



— BUREAU OF —
RECLAMATION



Notice of Funding Opportunity No. R22AS00650

Central Valley Project Habitat & Facility Improvements

FY2022

YEAR 2 – FY2023

FY2024



U.S. Department of the Interior
Bureau of Reclamation
Interior Region 10
California Great Basin

Jul 2022

Mission Statements

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

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

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

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Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Interior Region 10, California Great Basin
Funding Opportunity Title:	Central Valley Project Habitat & Facility Improvements
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	BOR-CGB-21-F007
Catalog of Federal Domestic Assistance (CFDA) Number:	USBR Assistance Listing Number: 15.512 USFWS Assistance Listing Number: 15.648
Dates: (See NOFO Sec. D.4)	This NOFO covers three application submittal periods – FY2022, FY2023, and FY2024. Year 1 - Application due date for Fiscal Year (FY) 2022 funding: Nov 30, 2021, at 5:00 p.m. Pacific Standard Time Year 2 - Application due date for Fiscal Year (FY) 2023 funding: Roughly Nov14, 2022, at 5:00 p.m. Pacific Standard Time Year 3 - Application due date for Fiscal Year (FY) 2024 funding: Roughly Sep 30, 2023, at 5:00 p.m. Pacific Standard Time Reclamation reserves the right to alter the due dates for Fiscal Year 2024. Please contact the Agency Contact (Section G-2 Program Coordinator Contact) for updates on due dates. Funding available for applications 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 ¹ , an Indian tribe, or a non-profit ² entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values. Title 34, Public Law 102-575 – Section 3407(e) - Funding to Non-Federal Entities.
Recipient Cost Share: (See NOFO Sec. C.2)	A 50% or greater non-Federal cost share is required for small pumps/screening applications or projects (Infrastructure Improvement). [P.L. 102-575 Title 3406(b)(19)]. There is no cost-share for projects/applications using other CVPIA authorities.
Federal Funding Amount: (See NOFO Sec. B)	Up to \$10,000,000 per agreement for an application containing project(s) that can be completed within five years. Not to exceed total value of \$40M in each of the three FY (2022, 2023, 2024). Overall total not to exceed \$120M.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B)	Not to exceed total value of \$40M in any funding year – a combination of applications that cumulatively do not exceed \$40M in funding.
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 https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf .

¹ Includes state funded universities.

² Does NOT have to be a 501(c3) to qualify as a 'non-profit'.

Application Checklist

The following table contains a summary of the information that the applicant is required to submit with the application.

√	What to Submit	Required Content	Form or Format	When to Submit
	Required Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424 Application for Federal Assistance SF-424C budget information for construction programs (SF-424C&D) SF-424D assurance for construction programs SF-LLL disclosure of lobbying activities (if applicable) 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:		Overall, an application has to have the following: Scope of Work (SOW) Budget Timeline/Milestones/Project(s) Schedule/GANTT Chart	*
	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 17	*
	Budget proposal	See Sec. D.2.2.5	Page 18	*
	Budget narrative	See Sec. D.2.2.5	Page 19	*
	Milestones/Project Schedule	See Sec. D.2.2.6		*
	Required permits or approvals	See Sec. D.2.2.7		*
	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 exception approval requirements.

Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
BACI	Before-After-Control-Impact design
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
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
NOFO	Notice of Funding Opportunity
FOIA	Freedom of Information Act
FY	Fiscal Year
NTRS	Near-Term Restoration Strategy
P.L.	Public Law
PMT	Project Management Team
Reclamation	US Bureau of Reclamation
Service	US Fish and Wildlife Service
ROD	Record of Decision
SAM	System of Award Management
SF	Standard Form
SIT	CVPIA Science Integration Team
SOW	Statement of Work
SPOC	Single Point of Contact
U.S.C.	United States Code
UEI	Unique Entity Identifier

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Section A. Funding Opportunity Description

A.1. Program Information

The rivers of the Central Valley of California support populations of Fall Run Chinook, Spring Run Chinook, and Winter Run Chinook salmon (*Oncorhynchus tshawytscha*) and Steelhead Trout (*O. Mykiss*). Water resources development, stream channel manipulations, and other anthropogenic actions have reduced and modified historical salmonid habitats. Gravel is regularly transported from spawning sites on the river and there is less utilizable rearing habitat. Infrastructure entrains juveniles, impairs passage, and increases susceptibility to predation.

Relevant purposes of the Central Valley Project Improvement Act (CVPIA) include:

- To protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;
- To address impacts of the Central Valley Project (CVP) on fish, wildlife and associated habitats;
- To improve the operational flexibility of the CVP;
- To achieve a reasonable balance among competing demands for use of CVP water, including the requirements of fish and wildlife, agricultural, municipal and industrial and power contractors.

Moreover, the Program seeks to implement the Biden-Harris administrations priorities through the following Executive Orders:

Executive Order 14008: Tackling the Climate Crisis at Home and Abroad - Directs, which directs the Department and other Federal agencies to prioritize efforts to support land conservation and biodiversity efforts.

Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities through the Federal Government – Federally recognized tribes are eligible to apply under this NOFO.

Executive Order 14005 – Ensuring the Future is Made in All of America by All of America’s Workers – This NOFO relies on US-based non-profits, tribes, and California state agencies. Through this action Reclamation and the Service will also ensure that Tribes and Tribal organizations are eligible to participate, consistent with underlying law (*P.L. 102-575, Title XXXIV, Central Valley Project Improvement Act, Section 3407(e)*), and receive appropriate technical assistance if required.

Through this Notice of Funding Opportunity, the Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service (Service) may provide funding for projects that enhance Chinook salmon and Steelhead trout production

and associated habitats in the Central Valley, consistent with *Public Law (P.L.) 102-575, Title XXXIV, Central Valley Project Improvement Act, Section 3406(b), and 3407(e)* and the 2020 Record of Decision (ROD) implementing the 2019 Proposed Action and Incidental Take Statements for the Long Term Operation of the CVP and SWP (Coordinated Long-Term Operation of the Central Valley Project and State Water Project (https://www.usbr.gov/mp/nepa/includes/documentShow.php?Doc_ID=24295)).

A.2. Objective of this Notice of Funding Opportunity

The objective of this NOFO is to execute the collaborative planning efforts for salmon in the ROD that rely on the CVPIA and the Science Integration Team (SIT) supporting implementation of the Fish Resource Area of the CVPIA. The SIT Fundamental Objectives for the CVPIA Fish Resource Area are:

1. Increasing the total salmonid juvenile biomass at Chipps Island
2. Increasing the natural adult production of salmonids, and
3. Increasing spatial diversity of target salmonid species

Reclamation and the Service define these objectives as benefits to Chinook salmon (fall-run, spring-run, and winter-run) and Steelhead trout. Actions that increase juvenile biomass production at Chipps Island and/or increase natural adult production have a positive benefit.

Actions are types of Projects. Applicants propose Projects. 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 Central Valley rivers 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 (spawning sized) substrate;
- Provide passage to and from disconnected habitats;
- Improve facilities by reducing their impact on fish survival and growth rates, such as inclusion of fish screens on diversions, modifications to allow for broader range of operation, increased frequency of operation, or to reduce the incidence of predation at a facility.
- Other actions that show a clear indication of improving growth & survival of Fall Run, Spring Run, or Winter Run Chinook salmon, and Steelhead trout.
- Conduct pre-and post-project site surveys, per the CVPIA SIT Tier 1 (<http://cvpia.scienceintegrationteam.com/about/>) Monitoring guidance, and monitoring to document the effectiveness of projects at improving salmonid habitat; and
- Coordinate activities with a local watershed restoration group or an interagency restoration group consisting of agencies and local stakeholders.

Applications will be selected through a competitive process that will focus on achieving the outcomes identified in this NOFO. That process is described in Section E, Application Review Information.

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, Section 3406(b) and 3407(e).

Section B. Award Information

B.1. Total Funding

Up to \$120 million, to be awarded at a maximum of \$40 million in each of the three fiscal years 2022, 2023, and 2024, is available for award under this NOFO. Applications will be solicited in each of the three fiscal years.

B.2. Funding Limitations

Up to \$40 million in Federal funds could be available in fiscal year (FY) 2023, with roughly \$40 million more available in FY2024. No single application estimated to cost more than \$10 million in Federal funds will be funded in any fiscal year. Funds are limited to eligible applicants. See Section C.1 Eligible Applicants for more information on eligibility.

B.3. Assistance Instrument

Awards will be made through financial assistance agreements, primarily cooperative agreements or grants. A grant does not include substantial involvement by Reclamation and/or the Service. Applicants should plan in their application for Reclamation and/or the Service if they anticipate substantial involvement. Substantial involvement by Reclamation and the Service may include:

- Providing survey, design, and biological services as needed.
- Coordination with the recipient on biological and engineering support for project planning, design, and implementation to ensure projects are implemented effectively.
- Participation in local watershed groups or interagency teams dedicated to restoration of anadromous species in the Central Valley, and in the decisions as needed on project implementation.
- Working with the recipient to obtain permits, hold permits, and serve as Federal lead(s) for the project.
- Providing technical information including habitat criteria, permitting information, and construction guidance for projects.
- Providing access to Reclamation-owned or Service-owned facilities and/or properties.
- Reclamation and/or the Service overseeing project implementation in coordination with the recipient.

If there is substantial involvement then Reclamation and the Recipient will enter into a Cooperative Agreement rather than a Grant. At the request of the recipient, Reclamation and/or the Service are able to provide technical assistance. If the applicant proposes to receive assistance from either Reclamation or the Service, the applicant must account for these costs in the application budget proposed budget. To discuss and plan available assistance and associated costs, contact the program coordinators 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 thereof¹, an Indian tribe, or a non-profit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values. The Secretary is authorized to provide funding to such an entity on such terms and conditions as is deemed necessary to assist in implementing the identified actions.

C.2. Cost Sharing Requirements

A 50% or greater non-Federal² cost share is required for small pumps/screening applications or projects (Infrastructure Improvement) utilizing the (b)(19) authority [P.L. 102-575 Title 3406(b)(19)]. There is no cost-share for projects/applications using other CVPIA authorities. Costs to be paid by the State of California are addressed by a separate agreement between Reclamation and the State. Limitations on the Secretary's share of costs (e.g., fish screens) require a non-Federal party to provide funding.

C.2.1. Cost Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in Title 2 of the 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

¹ Including state funded universities.

² Non-federal means Non-Federal, not just non-DOI. Non-Federal cost match must be at least 50% of project cost, including cost-overruns. Applicant can represent either non-Federal \$ in hand, or in application. The status refers to the certainty of the funding. In-hand means 100% certainty. In-Application means substantially less than 100% certainty. The applicant must state their estimate of the certainty of Non-Federal matching funds for a (b)(19) project.

regarding the valuation of third-party in-kind contributions, available at www.ecfr.gov.

C.3. Eligible Projects

C.3.1 Eligible Projects

Applications should seek to restore and maintain the production of anadromous salmonids and their habitats in the Central Valley of California. Applications should result in quantifiable and reliable benefit to these fish species.

Projects must clearly address either:

1. One or more of the priority actions identified in the Near-Term Restoration Strategy (NTRS) (Table 8) for the Central Valley Project (<http://cvpia.scienceintegrationteam.com/about/>) Improvement Act Fish Resource Area (see below); and/or
2. One or more of the non-flow actions using a collaborative process (Habitat or Facilities Improvement category) listed in the Selected Alternative of the 2020 Record of Decision (and related documentation) for the Reinitiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project and State Water Project.¹

Tier 2 & Tier 3 monitoring projects, per the SIT Monitoring Guidance, are not eligible.

Applicants should refer to previous obligation plans and technical memos on the CVPIA website (<https://www.usbr.gov/mp/cvpia>) to coordinate new projects and avoid duplicative efforts. For assistance with work planning and coordination, contact the program coordinator identified in Section G - Agency Contacts.

Actions are types of Projects. Applicants propose Projects. Applicants may submit multiple project proposal applications, or multiple project proposals within a single application.

Applications must include any one, or combination, of the types of projects described 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

¹ Table 4-7 of the Proposed Action, adopted as the Selected Alternative in the ROD (Record of Decision for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project) (<https://www.usbr.gov/mp/bdo/lto/archive/archive-index.html>), lists all actions proposed under the reconsultation. Actions in Table 4-7 of the Proposed Action (<https://www.usbr.gov/mp/bdo/docs/ba-chapter-4-proposed-action.pdf>) with an “Implementation Approach” of “Collaborative Planning”, and falling within the Habitat and Facility Improvement category, are eligible.

independently and are easily separated or phased, they should be applied for separately.

Actions in the Sacramento River and tributaries, and in the San Joaquin River below Mendota Pool and mainstem tributaries, in suitable locations 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 Central Valley rivers 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 (spawning sized) substrate;
- Provide passage to and from disconnected habitats;
- Improve facilities by reducing their impact on fish survival and growth rates, such as inclusion of fish screens on diversions, modifications to allow for broader range of operation, increased frequency of operation, or to reduce the incidence of predation at a facility.
- Other actions that show a clear indication of improving growth & survival of Fall Run, Spring Run, or Winter Run Chinook salmon, and Steelhead trout.

These actions should include the following tasks:

- Conduct pre-and post-project site surveys and monitoring to document the effectiveness of projects at improving salmonid habitat, per the SIT Tier 1 Monitoring guideline; and
- Coordinate activities with a local watershed restoration group or an interagency restoration group consisting of agencies and local stakeholders.

C.3.1.1 Priorities for Eligible Projects

The following are project priorities (from Table 8, NTRS) in the Central Valley of California. Tier 2 & Tier 3 monitoring projects are not eligible.

NTRS Restoration Action	Runs Primarily Benefiting
Action 1: Juvenile habitat restoration in mainstem Sacramento River above the American River confluence.	All
Action 2: Reconnect ephemeral non-natal tributaries below Keswick Dam to the mainstem Sacramento River.	Winter
Action 3: Juvenile habitat restoration in Battle Creek in winter-run juvenile rearing locations.	Winter
Action 4: Juvenile habitat restoration in American River.	Fall
Action 5: Juvenile habitat restoration in the Stanislaus River downstream through the San Joaquin River at Vernalis.	Fall

NTRS Restoration Action	Runs Primarily Benefiting
Action 6: Juvenile habitat restoration in Clear Creek.	Spring, Fall
Action 7: Improve survival in Butte Creek in downstream areas.	Spring, Fall
Action 8: Juvenile habitat restoration in the lower Feather River below the confluence of the Yuba River.	Fall, Spring
Action 9: Maintain existing spawning habitats in Upper Sacramento, American, and Stanislaus Rivers; Clear and Butte Creeks.	All

C.3.1.2 Identified Un-Funded Projects

Reclamation and the Service also seek applications to accomplish non-flow projects that are part of the Proposed Action of the Biological Assessment and the 2019 Biological Opinions of the Long Term Operation of the Central Valley Project. These include:

- Predator Hot Spot Removal (Partial CVPIA Efforts)
- Tidal Habitat Restoration (Established State Programs)
- Lower San Joaquin River (below Mendota Pool) Habitat
- Small Screen Program

Specific projects prioritized by the Sacramento River Restoration Technical Team and not yet funded 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.*

Tier 1:

- Mooney Unit 235 (b)(1)

Tier 2:

- Wyndham 293.8 (b)(13)
- I-5 280.4 (b)(13)
- La Barranca 239.7 (b)(1)
- Oklahoma Island 238 (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)
- Jellys Ferry 268 (b)(13)
- Altube Island 242.5 (b)(1)
- Flynn Unit 231 (b)(1)

C.3.1.3 SIT Monitoring Guidelines & Data Guidance

All on-the-ground projects should include Implementation, or Tier 1, monitoring tasks and associated costs, described in a Monitoring Study Design section of the application. The CVPIA SIT Monitoring Guidelines contain specifics on all levels of monitoring. Tier 2 & Tier 3 monitoring projects are not eligible.

Monitoring guidelines are found at <http://cvpia.scienceintegrationteam.com/about/>

Moreover, a key aspect of the study design are details of the data management plan and compliance with the CVPIA Data Guidance. The SIT Data Guidance is available at <http://cvpia.scienceintegrationteam.com/about/>.

C.3.2. Ineligible Projects

Projects specifically not identified in *C.3.1. Eligible Projects*, nor meeting one of the NTRS priorities or listed as a non-flow project within the 2019 Proposed Action of the CVP BA, will not be eligible for funding consideration. Proposals that are non-responsive or incomplete will not be eligible for funding consideration. Tier 2 & Tier 3 monitoring projects are not eligible.

C.3.3. Term of Projects

Projects funded under this NOFO should be completed within five years of award. Contact the program coordinators identified in *Section G. Agency Contacts* for consideration of projects anticipated to require more than four years to complete.

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: Steven Larson
2800 Cottage Way, Room E-1815
Sacramento, CA 95825

By email: snlarson@usbr.gov

By telephone: (916) 978-5693

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) should 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 should be at least 11 points in size and easily readable. Page size should be 8½ by 11 inches. Charts, maps, and drawings page size may be as large as 11 by 17 inches. Margins should be standard 1-inch margins.

Applications will be prescreened for compliance to the above page number and page size limitations. 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 (As applicable):
 - Standard Form (SF)-424 Application for Federal Assistance
 - SF-424C Budget Information for Construction Projects
 - SF-424D Assurances for Construction Projects

- SF-LLL Disclosure of Lobbying Activities (If applicable. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.)
- Project/Program Milestones/Work Schedule
- 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):
 - Executive summary
 - Background data
 - Project location
 - Project description
 - Evaluation criteria
- Project budget:
 - Funding plan
 - Budget proposal
 - Budget narrative
- Project/Program Milestones/Work Schedule
- 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-424C Budget Information

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

SF-424D Assurances

A SF-424D Assurances for 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-424D may result in the elimination of the application from further consideration.

SF-LLL Disclosure of Lobbying Activities (if applicable)

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.

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, San Joaquin River below Mendota Pool, 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 should have enough detail to allow 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 and/or the Service 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 Central Valley rivers and their 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, Endangered Species Act (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, per the SIT Tier 1 Monitoring guidance, 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 Central Valley Rivers and tributaries. Be specific by including measurable outcomes. Describe how objectives will be addressed.

Provide the following information regarding project benefits:

- (a) The benefit to the species should be expressed as an increase in the area of available habitat to the species (ESA and non-ESA listed) due to the proposed actions. Exceptions may be considered, but the benefit must be expressed as habitat area (per Section E.1 Evaluation Criteria).
- (b) Provide documentation and support for how estimates of direct project benefits and any indirect project benefits were made (i.e., calculations, measurements, and references) (per Section E.1 Evaluation Criteria).

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.

We suggest 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

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 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.

Reclamation requires applicants to use the budget proposal format shown below in Table 3. 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 should 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.

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 §200.1, 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 \$250,000) 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 should 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 §200.1 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 <https://www.doi.gov/ibc/services/finance/indirect-cost-contract-audit>.

D.2.2.6. Project/Program Milestone Plan/Work Schedule

The intent of the work schedule is to provide a realistic appraisal of the time and components required to complete the project.

- Describe each of the major work elements and milestones.
- State the total timeframe anticipated for each of the work elements.
- State the total timeframe anticipated to complete the project.
- Work schedule must mirror statement of work (SOW), budget:
- Provide the work schedule in GANTT chart form as supplemental documentation in the work schedule section.

WORK SCHEDULE EXAMPLE		
#	DESCRIPTION	TIMEFRAME
1.	Kick-off, 90% design meetings	3 months
2.	Final contract drawing development	5 months
3.	Open bids and award contract	4 months
4.	Construction – Mobilization	5 months
5.	Construction – Demolition	4 months
6.	Construction – Concrete and conduit work	2 months
7.	Construction – Trenching	2 weeks
8.	Construction – Utility relocation	4 months
9.	Construction – Electrical Installation	1 month
10.	Construction – Site Restoration	1 week
11.	Construction – Complete punch list	2 months
12.	Construction – Demobilization	1 week
13.	Project Close-out and record drawings	2 months
14.	Grant Close out	3 months
TOTAL MONTHS:		36 months

The applicant should provide their unique milestone schedule per their set of tasks. This table is provided as an example only, it is *not* a template.

D.2.2.7. Required Permits or Approvals

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

D.2.2.8. 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 applicant must seek and be issued an exception from the Grant Officer, under 2 CFR§ 25.110. In all cases the Unique Entity Identifier and SAM registration must be obtained. SAM registration and Unique Entity Identifier must be completed..

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 November 14, 2022, at 5:00 p.m. Pacific Standard Time for FY 2023 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 a hard copy may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

By courier services	Bureau of Reclamation Financial Assistance Branch Attn: Steven Larson 2800 Cottage Way, E-1815 Sacramento, CA 95825
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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 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 <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.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, <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.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.asap.gov>

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

D.7. Official Resolution

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

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

An official resolution meeting the requirements set forth above is mandatory for award. If you are unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolutions may be submitted to sha-dro-fafoa@usbr.gov up to 30 days after the application deadline. This resolution does not count within the ****NUMBER OF PAGES FOR TECHNICAL DESCRIPTION**** page maximum.

Section E. Application Review Information

E.1. Evaluation Criteria

The evaluation criteria should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub criterion in the order presented below. An Application Review Committee (ARC) will evaluate applications per the evaluation criteria listed below.

Evaluation Criteria Scoring Summary	Points:
A. Species Benefit & Cost Effectiveness (fall-run, spring-run, winter-run Chinook salmon, and steelhead)	40
B. Project Feasibility	30
C. Collaboration and Coordination	20
D. Habitat Utility	10
<i>Total</i>	<i>100</i>

Process Narrative

Applicants will prepare and submit an application for a project or projects (Section D) that meets eligibility criteria (Sections A, B, & C) and is responsive to these evaluation criteria (Section E). Reclamation will receive and process the applications per Section D. Reclamation will forward the applications to an ARC with members from Reclamation, the Service, other federal and state agencies, and potentially a subcommittee under the Collaborative Science and Adaptive Management Program (CSAMP), if approved by CSAMP in a manner acceptable to Reclamation and the Service.

Prior to forwarding the applications to the ARC, Reclamation & the Service will bin the proposals in the manner described and illustrated in the following figure:

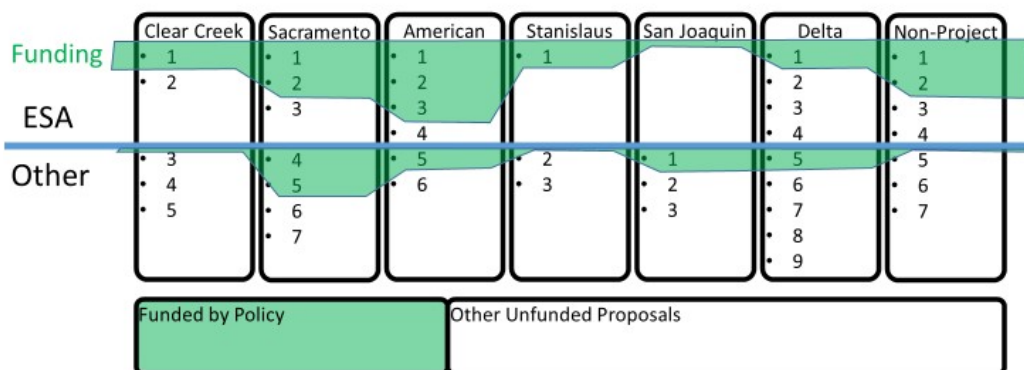
1. Central Valley Project Facilities and Watersheds¹
 - a. ESA & Multi-Species Benefits
 - b. Other Species
2. Non-Project² Facilities & Watersheds
 - a. ESA & Multi-Species Benefits
 - b. Other Species
3. Policy Priorities not identified in the NTRS, e.g. those identified in the 2020 ROD

¹ San Joaquin River below Mendota Pool is the CVP portion of the watershed. Battle Creek, Butte Creek, and the Feather River below the Yuba River confluence are Non-Project watersheds.

² The Central Valley Project streams are: 1. Sacramento River below Keswick; 2. Clear Creek below Whiskeytown Dam; 3. American River below Folsom Dam; 4. Stanislaus River below Goodwin Dam. All other Central Valley streams are 'non-project'.



Proposals in each bin will be scored by the ARC using the Evaluation Criteria. This will result in rankings by bin as shown in the next figure. Consequently, applications will compete directly only within watersheds.



The ARC will produce a funding recommendation to Reclamation & the Service following these three priorities:

1. Recommend funding the top, ESA-relevant, application in each of the Sacramento, Clear Creek, Lower American, Stanislaus, and Delta watersheds.
2. If funding remains, select applications that most effectively meet priorities on CVP rivers and streams, for ESA species, based on the NTRS. For example, if the need for habitat or facility improvements in the lower American River are greatest amongst the unfunded applications, recommend an application in the lower American River watershed.
3. Use the composite score to identify and fund a particularly high value proposal (irrespective of the adaptive management objective) in a non-CVP watershed, regardless of the utility for ESA listed species, e.g. passage on Mill or Deer Creeks.

The ARC will not rank policy priority proposals.

General Scoring Philosophy

The ARC will be instructed to use the following general guidelines in their scoring and ranking of the applications:

Zero pts – Incomplete or Non-responsive

Low range – Minimally meets the criteria – below average – The project ranks in the lower range of evaluated applications.

Medium range – Meets the criteria – average – Project meets priorities and provides measurable benefits and ranks in the middle of the evaluated applications.

High range – Exceeds criteria – above average – The project ranks in the upper range of evaluated applications, exceeds priorities and produces measurable and substantial benefits.

Cost estimates should include all aspects of the project. A total project cost should be developed and presented. Funding sources should be split into two types: 1.) Federal (any branch of the Federal Gov't); and 2.) Non-Federal funds.

The ARC will calculate the Cost/Benefit ratio using only the Federal funding amount.

Specific Evaluation Criteria

The ARC will receive instructions to use the following guidelines to specifically score each criterion. Some of the criteria result in a numerical score ordered from highest to lowest to compare competing applications within a watershed.

Measures of Benefits

Fundamentally, the benefit to the species should be expressed as an increase in the area of available habitat to the species due to the proposed action. Types of habitat are:

1. In-channel perennially inundated rearing habitat
2. In-channel perennially inundated spawning habitat
3. Seasonally inundated (floodplain) rearing habitat

An exception is screening diversions where the benefit is a conversion of the diversion capacity (cfs) to an equivalent amount of in-channel rearing habitat, at a rate of 20 cfs diversion is equivalent to 1 acre of in-channel rearing habitat. Other exceptions may be considered, but the benefit must be expressed as habitat area. Consult with the Program Coordinator (See Section G.2. Program Coordinator Contact) for guidance on meeting this requirement.

Along with the estimated magnitude of the area of habitat (all types specified) proposed in the application, the applicant must provide an estimate of the certainty of utilization as opposed to availability. For example, if an applicant proposes adding 5 acres of in-channel rearing habitat, calculations may show that 2 acres of that amount is available at the median discharge. Thus the certainty of

this action would be 2/5 or 40%. Similarly for a proposed 5-acre spawning habitat addition, the utilized area might be 4 of 5 acres (4/5 or 80%) but does not promise to be utilized for many redds, whereby the applicant may use judgment to reduce the 80% certainty to something less, say for example, 40%. This is a subjective judgment estimate on the part of the applicant and should be explained and supported in the narrative.

The Applicant must provide estimates of as many as eighteen (18) parameters (dependent on the type of projects proposed in the application) for the ARC to use in its evaluation. Only parameters relevant to the proposed action need be estimated by the applicant. Note that many actions have collateral benefits that may gain additional credit to the application if the relevant parameters are estimated and included in the application. The applicant may copy the following table and use it as a checklist in their application.

The specific parameters and units are:

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
Seasonally Inundated (Floodplain) Rearing: Wetted Area	Acres	Amount of wetted area when inundated (0.2 m - 1.5 m depth; velocity less than 0.15 m/s). Include incipient inundation elevation and flow.	Y	5.4
Floodplain Utilization	% Utilized	The percentage of the floodplain wetted area estimated to be utilized by salmonids. The SIT uses 27% utilization of wetted area. If you provide a different estimate, you must provide detailed justification and citation(s).		
Flood Duration (5-year average months/year)	Months/yr	5-year average of flood duration, that is the period of inundation (applicant selects typical 5-year period)		
Emigration Duration (5-year average)	Months/yr	5-year average of juvenile (target species) outmigration period in floodplain reach (applicant selects typical 5-year period)		
In-Channel Rearing Area	Acres	Wetted area of perennially inundated channel created or rehabilitated (or combination)		

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
In-Channel Rearing Certainty	% Suitable	The percentage of the new perennially inundated channel rearing area that is suitable and available.		
Maintain Spawning Area	Acres	Estimate the acreage of existing degraded spawning habitat that the gravel addition is maintaining or rehabilitating. Does NOT include new spawning area created by gravel hydraulically transported from placement at original site.		
Maintain Spawning Area Certainty	%	Certainty that the gravel can be mechanically delivered or hydraulically transported to the target location and will have the intended outcome. Past performance (number of redds) of existing spawning habitat in this location should be discussed in the narrative.		
New Spawning Area	Acres	New spawning area created by gravel placement or augmentation.		
New Spawning Area Certainty	%	Certainty that the gravel can be mechanically delivered or hydraulically transported to the target location and will have the intended outcome. Expected performance of new spawning habitat (utilization by spawners) in this location should be discussed in the narrative.		
Cover Added	Acres	Area of cover created by addition of riparian vegetation, large wood, boulder clusters, rockwads, or other means. Please provide rationale for equivalencing numbers of cover elements with the effective cover area provided by said elements.		

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
Cover Added Certainty	%	Certainty that the cover can be delivered to the target location and will have the intended outcome, and that salmonids will utilize the additional cover to avoid predation or experience growth.		
Predator Hotspot Removal	Acres	Areal extent of predation hotspot effect removed or mitigated by the proposed action or as a collateral effect of the proposed action.		
Predator Hotspot Removal Certainty	%	Certainty that the hotspot can be reduced or removed in the target location and areal extents. Includes certainty of the area estimated to be a hotspot.		
Screen	cfs	Maximum amount of diversion capacity (cfs) screened by the action. Converted to equivalent in-channel rearing habitat at the rate of 20 cfs/1-acre perennially inundated rearing habitat.		
Diversion Capacity Certainty	%	Certainty that the screen can be built in the target location and will have the full effect of preventing diversion of fishes without creating a predation hotspot.		
Cost Estimate	\$	Amount of funding estimated necessary to accomplish the proposed scope of work within the proposed timeframe.		
Cost Certainty	%	Certainty of cost estimate (based on level of design), or inverse of likelihood that final total cost exceeds cost estimate.		

Criterion 1. Species Benefit & Cost Effectiveness (fall-run, spring-run, winter-run Chinook salmon, and Steelhead trout): (0-40 points)

The SIT Fundamental Objectives for the CVPIA Fish Resource Area are:

- Increase in total juvenile biomass at Chipps Island
- Increase in natural adult production, and

- Spatial diversity

We define these objectives as benefits to Chinook salmon (fall-run, spring-run, and winter-run) and Steelhead trout. Actions that increase juvenile biomass production at Chipps Island and/or increase natural adult production have a positive benefit.

Up to **40** points may be awarded based on a benefit/cost ratio, calculated as the estimated benefit (habitat added or maintained, or diversion screened) to the species divided by the estimated cost of the action. The ARC will sort the scores into four tiers (high, medium, low, and/or non-responsive - incomplete), and distribute 40 points accordingly.

Cover added, whether in-stream or on floodplains, should be designed in accordance with the Large Wood Design Guidelines - National Manual (<https://www.usbr.gov/research/projects/detail.cfm?id=2754>), produced by Reclamation and the US Army Corps of Engineers. Project aspects that add cover elements designed and implemented according to the National Manual will be scored higher than those that do not.

Costs include all project components requiring funding in the proposal, including construction, planning, design, environmental compliance, maintenance and pre- & post-project monitoring per the SIT Tier 1 guidelines. This includes any portion of the project assisted by Reclamation and/or the Service, per section B.3 Assistance Instrument. Cost estimates should include all aspects of the project.

A total project cost should be developed and presented. Funding sources should be split into two types: 1.) Federal (any branch of the Federal Gov't); and 2.) Non-Federal funds.

The Cost/Benefit ratio will be calculated using the Federal funding amount only.

All on-the-ground projects should include Implementation, or Tier 1, monitoring tasks and associated costs. The SIT Monitoring Guidelines <http://cvpia.scienceintegrationteam.com/about/> contain specifics on all levels of monitoring.

Cost Effectiveness, expressed as a Benefit/Cost ratio, is the quotient of:

Magnitude of Estimated Benefit (acres) times the Utilization or Certainty of the Wetted Area (%)

and

Estimated Costs (\$M) divided by the Certainty in the Cost Estimate (%)

Example 1 – Clear Creek Rearing Habitat Restoration – Phase 3C (completed in 2020)

2 acres rearing + 2 acres spawning + maintain 2 acres spawning = 6 acres * 59% certainty = 3.54

\$1 million cost / 80% certainty = 1.25

Combined score of 3.54/1.25 = 2.83 B/C

Example 2 – Screened Diversion

100 cfs diversion = 100 cfs/20 cfs/acre Benefit * 100% certainty = 5.0

\$1 million cost / 80% certainty = 1.25

Benefit/Cost ratio of 5.0/1.25 = 4.0 B/C

Criterion 2. Project Feasibility: (0-30 points)

Up to **30** points may be awarded based on the scientific merit of the proposal and constraints to implementation. Are the task descriptions clear, detailed, timely, and reasonable given the project goals? What are the constraints of the project, including permitting requirements, river flows, construction timing windows, landowner permission, and engineering simplicity? Applications with a clearer scientific basis and fewer constraints will be given a higher score.

(0,1,3,5 pts) - Are the task descriptions clear, detailed, timely, and reasonable given the project goals? Is there a clear statement of the purpose of the project in context of the NTRS priorities or the ROD? Clear descriptions score higher than poorly described tasks.

What are the constraints of the project? (HML)

(0,1,5,10) Landowner Permission Status? – Likelihood? (HML) – Permission in hand scores 10; No contact with landowner scores 0; The higher the likelihood of gaining permission the higher the score.

(0,1,3,5) Permitting / Approval Status/Schedule (HML) – Anticipated ease of obtaining permits in a timely fashion. Easy scores high; Difficult scores low.

(0,1,3,5) Engineering & Logistical simplicity (HML) – The more complex the project the lower the score. The more straight forward the project the higher the score.

(0,1,3,5) Construction Window vs Construction Duration (multiple seasons?)

(HML) – High means construction duration likely to fall within available construction window. Low means construction duration unlikely to fall within available construction window, requiring multiple seasons to complete.

Criterion 3. Collaboration & Team Qualifications: (0-20 points)

Up to **20** points may be awarded based on the extent the proposal addresses partnerships or interactions with collaborative workgroups such as the Clear Creek Technical Team or the Sacramento River Interagency Team or the American River Water Forum, or science initiatives such as the Project Work Teams or SIT. Multiple entities working together can increase public support and enhance the success of a project by involving a wide range of expertise. The ARC will judge this criterion on the potential integration of your application relative to other ongoing work in the basin. Does the proposal include a complete description of the project team, and to what extent does the project team have the relevant

experience and qualifications from similar completed projects relative to the proposed tasks?

- Collaboration (0,1,3,5 pts) (HML). Affirmative answers to the following points results in higher score.
 - The proposal leverages existing data and ongoing restoration or monitoring efforts
 - Is the Project Management Team (PMT) participating in collaborative workgroups, a local watershed group, and/or related science initiatives?
 - Value relative to other ongoing work or science in the basin is significant and coordinated.
- Team Qualifications (0,5,10,15 pts) (HML). Higher qualifications and experience in these types of restoration projects results in higher scores.
 - Description of the project team members
 - Project team has the relevant experience and qualifications/capabilities
 - Permits/NEPA
 - Design/Technical (on the ground or science/monitoring)
 - Implementation (timeliness) (monitoring and construction)
 - Outreach
 - Data management (<http://cvpia.scienceintegrationteam.com/about/>)

Criterion 4. Habitat Utility - (0-10 points)

- Describe how action meets NTRS Priority Actions or LTO Actions for increasing target species production populations:
 - Does the action resolve spawning habitat deficit?
 - Does the action resolve rearing habitat deficit?
 - Does the action increase survival of target life stage?
- In the Near-Term - Which is the greater deficit need in the action watershed - Spawning, Rearing, or Survival?

Up to **10** points will be awarded based on the narrative produced in response to these questions.

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
 - SF-424C – Budget Information for construction projects, and
 - SF-424D assurance for construction programs, and
 - SF-LLL disclosure of lobbying activities (if applicable)
- 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.

Applications that are either:

1. Non-Responsive;
2. Incomplete;
3. Non-compliant with SIT Data Guidance - Section C.3.1;
4. Out of Geographic Area - Section C.3.1;
5. Not able to complete within 5-years of award - Section C.3.3;
6. Insufficient Tier 1 Monitoring Study Design - Section C.3.1;
7. Not within funding limits - Section B.2;
8. Not an eligible applicant - Section C.1;

may be deemed ineligible.

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 ARC made up of experts in relevant disciplines selected from across Reclamation and the Service, as well as other experts in fisheries

management and river restoration construction. 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 and FWS 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 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 [FAPIIS]) (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 FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in the beginning of 2023 for FY 2023 funding, subject to the timing and amount of final FY 2023 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 timeframe 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 their application.

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 and/or the Service may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on either the Reclamation or Service websites, <https://www.usbr.gov/> or <https://www.fws.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 §200.339, 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.

The recipient shall deliver to Reclamation, upon request, all analytical tools used in the analysis of data generated under this award. That includes all uncompiled

and compiled source code, compilers, libraries, and macros, as well as both all raw and all processed data.

F.6. Buy America Domestic Procurement Preference

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

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

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

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

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

F.6.1. Waivers

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

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

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at:

www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

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

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant [PSC](#) or [NAICS](#) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

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

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

Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

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

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

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

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

F.7. 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 Mr. Steven Larson, Grants Officer, as follows:

By mail: Bureau of Reclamation
 Financial Assistance Branch
 Attn: Steven Larson
 Mail Code: CGB-3800
 2800 Cottage Way, E-1815
 Sacramento, CA 95825

By email: snlarson@usbr.gov

By phone: (916) 978-5693

G.2. Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Dr. Rod Wittler, CVPIA Fish Resource Area Coordinator, as follows:

By mail: Bureau of Reclamation
 Bay Delta Office
 Attn: Dr. Rod Wittler
 801 I Street, Suite 140
 Sacramento, CA 95814-2536

By email: rjwittler@usbr.gov

By phone: 530-262-3670