

RECLAMATION

Managing Water in the West

Funding Opportunity Announcement No. BOR-LC-16-004

**Lower Colorado Region, Yuma Area Office
Fish and Wildlife Coordination Act
Program (FWCAP)
Grant Program for FY 2016**



U.S. Department of the Interior
Bureau of Reclamation
Lower Colorado Region

March 2016

Mission Statements

The 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 the Nation's 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.

Synopsis

Federal Agency Name:	U.S. Department of the Interior, Bureau of Reclamation
Funding Opportunity Title:	Fish and Wildlife Coordination Act Program, Yuma Area
Announcement Type:	Funding Opportunity Announcement (FOA)
Funding Opportunity Number:	BOR-LC-16-004
Catalog of Federal Domestic Assistance (CFDA) Number:	15.517
Application Due Date: (See FOA Sec. IV.B)	Applications will be accepted through 4:30 p.m. Mountain Standard Time, May 5, 2016. Applications must be submitted by one of the following methods only: • Electronic Submittal via Grants.gov; or • Hard-Copy Submittal Under no circumstance will an application be accepted by facsimile or email.
Eligible Applicants: (See FOA Sec. III.A)	State and local governments, non-profit organizations and institutions, public and private institutions and organizations, Federally recognized Indian Tribal Governments, individuals, small businesses, for-profit organizations, and Native American organizations.
Geographic Area of Consideration	Activity must be located within the Yuma Area Office administrative boundaries.
Recipient Cost Share: (See FOA Sec. III.E)	Cost-sharing or matching is not required but encouraged.
Federal Funding Amount: (See FOA Sec. II.B)	Reclamation will limit total funding to generally not more than \$60,000 in federal funding to each applicant. Any awards are subject to a determination by Reclamation that FY 2016 appropriations are available and that awards can be made consistent with all program requirements.
Estimated Number of Agreements to be Awarded:	One to three awards, depending on submittals and authorized budget.
Estimated Amount of Funding Available for Award: (See FOA Sec II.A)	Reclamation has made \$110,000 of funding available for award for this FWCAP Grant FOA. Any awards are subject to a determination by Reclamation that FY 2016 appropriations are available and that awards can be made consistent with all program requirements.

Application Checklist

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

√	What to submit	Form or format	When to submit
	Application for Federal Assistance	Form SF-424, available at http://www.grants.gov/web/grants/forms.html > Page 13	*
	Assurances	Form SF-424B or SF-424D, as applicable, available at http://www.grants.gov/web/grants/forms.html > Page 13	*
	Title page	Page 14	*
	Table of contents	Page 14	*
	Technical proposal:		*
	• Executive summary	Page 14	
	• Technical project description	Page 14	*
	• Evaluation criteria	Pages 17 and 26-36	
	Description of performance measures	Pages 17-18	*
	Environmental/Regulatory Compliance Information	Pages 8-9 and 18–20 and 26-27 and 45-50	*
	Required permits and approvals	Page 20	*
	Funding plan	Page 20-22	*
	Commitment letters	Page 20-22	**
	Project budget proposal:	Page 23	*
	• Budget narrative**	Page 24	*
	• Budget form	Page 27 Form SF-424A or SF-424C, as applicable, available at http://www.grants.gov/web/grants/forms.html >	*

* Submit materials with your application by May 5, 2016, 4:30 p.m. MST.

** Mandatory

Acronyms and Abbreviations

ALC	Agency Location Code
ASAP	Automated Standard Application for Payments
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CPA	Certified Public Accountant
CWA	Clean Water Act
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Awardee Performance and Integrity Information System
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FOA	Funding Opportunity Announcement
FONSI	Finding of No Significant Impact
FWCAP	Fish and Wildlife Coordination Act Program
FY	Fiscal Year
GO	Grants Officer
LCR	Lower Colorado Region
LOPP	Lease of Power Privilege
MA	Management Areas
MST	Mountain Standard Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
P.L.	Public Law
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SAM	System for Awards Management
Service	United States Fish and Wildlife Service
SF	Standard Form
SHPO	State Historic Preservation Office
T&E	Threatened and Endangered
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

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Section I: Funding Opportunity Description

I.A Fish and Wildlife Coordination Act Program Overview

The Bureau of Reclamation (Reclamation), Lower Colorado Region, Yuma Area Office (YAO) is requesting proposals to fund projects for activities in support of their Endangered Species and Environmental Restoration programs in federal Fiscal Year (FY) 2016 (October 1, 2015, through September 30, 2016). The Yuma Area Office (YAO) periodically makes funding available for conducting activities for Threatened and Endangered (T&E) species and their habitats under Section 7(a)1 of the Endangered Species Act (ESA) under the Fish and Wildlife Coordination Act Program (FWCAP). Please see the map below for areas covered under this FOA.



The mission 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. Reclamation has a major responsibility, in partnership with water users, states, and other interested parties, to help improve water resource management and water use efficiency in the western United States. More efficient water use is a key component of Reclamation's water resource management strategy.

I.B Objective of Funding Opportunity Announcement

The objectives are to fund opportunities for collecting monitoring data of the Flat-Tailed Horned Lizard (FTHL) in the Yuma Desert Management Area and to perform habitat restoration or enhancement for riparian bird species (Yuma clapper rail, Southwestern willow flycatcher, yellow-billed cuckoo) in accordance with the FWCA, and to fund opportunities that will improve, protect, and create riparian and wetland habitat for the benefit of T&E species along the Lower Colorado River (LCR) corridor.

I.C Program Authority

This Program is administered in accordance with the authority of the Fish and Wildlife Coordination Act of 1934, Public Law (P.L.) 85-624, 16 U.S.C. 661, et.seq., as amended; as limited by the Secretary of the Interior delegation of authority at 255 DM 14.

The United States Fish and Wildlife Service (Service) proposed listing the FTHL under the Endangered Species Act as threatened species in 1993. The proposal was subsequently withdrawn in 1997. In 2005, the Service announced reinstatement of the 1993 proposed rule but again withdrew the proposal rule on March 15, 2011 (76 FR 14210). In 1997, the species gained protective status on public lands under a conservation agreement signed by several federal and state agencies. The Conservation Agreement “Flat-Tailed Horned Lizard Rangewide Management Strategy” (revised 2003) was prepared to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of the FTHL in five management areas (MA) located in southwestern Arizona and southeastern California.

Section II: Award Information

II.A Total Project Funding

It is anticipated that between one and three cooperative agreements will be awarded under this FOA, depending on the total amount of funding requested by successful proposals and the amount of funding provided in the budget appropriation. The amount of funding available to fund projects through this FOA is \$110,000.

Federal funds provided through this FOA will be available for the full length of the project. Management will evaluate each project to determine whether funding the project as a phased project on an annual (federal fiscal year (FY)) basis would be appropriate (i.e., a phased project would provide part of the funds this FY and the remaining funds in the next FY—recipients will not be asked to reapply to receive funding in the approved future years). Federal FYs are from October 1—September 30. The applicant will be consulted on particulars of any project that is determined to be appropriate for separate annual funding.

II.B Project Funding Limitations

In accordance with the Fish and Wildlife Coordination Act of 1934, Public Law (P.L.) 85-624, 16 U.S.C. 661, et.seq., as amended; as limited by the Secretary of the Interior delegation of authority at 255 DM 14, Reclamation will limit total funding to generally no more than \$60,000 in federal funding to each recipient. All awards are subject to a determination by Reclamation that FY 2016 appropriations are available and that awards can be made consistent with all program requirements.

II.C Reclamation Responsibilities

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:

- **Assistance** for design of plans and reports information.
- **Training** for the recipient's employees and/or reference materials.
- **Collaboration and participation** with the recipient in the management of the project and close oversight of the recipient's activities to assure that the program objectives are being achieved.
- **Oversight** may include review, input, and approval at key interim stages of the project.

At the request of the recipient, Reclamation can provide technical assistance after award of the project. If you receive Reclamation's assistance, you must account for these costs in your budget.

II.D Award Date

Reclamation expects to begin awarding financial assistance agreements to applicants who successfully pass all pre-award reviews and administrative requirements on or before June 1, 2016 with an anticipated activity/project start date on or around July 1, 2016.

Section III: Eligibility Information

III.A Eligible Applicants

Eligible applicants include State and local governments, non-profit organizations and institutions, public and private institutions and organizations, federally recognized Indian Tribal Governments, individuals, small businesses, for-profit organizations, and Native American organizations.

Those not eligible for financial assistance under this FOA include Federal governmental entities, institutions of higher education, and individuals

III.B Eligible Projects

Proposed projects should seek to include conservation and improvement programs, habitat conservation and riparian restoration projects.

All proposals will be ranked upon Evaluation Criteria stated in Section V of this FOA.

III.B.1 Projects to be considered should address one of the following task component areas:

- Wetland and riparian habitat restoration, enhancement, and protection
- Tracking fish and wildlife movement, habitat monitoring, collection and analysis of invertebrates, genetics studies
- Surveying and monitoring of fish and wildlife and salinity studies

III.B.2 Projects to be considered should consider:

- Demonstration of long-term studies of native riparian habitat restoration
- Specific emphasis of plant genetic variation and its effect on community structure
- Demonstrate skill in the propagation and long term survival of Lower Colorado River native
- Methods which will implement FTHL monitoring plan through surveying demographics lots in the Yuma MA. Occupancy plots may also be conducted
- Studies which give inference about distribution and environmental stressors of FTHLs in the MAs. It should provide information on trends and population dynamics of FTHLs in the MAs.

III.C Ineligible Projects

Projects that do not meet the requirements of the FWCAP are not eligible under this FOA.

III.D Length of Projects

Applicants should propose activities/projects that can be completed within two years from the estimated project start date. Projects that are more than two years in length will be evaluated by management to determine whether the project should be funded in separate fiscal years. Any proposals that extends beyond a two-year length shall provide an explanation for the need and can demonstrate that there will be measurable on-the-ground accomplishments each year

III.E Cost-Sharing Requirement

There is no requirement for cost sharing although applicant cost sharing is encouraged.

Cost sharing may be made through cash or in-kind contributions from the applicant or third party partners; however, all cost share contributions must meet the criteria established in the OMB administrative and cost principles circulars applicable to the applicant (see Section VII).

Project costs that have been incurred prior to the date of award of the project may be submitted for consideration as an allowable portion of the recipient's cost share for the project.

Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the authorizing legislation and applicable cost principles (see Section VII).

III.E.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 200.306, available at www.ecfr.gov.

III.E.2 In-Kind Contributions

In-kind contributions constitute the value of noncash contributions that benefit a federally assisted project. These contributions may be in the form of real property, equipment, supplies and other expendable property, as well as the value of goods and services directly benefiting and specifically identifiable to the proposed project or program. The cost or value of 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 FWCAP Grant applications. Applicants should refer to 2 CFR 200.434 for regulations regarding the valuation of in-kind donations and contributions, available at www.ecfr.gov.

III.E.3 Pre-Award Costs

Project pre-award costs that have been incurred prior to the date of award, but after the date of authorization and appropriation for this Program, may be submitted for consideration as allowable costs for the project. In no case will pre-award costs incurred prior to October 1, 2015, be reviewed for consideration for cost share purposes.

For example, such costs might include design or construction plans and environmental compliance costs directly supporting the proposed project. Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the authorizing legislation and applicable cost principles. To be considered allowable, any pre-award costs proposed for consideration under the new awards must comply with all applicable requirements under this FOA. The pre-award costs should be incorporated into the proposal.

III.E.4 Indirect Costs

Indirect costs that will be incurred during the development or construction of a project, which will not otherwise be recovered, may be included as part of the applicant's project budget. Indirect costs are those:

- Incurred for a common or joint purpose benefiting more than one cost objective
- Not readily assignable to any one cost objective

If the applicant has never received a Federal negotiated indirect cost rate, proposals may elect to include a de minimis rate of up to 10 percent of modified total direct costs. Otherwise, if the applicant proposes indirect costs in the budget, then the applicant must either supply a copy of a current federally negotiated indirect cost rate agreement or obtain an agreement within one year of the award. For further information on indirect costs and modified total direct costs, refer to 2 CFR Part 200.414 and 200.68, respectively, available at www.ecfr.gov.

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

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 assure 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 part of an applicant's cost share. These costs will be considered in the ranking of applications.

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

III.G Other Requirements

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

III.G.1 System for Awards Management and Automated Standard Application for Payments Registration

All applicants must be registered in the System for Awards Management (SAM) prior to award under this FOA. Instructions for registering for SAM are located at www.sam.gov/portal/public/SAM. 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.

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) (ALC) and the Data Universal Number System (DUNS) Number prior to the award of funds. If a recipient has multiple DUNS numbers they must separately enroll within ASAP for each unique DUNS Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form and the enrollment mailbox, can be found at www.usbr.gov/mso/aamd/asap.html. Note that if your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

III.G.2 Federal Awardee Performance and Integrity Information System (FAPIIS)

Reclamation, prior to making a Federal award with a total Federal estimated amount greater than the simplified acquisition threshold (currently \$150,000.00), is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). The 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 FAPIIS. Recalamtion will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, 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 §200.205, Federal awarding agency review of risk posed by applicants.

Section IV: Application and Submission Information

Please note: An award to a responsive, responsible applicant for a highly rated and eligible project is anticipated. The applicant shall submit the mandatory application forms (signed by an Authorized Representative), narratives, and attachments including any commitment letters being requested, and which conform to this Funding Opportunity Announcement (FOA).

Reclamation will conduct a meaningful scoring evaluation and recipient background reviews. Failure to submit the information may be cause for a lower evaluation score and a determination that the recipient is non-responsive to the FOA.

IV.A Address to Request Application Package

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

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

By mail: Bureau of Reclamation
Acquisition and Assistance Management Office
Attn: Bonnie Van Veldhuizen, LC-10105
P O Box 61470
Boulder City NV 89006

By email: bvanveldhuizen@usbr.gov

By telephone: 702-293-8551

IV.B Application Submission

IV.B.1 Submission Date and Time

Application submission date deadline:

- May 5, 2016, 4:30 p.m. Mountain Standard Time (MST)

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

Please note that any application submitted to Reclamation for Grant funding may be subjected to a Freedom of Information Act request (5 United States Code § 552, as Amended by

P.L. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website after any redactions determined necessary by Reclamation, in consultation with the Recipient as needed.

IV.B.2 Application Delivery Instructions

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

By mail: Bureau of Reclamation
Acquisition and Assistance Management Office
Attn: Bonnie Van Veldhuizen, LC-10105
P O Box 61470
Boulder City NV 89006

**By courier or express delivery/
mail services:** Bureau of Reclamation
Acquisition and Assistance Management Office
Attn: Bonnie Van Veldhuizen, LC-10105
500 Fir Street
Boulder City NV 89005
Telephone: 702-293-8551

IV.C Instructions for Submission of Project Application

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

IV.C.1 Applications Submitted by Courier or Express Delivery/Mail Services

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

- Applicants shall submit an original of all application documents for hardcopy submissions. Each document should be clearly identified as the “ORIGINAL” or as a “COPY.”
- Please only staple or binder clip documents submitted.
- Hard copy applications may be submitted by mail or express methods to the addresses listed in Section IV.B.2, above.

- 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 and 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.

IV.C.2 Applications Submitted Electronically

If the applicant chooses to submit an electronic application it must be submitted through Grants.gov at <www.grants.gov>. Reclamation encourages applicants to submit their applications for funding electronically through <www.grants.gov/applicants/apply_for_grants.jsp>. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: < http://www.grants.gov/applicants/apply_for_grants.jsp >.

- 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 < http://www.grants.gov/applicants/apply_for_grants.jsp >.
- Applicants have sometimes experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov, you are encouraged to submit your application several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help desk to obtain a “Case Number.” This Case Number will provide evidence of your attempt to submit an application prior to the submission deadline. For Grants.gov Help Desk contact information, please see < <http://www.grants.gov/web/grants/support.html> >

If the applicant submits a proposal via www.grants.gov electronic filing, please notify Reclamation by sending an email to Bonnie Van Veldhuizen at bvanveldhuizen@usbr.gov, so that the proposal is not missed. However the email to Ms. Van Veldhuizen does not serve as submission of the applications it is still the responsibility of the applicant to assure that the proposal is received by Reclamation either through grants.gov or hard copy by the due date.

Regardless of the delivery method used, you must assure that your proposal arrives by the date and time deadline stated in Section IV.B.1 – Application Submission Date and Time, above. Late applications will not be accepted unless it is determined that the delay was caused by Federal government mishandling or by a problem with the Grants.gov application system.

IV.C.3 Application Format and Length

The Project Narrative/Technical Proposal shall be limited to **seven (7), one sided, single spaced**, 8-1/2 X 11 inch pages, excluding any forms required in these instructions. The font used should be easy to read and at least 11 points in size. The Standard Form (SF) 424 (used as the cover sheet), Assurances (Standard Form 424B or D, as applicable), Budget Form (Standard Form 424A or C), blank pages, title pages, blueprints, Appendices, environmental compliance documentation, budget narrative, funding plans, and table of content pages, will not be counted towards the fifteen (15) page limit. All pages shall be consecutively numbered, including tables, appendices, and exhibits.

Do not include a cover letter, organization literature, and/or brochures with your proposal. **Do not** place proposals in binders or plastic covers.

Applications will be prescreened for compliance to the page number limitations. If the proposal narrative exceeds seven pages, only the first seven pages will be evaluated.

IV.C.4 Application Content

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

- SF-424 Application for Federal Assistance
- SF-424A or SF-424C Budget Information Form (as applicable to project)
- SF-424 Assurances (B or D Form, as applicable to the project)
- Title page
- Table of contents
- Technical proposal and evaluation criteria (limited to 7 pages)
 - Executive summary
 - Background data
 - Technical project description
 - Evaluation criteria
 - Performance measures
 - Environmental and cultural resources compliance
- Project budget
 - Funding plan and letters of commitment
 - Budget proposal
 - Budget narrative

SF-424, SF-424A, SF-424B, SF-424C and SF-424D forms may be obtained at <
<http://www.grants.gov/web/grants/forms.html> >.

IV.D.1 Required Forms

The application must include the following standard Federal forms:

- **SF-424 Application For Federal Assistance**

This fully completed form must be signed by a person legally authorized to commit the applicant to performance of the project. ***Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.***

- **SF-424 Assurances**

A SF-424B – Assurances – Non-Construction Programs or an SF-424D – Assurances – Construction Programs, signed by a person legally authorized to commit the applicant to performance of the project shall be included. Questions regarding whether to use SF-424B or SF-424D should be referred to Ms. Bonnie Van Veldhuizen at bvanveldhuizen@usbr.gov. ***Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.***

IV.D.2 Title Page

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

IV.D.3 Table of Contents

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

IV.D.4 Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (15 pages maximum) includes: (1) the executive summary, (2) background data, (3) technical project description, (4) evaluation criteria, and (5) performance measures. To assure accurate and complete scoring of your application, your proposal should address each subcriterion in the order presented here.

- **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 project funds will be used to accomplish specific project activities and briefly identifies how the proposed project contributes to accomplishing the goals of this FOA (see Section III.B - Eligible Projects)
- State the length of time and estimated completion date for the project

- **Technical Project Description**

The technical project description should include:

- **Task Area** - On a separate line, on the first page of the Project Narrative, clearly identify which task area component will be addressed through the proposed activity/project. To assure your proposal receives the points it deserves, applicants are strongly encouraged to explain how your proposed project relates to the Evaluation Criteria outlined in Section V. DO NOT attempt to address ALL of the criteria. Applicants must select the ONE task area component that most directly applies to the proposed activity/project and must address the criteria for that ONE selected area component. If your project has aspects of more than one emphasis area, you must choose which one is the better fit or best describes the primary reason for the project.
- **Background** - Briefly discuss the background and location of your organization. Identify the purpose and objective of the proposed project, and identify whether the project is a component of an approved conservation or management plan. Include a map showing the location of the proposed project.
- **Technical Work** - Describe – in detail –the technical work to be carried out. Applicants should break out the proposed work into major tasks/milestones, and discuss the approach and evaluation techniques that will be used to accomplish the proposed work. This discussion should provide sufficient detail to permit a comprehensive evaluation of the proposal and its outcomes. If applicable, include engineering plans, designs, and analyses as part of the proposal. These plans and designs should be included as an Appendix of the proposal. Multi-year applications should include such information for each year of the proposed activity.
- **Project Schedule** - Provide the anticipated schedule with milestone completion dates for the project by identifying the anticipated start and end dates of all major stages/tasks/milestones of the project proposal. Explain any variations from proposed start dates shown in Section II.D., under Anticipated Award Date. Multi-year applications should include such information for each year of the proposed activity.

Milestone/Task/Activity	Planned Start Date	Planned Completion Date

- **Performance Measures** - Describe the anticipated benefit(s) and “performance measures” for each proposed task. The “performance measures” refer to the means by which the applicant will quantify actual project benefits, including water conserved, water better managed, or water marketed. Note: The performance measure(s) suggested in the proposal may be written into the award for future monitoring results. Estimates of expected project life should be included. Also, provide a detailed description of how the applicant will verify benefits achieved.

- **Evaluation Criteria**

(See Section V for a detailed description of each criterion and subcriterion and points associated with each.) The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal.

It is suggested that applicants copy and paste the evaluation criteria and subcriteria in Section V into their applications to assure that all necessary information is adequately addressed. As identified above, the applicant should only address criteria from the component that pertains to the proposed project.

IV.D.5 Environmental and Cultural Resources Compliance

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on 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. Additional information about environmental compliance is provided in Section IV.D.4 - Project Budget under the discussion of “Environmental and Regulatory Compliance Costs,” and in Section VIII.B - Overview of Environmental and Cultural Resources Compliance Requirements.

If you have any questions, please contact your regional or area Reclamation office (see < <http://www.usbr.gov/lc/yuma/> >) with questions regarding ESA compliance issues. You may also contact Mr. Nicholas (Nick) Heatwole by telephone at 928-343-8111 or email nheatwole@usbr.gov for further information.

- 1) Will your activity/project impact the surrounding environment (i.e., soil [dust], air, water [quality and quantity], animal habitat, etc.)? It is especially important to address this if any activities will be performed that include surface disturbance—this includes access

points and roads. If so, please explain the impacts and any steps that could be taken to minimize the impacts.

- 2) 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?
- 3) Are there wetlands or other surface waters inside the activity/project boundaries that potentially fall under Clean Water Act jurisdiction as “waters of the United States”? If so, please estimate and describe any impact your activity/project will have.
- 4) If the project affects any structures, when were the structures constructed? Facilities, including irrigation systems, dams, etc., that are 50 years old or older meet the minimum basic requirement for consideration for eligibility for listing on the National Register of Historic Places. Your answers to this will help us understand whether this applies to the proposed project.
- 5) If your activity/project will affect individual features of an irrigation system (e.g., headgates, canals or flumes), state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
- 6) Are any buildings, structures, or features in your 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 you in answering this question, if needed.
- 7) Are there any known cultural resources sites in the proposed activity/project area?
- 8) Will the project have a disproportionately high and adverse effect on low income or minority populations?
- 9) Have any NEPA documents, biological assessments, biological opinions, cultural reports already been prepared for this action (e.g., programmatic EA or EIS, biological opinion, etc.) or similar actions in the area? If yes, please identify.
- 10) Applicants must obtain all required approvals and permits, and shall coordinate and obtain any approvals required from site owners and operators. Please state whether any other Federal (e.g., 401, 404, etc.), state, county, municipality permits or approvals are required and explain the applicant’s plan for obtaining such permits or approvals.
- 11) Project Location should be provided, including a legal description with Section, Township, Range, State, County and City where the activity or project will take place. Also, USGS topographic map(s), other land status map(s), engineering drawing(s)/plat map(s), vicinity, plan view, and elevation depictions may be required in order to establish

the area and scope of the direct, indirect, and cumulative impacts of the activity or project.

Answers provided to the above questions will aid in the completion of this important requirement.

Environmental compliance must be completed for all projects selected for award, no matter how slight the disturbance of the environment appears. Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a project before environmental 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. An applicant that proceeds before environmental compliance is complete may risk forfeiting Reclamation funding under this FOA.

IV.D.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.

Reclamation may also require additional reviews and approvals prior to award to assure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 Code of Federal Regulations (CFR) §429, and that the development will not impact or impair project operations or efficiency.

IV.D.7 Project Budget

The project budget includes: (1) Funding Plan and Letters of Commitment, (2) Budget Proposal, (3) Budget Narrative, and (4) Budget Form.

- **Funding Plan and Letters of Commitment**

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

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

- 1) The amount of funding commitment
- 2) The date the funds will be available to the applicant
- 3) Any time constraints on the availability of funds
- 4) Any other contingencies associated with the funding commitment.

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

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

The funding plan must include all project costs, as follows:

- 1) How you will make your contribution to the cost share requirement, such as monetary and/or in-kind contributions and source funds contributed by the applicant (e.g., reserve account, tax revenue, and/or assessments).
- 2) Describe any in-kind costs incurred before the anticipated project start date that you seek to include as project costs. Include:
- 3) What project expenses have been incurred
 - a) How they benefitted the project
 - b) The amount of the expense
 - c) The date of cost incurrence
- 4) Provide the identity and amount of funding to be provided by funding partners, as well as the required letters of commitment.
- 5) Describe any funding requested or received from other Federal partners. Note: other sources of Federal funding may not be counted towards your 50 percent cost share unless otherwise allowed by statute.
- 6) Describe any pending funding requests that have not yet been approved, and explain how the project will be affected if such funding is denied.

Please include the following chart (Table 1) to summarize your non-Federal and other Federal funding sources. Denote in-kind contributions with an asterisk (*).

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

Funding sources	Funding amount
Non-Federal entities	
<i>Non-Federal subtotal:</i>	
Other Federal entities	
<i>Other Federal subtotal:</i>	
<i>Requested Reclamation funding:</i>	
<i>Total project funding:</i>	

- **Budget Proposal**

The project budget shall include detailed information on the categories listed below and must clearly identify all project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors. Additionally, applicants shall include a narrative description of the items included in the project budget, including the value of in-kind contributions of goods and services provided to complete the proposed project. It is strongly advised that applicants use the budget proposal format shown below on tables 2 and 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 2.—Funding sources

Funding sources	Percent of total project cost	Total cost by source
Recipient funding		\$ -
Reclamation funding		\$ -
Other Federal funding		\$ -
Totals	0%	\$ -

Table 3. —Sample Budget Format

Please note: The format as outlined in this budget is optional and is being offered as an example. This is only a sample budget format. You may use this format or submit the information in a different format which provides a detailed breakdown of costs and need justification for budgets presented in the SF-424A; however, if you do, be sure you discuss all essential cost elements, estimated costs, and cost-share ratios for your project.

Contracts should be broken out into specific line items. You may attach a separate, detailed budget for each contract to adequately address all contractor budget items.

Budget Item Description	Computation		Recipient Share	Reclamation Share	Total Cost
	\$/Unit and Unit	Quantity			
SALARIES and WAGES					
Supervisor	\$50/hr.	100	\$5,000		\$5,000
Staff (2 emp. @ \$12.50/hr.)	\$25/hr.	200	\$5,000		\$5,000
FRINGE BENEFITS	20%		\$2,000		\$2,000
TRAVEL					None
EQUIPMENT USE					
595 Excavator	\$85/hr.	200	\$17,000		\$17,000
780 Case backhoe	\$85/hr.	250	\$21,250		\$21,250
Transport truck	\$1.75/mi.	1000	\$1,750		\$1,750
Pickups	\$.40/mi.	3000	\$1,200		\$1,200
SUPPLIES/MATERIALS					
48B50 RCP (line pipe)	\$90/L.F.	1,000		\$90,000	\$90,000
36B50 RCP (line pipe)	\$60/L.F.	500		\$30,000	\$30,000
12" Flanged outlets from RCP	\$3,000/ea	10		\$30,000	\$30,000
24" Flanged outlets from RCP	\$4,000/ea	3		\$12,000	\$12,000
36" Flanged outlets from RCP	\$6,000/ea	1		\$6,000	\$6,000
12" Butterfly valves	\$1,500/ea	10		\$15,000	\$15,000
12" Open propeller flow meter	\$1,400/ea	10		\$14,000	\$14,000
CONTRACTUAL					
Engineering Consultant	\$48,000/L.S.	1	\$48,000		\$48,000
Jacking under Alamo Rd (50 ft)	\$35,000 L.S.	1	\$35,000		\$35,000
Removal and salvage (check structures)	\$100/ C.Y.	6	\$600		\$600
Rehabilitate field delivery wells	\$500/ea	10	\$5,000		\$5,000
Environmental mitigation	\$5000/L.S.	1	\$5,000		\$5,000
OTHER					
Contingencies (construction contract only)	10%		\$14,880		\$14,880
Environment/Regulatory Compliance	L.S.	\$20,000	\$20,000		\$20,000
TOTAL DIRECT COSTS			\$181,680	\$197,000	\$379,680
INDIRECT COST	12%		\$45,562		\$45,562
TOTAL PROJECT COSTS			\$227,242	\$197,000	\$424,242

- **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. Include the value of in-kind contributions of goods and services and sources of funds provided to complete the proposed project. The types of information to describe in the narrative include, but are not limited, to those listed in the following subsections.

Salaries and Wages

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

Include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see Section VI.D.2 – Program Performance Reports for information on types and frequency of reports required.

Clearly identify any proposed salary increases and the effective date.

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

Indicate rates/amounts, what costs are included in this category, and the basis of the rate computations. Indicate whether these rates are used for application purposes only or whether they are fixed or provisional rates for billing purposes. Federally approved rate agreements are acceptable for compliance with this item.

Travel

Include purpose of 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.

Equipment

Itemize costs of all equipment having a value of over \$5,000 and include information as to the need for this equipment, as well as how the equipment was priced if being purchased for the

agreement. If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased for the project. If equipment currently owned by the applicant is proposed for use under the proposed project, and the cost to use that equipment is being included in the budget as in-kind cost share, provide the 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. If these rates are not available, the U.S. Army Corp of Engineer's recommended equipment rates for the region are acceptable. Blue book, Federal Emergency Management Agency (FEMA), and other data bases should not be used.

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 (e.g., quotes, past experience, engineering estimates, or other methodology).

Contractual

Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. If a subrecipient, consultant, or contractor is proposed and approved at time of award, no other approvals will be required. Any changes or additions will require a request for approval. Identify how the budgeted costs for subrecipients, consultants, or contractors were determined to be fair and reasonable.

Environmental and Regulatory Compliance Costs

Applicants must include a line item in their budget to cover environmental compliance costs. "Environmental compliance costs" refer to costs incurred by Reclamation or the recipient in complying with environmental regulations applicable to a FWCAP Grant, including costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, ESA, NHPA, and the CWA, and other regulations depending on the project. Such costs may include, but are not limited to:

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

- The cost incurred by the recipient in acquiring any required approvals or permits, or in implementing any required mitigation measures

The amount of the line item should be based on the actual expected environmental compliance costs for the project. However, the minimum amount budgeted for environmental compliance should be equal to at least 1 to 2 percent of the total project costs. If the amount budgeted is less than 1 to 2 percent of the total project costs, you must include a compelling explanation of why less than 1 to 2 percent was budgeted.

How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the project, if appropriate.

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 what it will be used for. No profit or fee will be allowed.

Indirect Costs

Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles in 2 CFR Subpart E. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has separate rates for recovery of labor overhead and general and administrative costs, each rate shall be shown. The applicant should propose rates for evaluation purposes, which will be used as fixed or ceiling rates in any resulting award. Include a copy of any federally approved indirect cost rate agreement. If a federally approved indirect rate agreement is not available, provide supporting documentation for the rate. This can include a recent recommendation by a qualified certified public accountant (CPA) along with support for the rate calculation.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a de minimis rate of 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR Part 200 available at www.ecfr.gov.

If you do 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 Interior, the National Business Center, and Indirect Cost Services, at < <https://www.doi.gov/ibc/services/finance/indirect-cost-services> >.

Total Costs

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

- **Budget Form**

In addition to the above-described budget information, the applicant must complete an SF-424A, Budget Information—Nonconstruction Programs, or an SF-424C, Budget Information—Construction Programs. These forms are available at <
<http://www.grants.gov/web/grants/forms.html> >.

IV.E Funding Restrictions

See Section III.E.3 – Preaward Costs for restrictions on incurrence and allowability of pre-award costs.

Section V: Application Review Information

V.A Technical Proposal: Evaluation Criteria

All applications will be evaluated and selected on a competitive basis. During the evaluation process, all applications will be given a score based upon the overall merit of the proposals. The exact number of agreements to be funded will depend upon available funds. The evaluation criteria portion of your application should thoroughly address each of the following criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal. (Note: it is suggested that applicants copy and paste the below criteria and subcriteria into their applications to assure that all necessary information is adequately addressed).

In order to evaluate the proposal, the applicant must identify the task area component for the proposed activity/project. If there is more than one type of task area component in the proposed work, please select the ONE that depicts the primary purpose of the activity/project. The following are the types of task areas and prospective points available for each:

V.A.1 Project

Methods for determining population and trends and/or wetland and riparian habitat improvement and restoration plan – **30 Points Available**

V.A.2 Goals and Objectives

The extent to which the stated goals and objectives and methods are specific, measurable, appropriate and realistic to achieve within the time and budget proposed – **30 Points Available**

V.A.3 Demonstration

The proposal identifies how it will meet the FWCAP strategy's planning action – **20 Points Available**

V.A.4 Personnel and Institutional Qualifications

Past experience to demonstrate capability and capacity of the principal investigator(s), staff, and laboratory, and their experience bringing similar projects to completion on time and within budget, especially over the past two years – **20 Points Available**

V.B Review and Selection Process

All applications will be initially screened for eligibility and compliance with the requirements stated in the program funding announcement. Applications passing this screening process will be forwarded for review by a proposal evaluation panel comprised of qualified experts in the

program area. Applications will be reviewed against the proposal evaluation criteria, and any additional review factors, as stated in the funding announcement. Final selection will be determined by the Commissioner, Bureau of Reclamation, or regional officials, as applicable to the project.

The Government reserves the right to reject any and all applications which do not meet the requirements of this FOA or which are outside the scope of FWCAP Grants. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program tasks listed in Section III.B - Eligible Projects. The evaluation process will be comprised of the steps described in the following subsections.

V.B.1 Initial Screening

All applications will be screened to assure that:

- The applicant meets the eligibility requirements stated in this document.
- The application meets the requirements of the FOA package, including submission of technical and budget proposals, a funding plan, and related forms that are prepared in accordance with the instructions stated in this document.
- The application contains a properly executed SF-424 Application for Financial Assistance and a form SF-424B, Assurances—Non-Construction Programs, or SF-424D, Assurances—Construction Programs.
- The project can be accomplished within 24 months. For multi-year proposals, the project will accomplish measurable on-the-ground improvements annually.

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.

V.B.2 Application Review Committee (ARC) Review

If the proposed activity/project meets the first level screening, then a review is conducted by the technical review committee. This evaluation committee is comprised of the Yuma Area Office Program Manager and other technical specialists to document and rank proposals based on the evaluation criteria listed above. Technical factors will comprise 100 points of the total evaluation weight. Individual technical factors, and significant sub-factors, are described in Section V.A above, with their respective evaluation weights.

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

V.B.3 Managerial Review

Management will prioritize projects to assure the total amount of all awards does not exceed available funding levels. Management will also assure that all projects meet the scope, priorities, and requirements of FWCAP. Management may also prioritize projects to assure that multiple project types are represented and that there are at least two grants funded in each area office. Area office locations can be found at < <http://www.usbr.gov/lc/area.html> >.

V.C Pre-Award Clearances and Approvals

After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration and will forward their applications to the appropriate Reclamation regional or area office for completion of environmental compliance.

The local Reclamation office will also complete a business evaluation and determination of responsibility. During these evaluations, the Grants Officer (GO) will also consider several factors which are important, but not quantified, such as:

- Pre-award clearances, determinations, reviews, and approval
- Allowability, allocability and reasonableness of proposed costs
- Financial strength and stability of the organization
- 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 (2 CFR Part 200.317-323); and accounting policies and procedures.

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 date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

Section VI: Award Administration Information

VI.A Award Notices

Successful applicants will receive, by electronic or regular mail, a notice of intent to award. This notification is not an authorization to begin performance of the project. An official Notice of Award is the authorizing document signed by the Grants Officer (GO) and the Recipient. Unsuccessful applicants will be notified that their proposal was not selected for award.

VI.B Award Document

If the applicant is awarded a financial assistance agreement as a result of this FOA, the proposed project and other relevant information (e.g., expected water savings) from the application will be referenced in the agreement. The agreement document must be signed by a Reclamation GO before it becomes effective. The cost principles, administrative requirements and audit requirements are found at the Grants Management circular website: http://www.whitehouse.gov/omb/rewrite/grants/grants_circulars.html. The terms and conditions are found at <http://www.doi.gov/pam/TermsandConditions.html>.

VI.C Releasing Applications

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

VI.E Reporting Requirements and Distribution

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

VI.E.1 Financial Reports

Form SF-425 - Federal Financial Report must be submitted on at least a semiannual basis and with the final program performance report.

VI.E.2 Program Performance Reports

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

- Quarterly/semi-annual/annual reports, including, but not limited to, the following information:
 - A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period or the SF-PPR Cover Page.
 - The reasons why established milestones were not met or SF-PPR-A, if applicable.
 - The status of milestones from the previous reporting period that were not met, if applicable or SF-PPR-E.
 - 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.

All SF-PPR forms are only suggested formats. They are not required forms. You can find them at http://georgewbush-whitehouse.archives.gov/omb/grants/grants_forms.html

- Final report, including, but not limited to, the following information (please note that final reports are public documents and will be made available on Reclamation's website):
 - Whether the project objectives and goals were met

VI.F Award Terms and Condition for Recipient Integrity and Performance Matters

If the total value of the recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of a financial assistance agreement issued under this FOA, then the recipient during that period of time must maintain the currency of information reported to SAM that is made available in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of P.L. 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of P.L. 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

VI.F.1 Proceedings Which Must Be Reported

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

- b. Reached its final disposition during the most recent five year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

VI.F.2 Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

VI.F.3 Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

VI.F.4 Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes:
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Section VII: Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this FOA may ***direct questions to Reclamation in writing***. Questions may be submitted to the attention of Bonnie Van Veldhuizen, Grants Management Specialist, as follows:

By mail: Bureau of Reclamation
Acquisition and Assistance Management Office
Attn: Bonnie Van Veldhuizen, LC-10105
P O Box 61470
Boulder City NV 89006

By email: bvanveldhuizen@usbr.gov

By telephone: 702-293-8551

Section VIII: Other Information

VIII.A Overview of Environmental and Cultural Resources Compliance Requirements

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

Before approving expenditures for the implementation of a FWCAP Grant project, Reclamation is required to comply with applicable environmental laws. Such compliance requires the participation and cooperation of both Reclamation and FWCAP Grant recipients. This information is intended to inform applicants about the environmental compliance process associated with FWCAP Grant projects and to summarize the requirements of certain Federal environmental laws.

Reclamation addresses environmental compliance issues for FWCAP Grant applications as 1) an initial review and 2) a more detailed view of projects initially recommended for award. First, as part of the initial recommendation process, Reclamation evaluates the appropriateness of the amount budgeted for environmental compliance. Reclamation also examines the proposal to determine whether any significant environmental issues are involved in the project. Second, once a proposal has been initially recommended for funding, Reclamation undertakes a more detailed examination of environmental issues associated with the proposed project to comply with applicable law.

VIII.A.1 Review within the Application Evaluation Process

In the evaluation and selection process, Reclamation performs an initial review of the FWCAP Grant applications for potential environmental issues. At this stage, Reclamation's review is focused on whether:

- The applicant has budgeted appropriately for environmental compliance
- Any significant environmental issues (i.e., issues that would make the project infeasible) are apparent

Applicants for FWCAP Grant funding must include a line item in their budget estimating the cost of environmental compliance for their project. The amount budgeted should be based on the actual expected environmental compliance costs, but should be equal to at least 1 to 2 percent of the total project costs. If less than 1 to 2 percent is budgeted, you must provide justification. Applications will be scored based on whether the amount budgeted appears reasonable.

Environmental compliance costs that are included in your budget proposal are considered project costs and may be cost shared by the recipient and Reclamation.

Any actual costs above the amount that you budgeted for must generally be paid for solely by you. If too much is budgeted for environmental compliance, any remaining funding may generally be reallocated to cover other project costs.

Environmental compliance costs have varied greatly for past projects. A minimal number of projects have incurred environmental compliance costs over the 1 to 2 percent budgeted amount. In each of those cases, the overage has been the result of issues involving historic properties, the presence of endangered species, or other compliance concerns requiring a more lengthy assessment of specific issues.

In addition to budgeting for environmental costs, the FOA requests that applicants for FWCAP Grant project funding answer a series of questions about the potential environmental impacts of their proposed project. In general, applications will not be scored lower in this first step of the environmental review based on the significance of the environmental issues involved. Rather, the information about environmental impacts is used by Reclamation primarily to determine if the you have budgeted appropriately. However, in some extreme cases, a proposal may be eliminated from further consideration at this stage if the magnitude of the environmental issues would make the project infeasible.

VIII.A.2 Review of Initially Recommended Projects

If a proposal is initially recommended for funding, a detailed analysis will be performed to determine the actual environmental impacts of the project, to agree on any mitigation measures needed, and to document environmental compliance. The recipient will then work with Reclamation to provide the information necessary for Reclamation to complete the environmental compliance work.

To the extent possible, environmental compliance will be completed before a cooperative agreement is signed by the parties. In all other cases, **the award will be made contingent on completion of environmental compliance.** The assistance agreement will describe how compliance will be carried out and how it will be paid for. FWCAP Grant funding may not be applied to construction or implementation of the project itself unless and until this second level of environmental analysis is completed to comply with all applicable environmental laws.

VIII.A.3 Overview of Relevant Environmental Laws

Following is a brief overview of NEPA, NHPA, and ESA. While these statutes are not the only environmental laws that may apply to FWCAP Grant projects, 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 of a FWCAP Grant award. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your projects and to help you budget appropriately for the associated compliance costs.

- **National Environmental Policy Act (NEPA)**

The National Environmental Policy Act 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 a FWCAP Grant project, 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 Departmental CE or documentation of a Reclamation CE using a Categorical Exclusion Checklist (CEC). If a CE is being considered, Reclamation will have to determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process takes 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, 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 Environmental Impact Statement (EIS) and Record of Decision (ROD). 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 who have 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 < <http://www.usbr.gov/lc/yuma/> > with questions regarding NEPA compliance issues. You may also contact Mr. Nicholas (Nick) Heatwole by telephone at 928-343-8111 or email nheatwole@usbr.gov for further information.

- **National Historic Preservation Act (NHPA)**

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 award a FWCAP Grant. “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, FWCAP Grant recipients 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 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; and, if the project would have an adverse effect, 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 FWCAP Grants 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, FWCAP Grant 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.

- **Endangered Species Act (ESA)**

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 assure 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 FWCAP Grant 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 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, 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 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.

- Obviously, 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.

Endangered Species Act compliance is often conducted parallel to the NEPA compliance process and, as in the case of categorical exclusion checklists, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff, who can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. You are encouraged to contact your regional or area Reclamation office (see < <http://www.usbr.gov/lc/yuma/> >) with questions regarding ESA compliance issues. You may also contact Mr. Nicholas (Nick) Heatwole by telephone at 928-343-8111 or email nheatwole@usbr.gov for further information.