise control over the content or approval of the plan under this award. Reclamation review of the Work Plan and Drought Contingency Plan is only to ensure compliance with Drought Response Program requirements. A Drought Contingency Plan or plan update developed under a financial assistance agreement is a water management planning document and does not provide recommendations or represent a statement of policy or position of the Reclamation, or the Department. The plan does not propose or address the feasibility of any specific project and does not represent a commitment for provision of Federal funds for projects identified in the plan.

F.2.3. 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 Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

The Federal government has the right to:

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

Freedom of Information Act

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 means 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 person in a research study.

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 semi-annual basis and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the recipient.

F.3.2. Interim Performance Reports

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

Interim performance reports submitted on at least a semi-annual basis, that include the following information:

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

F.3.3. Final Performance Reports

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

- Whether the project objectives and goals were met.
- All engineering data and biological data collected and analyzed as part of the project should be provided and described. Include metadata for all datasets. Provide data in a format compatible with the software used in analysis (e.g. hydraulic models should include the necessary files to run the model, designs should be provided in AutoCAD or ArcGIS format, topography should include x, y, z coordinates).
- If the project includes effectiveness monitoring then include the monitoring results in scientific format including an abstract, introduction, methods, results, discussion, and conclusion.

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, <https://www.usbr.gov/>.

F.4. Conflicts of Interest

F.4.1. Applicability

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

F.4.2. Requirements

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

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

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

F.4.3. Notification

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

F.4.4. Restrictions on Lobbying

Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 U.S.C. 13 52.

F.4.5. Review Procedures

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

F.4.6. Enforcement

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

F.5. Data Availability

F.5.1. Applicability

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

F.5.2. Use of Data

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

F.5.3. Availability of Data

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

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

F.6. Releasing Applications

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

Section G. Agency Contacts

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

G.1. Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of Ms. Christina A. Muñoz, Grants Officer, as follows:

By mail: Bureau of Reclamation
Financial Assistance Branch
Attn: Ms. Christina A. Muñoz
Mail Code: MP-3812
2800 Cottage Way, E-1815
Sacramento, CA 95825

By email: cmunoz@usbr.gov

G.2. Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Mr. John Hannon, Project Coordinator, as follows:

By mail: Bureau of Reclamation
Bay Delta Office
Attn: Mr. John Hannon
801 I Street, Suite 140
Sacramento, CA 95814

By email: jhannon@usbr.gov