Federal Agency Name: U.S. Environmental Protection Agency (EPA), Office of Water, Office of Wetlands, Oceans, and Watersheds.

Funding Opportunity Title: FY 2018 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319

Announcement Type: Request for Proposals (RFP)

Funding Opportunity Number: EPA-OW-OWOW-18-01

Catalog of Federal Domestic Assistance Number: 66.460

Dates:

- **October 13, 2017:** To be eligible for CWA section 319 grants under this RFP, tribes must have met the eligibility requirements described in Section III of this announcement as of October 13, 2017.
- **April 20, 2018:** Questions about this RFP must be submitted in writing via e-mail and must be received by the EPA Headquarters Contact identified in Section VII by **April 20, 2018**. Written responses will be posted on EPA's website at: https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. EPA strongly recommends interested applicants refer to the FAQs webpage (https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information) prior to submitting a question.
- **May 2, 2018:** Proposals must be submitted electronically to EPA through Grants.gov by 11:59 P.M. Eastern Daylight Time (EDT), 10:59 P.M. Central Daylight Time (CDT), 9:59 P.M. Mountain Daylight Time (MDT), or 8:59 P.M. Pacific Daylight Time (PDT), **May 2, 2018** in order to be considered for funding. Late proposals will not be considered for funding.

Following EPA's evaluation of proposals, all applicants will be notified regarding their status. Final applications will be requested from those eligible entities whose proposal has been successfully evaluated and preliminarily recommended for award. Those entities will be provided with instructions and a due date for submittal of the final application package.

Note to Applicants:

If you name subawardees/sub-grantees and/or contractor(s) including individual consultants in your proposal as partners to assist you with the proposed project, pay careful attention to the information in the CONTRACTS AND SUBAWARDS provision found at https://www.epa.gov/grants/epa-solicitation-clauses

SUMMARY

EPA is soliciting proposals pursuant to Section 319 of the Clean Water Act (CWA) from eligible tribes and intertribal consortia to develop and/or implement watershed-based plans and implement watershed projects that will result in significant steps towards solving Nonpoint Source (NPS) impairments on a watershed-wide basis. Eligible entities are strongly encouraged to submit proposals that develop and/or implement watershed-based plans designed to restore NPS-impaired waters and protect waters from NPS pollution. Eligible tribes and intertribal

consortia may apply for competitive funding by submitting a proposal for up to a maximum budget of $100,000 of federal CWA section 319 funding (plus the additional required non-federal cost share/match of the total project cost).

EPA anticipates awarding an estimated $2.5 million in federal funds, depending on Agency funding levels, the number of tribes requesting section 319 funding, the evaluation of proposals, and other applicable considerations, to eligible tribes and intertribal consortia with approved NPS assessment and management programs and Treatment-in-a-manner-similar-to-a-State (TAS) status as of October 13, 2017.

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I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Objectives

This RFP is issued pursuant to section 319(h) of the CWA, which authorizes EPA to award grants to eligible tribes and intertribal consortia to implement approved NPS management programs developed pursuant to section 319(b). The primary goal of a NPS management program is to control NPS pollution through implementation of management measures and practices. These management activities should be directed at preventing or reducing polluted runoff from subcategories of NPSs identified in the tribe's NPS assessment report developed pursuant to section 319(a).

After allocating section 319 tribal funds for tribal base grant work plans, EPA allocates the remaining section 319 tribal funds to eligible entities according to the competitive procedures in this RFP. This competitive funding will support tribal efforts to develop and/or implement watershed-based plans and implement watershed projects that will result in significant steps towards solving NPS pollution problems on a watershed-wide basis.

Watershed Approach: In general, EPA believes that efforts to manage NPS pollution can be most effective when approached at the watershed scale. Approaching NPS problems at the watershed scale includes comprehensive analysis of the causes and sources of pollution and identifying critical areas (i.e., those that generate the most pollution) in which to prioritize NPS management efforts. Experience indicates that watershed-based plans containing the nine elements identified in EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act* and in Appendix A of this announcement, provide an effective, integrated approach to address the diverse realities and needs of each watershed. Watershed-based plans provide a coordinating framework to organize efforts to identify, prioritize, and then implement activities to address water quality problems. For an example of a tribal nine element watershed-based plan, please refer to: https://www.epa.gov/nps/nonpoint-source-tribal-resources-and-training.

Although proposals are not required to include development and/or implementation of a nine element watershed-based plan in order to be considered for funding, eligible entities are strongly encouraged to submit proposals that develop and/or implement nine element watershed-based plans designed to protect waters from NPS pollution and restore NPS-impaired waters. These are *watershed-based plan implementation projects.* Watershed-based plans, as defined by EPA's Nonpoint Source Program and this RFP, are plans containing the nine elements listed in Appendix A of this RFP. For applicants proposing to implement a nine element watershed-based plan, you should indicate the following: (1) whether the plan includes the nine elements as defined by EPA, (2) whether the watershed-based plan has been reviewed by EPA, and (3) whether the plan is in final or draft form.

Watershed projects, on the other hand, are those projects guided by a plan that does not necessarily contain all nine elements of a watershed-based plan as described in Appendix A, but which contains aspects of the watershed-based planning framework. **Proposals to implement watershed projects should demonstrate that some type of watershed planning process was followed and that the project's implementation will contribute to achieving water quality goals on a watershed scale.**

In all proposals, applicants should demonstrate that a watershed approach was adopted in proposing management activities in areas that will be most effective in preventing or reducing NPS pollution (see Section IV.C.2.v and the evaluation factor in Section V.A.e). All applicants are strongly encouraged to include in their proposal a description of how the project fits into a broader watershed approach to managing NPS pollution. A description of the watershed approach could include, for example, but is not limited to the following: why the project is the best to implement in the watershed at this time, based on its location, sequencing in relation to other projects in the watershed, past planning, or other factors, and/or if the project is part of an existing watershed-based plan.

Use of the term "Watershed": A watershed generally refers to the land area that drains into a stream, wetland, lake, or coastal waterbody. EPA recognizes that not all tribes will be operating in freshwater environments. Many reservations are located along estuarine and coastal waters where the literal use of the term "watershed" may not apply. The term "watershed" will be used in this RFP and encompasses comparable estuarine and coastal nearshore systems as well. For applicants proposing projects or planning in or along estuarine or coastal waters, a system based approach to the evaluation, planning, and implementation of the project is recommended and serves as a comparable description of a watershed approach described above for evaluation purposes (see Section V.A.e.). The definition of the bounds of that system may differ depending upon the proposed project. Such proposals should clearly describe the system based approach from an estuarine or coastal ecosystems perspective, which could include but is not limited to the following: why the project is the best to implement in the estuarine or coastal ecosystem at this time, based on its location, sequencing, past planning, or other factors, and/or if the project is part of an existing estuarine/coastal management plan.

Implementing NPS best management practices (BMPs): The funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs. In addition, eligible implementation activities like assessment and planning can be part of a competitive proposal. However, if a proposal includes planning or other eligible implementation activities, the applicant should also include NPS BMP implementation as part of the proposal. Examples of NPS BMPs and other eligible project activities to be funded under this RFP include, but are not limited to the following:

Examples of NPS BMP Implementation:

- Road stabilization/removal;
- Riparian planting;
- Streambank stabilization
- Natural channel restoration;
- Low impact development/storm water management practices;
- Livestock exclusion fencing;
- Septic system rehabilitation;
- Nutrient or grazing management practices.

Examples of other eligible project activities:

- NPS ordinance development;
- Project monitoring (e.g., baseline monitoring and post-BMP implementation monitoring);
- Development of a watershed-based plan;
- Training which assists the applicant in developing NPS implementation projects;
- Staff time and materials towards implementing projects; and
- NPS education and outreach relevant to successful implementation of NPS projects.

Activities Outside of the Reservation: Activities upstream or downstream of reservation waters may be eligible for funding if they pertain to waters within a reservation, and are consistent with the applicant's nonpoint source assessment report and management program. The proposal must clearly demonstrate the impacts of the upstream or downstream project on tribal lands and waters. Projects that may be eligible downstream of reservation waters include but are not limited to: control of invasive species, restoring a headcutting stream to prevent it from reaching tribal waters, and salmon habitat restoration projects that promote salmon migration up into tribal waters. Projects that may be eligible upstream of reservation waters include but are not limited to: stabilizing eroding streambanks to prevent sediment loading, repairing failing septic systems to prevent bacterial inputs, and implementing management measures on agricultural land to reduce nutrient loading into tribal waters. Questions about eligibility of upstream or downstream projects should be raised to the Headquarters Contact in Section VII before submitting a proposal. See Section VII for information on how to submit questions.

Integrating Resilience in Project Design: Increasingly, tribal nonpoint source program managers are considering future threats to water quality in addition to current sources of pollution when managing their resources, watersheds, and watershed processes. For example, integrating resilience into project design may include increasing stream buffer width to take

into account potential impacts of more frequent or intense storms on water flow, erosion and runoff. For information and ideas on how to integrate resiliency in your nonpoint source program and into your proposal, see the following resources:

- Pages I-82 and I-83 in the EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act*
- Bureau of Indian Affairs – Tribal Resilience Program

B. EPA's Strategic Plan and Anticipated Environmental Results

The activities to be funded under this announcement support EPA's FY 2018-22 Strategic Plan, available at: https://www.epa.gov/planandbudget/strategicplan.html. Awards made under this announcement will support Goal 1- Core Mission: Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety; Objective 1.2 - Provide for Clean and Safe Water: Ensure waters are clean through improved water infrastructure and, in partnership with states and tribes, sustainably manage programs to support drinking water, aquatic ecosystems, and recreational, economic, and subsistence activities. All applications must be for projects that support the goals and objectives identified above.

EPA also requires that grant applicants adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see EPA Order 5700.7A1, Environmental Results under Assistance Agreements). Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the priorities described above.

Outputs: Environmental results are a way to gauge a project's performance and are described in terms of outputs and outcomes. Environmental outputs (or deliverables) refer to an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

Examples of environmental outputs anticipated as a result of the assistance agreements awarded under this RFP may include but are not limited to:

- Development of a nine element watershed-based plan (as a component of a proposed work plan that includes NPS BMP implementation activities, as described above in Section I.A);
- Acres of riparian area restored;
- Miles of fenceline installed;
- Feet of streambank planted;
- Number of large woody debris structures placed;
- Number of septic systems rehabilitated;
- Number of stream meanders restored; and
- Percent reduction in road density.

Outcomes: Environmental outcomes are the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an

environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achieved within an assistance agreement funding period. Outcomes may be short-term (changes in learning, knowledge, attitude, skills), intermediate (changes in behavior, practice, or decisions), or long-term (changes in condition of the natural resource). Examples of environmental outcomes anticipated as a result of the assistance agreements to be awarded under this RFP may include but are not limited to:

- An increased number of NPS-impaired waterbodies that have been partially or fully restored to meet water quality standards or other water quality-based goals established by the tribes;
- An increased number of waterbodies that have been protected from NPS pollution;
- Increased abundance and diversity of fish or macroinvertebrate species;
- Increased NPS knowledge of community members; and
- Increased knowledge of trained staff in the 319 program.

In the proposal work plan, an applicant is required to describe how the project results will link the outcomes to the Agency's Strategic Plan and current priorities. Additional information regarding EPA's discussion of environmental results in terms of "outputs" and "outcomes" can be found at EPA Order 5700.7A1, Environmental Results under Assistance Agreements.

C. Statutory Authority

The statutory authority for the assistance agreements to be awarded under this RFP is Sections 319(h) and 518 of the CWA. The primary goal of a NPS management program is to control NPS pollution through implementation of management measures and practices to reduce pollutant loadings resulting from each category or subcategory of NPSs identified in the tribe's NPS assessment report developed pursuant to section 319(a).

II. AWARD INFORMATION

A. Amount of Funding

The total amount of federal funding expected to be available under this announcement is approximately $2.5 million, depending on Agency funding levels, the number of tribes requesting section 319 base funding for FY 2018, the evaluation of proposals, and other applicable considerations. A federal funding amount of $2.5 million would equate to approximately 25 competitively funded grants. In FY 2017, EPA awarded approximately $2.8 million to 30 tribes for specific watershed projects through a competitive process. Eligible tribes and intertribal consortia may submit a proposal for up to a maximum of $100,000 of federal section 319 funding (plus the additional required non-federal cost share/match of the total project cost). See Section III.B for information on match requirements.

EPA reserves the right to reject all proposals and make no awards as a result of this announcement, or to make fewer awards than anticipated. In addition, EPA reserves the right to make additional awards under this announcement, consistent with Agency policy and guidance,

if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

In addition, in appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. If EPA decides to partially fund a proposal, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process.

B. Type of Funding

It is anticipated that **grants and/or cooperative agreements** may be funded under this announcement. When cooperative agreements are awarded, EPA will have substantial involvement with the project work plan and budget. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement for the project selected and funded as a cooperative agreement may include:

1. Close monitoring of the recipient's performance to verify the results proposed by the applicant;
2. Collaboration during the performance of the scope of work;
3. In accordance with the applicable regulations at 2 CFR 200 Subpart D (200.317 through 200.326) as appropriate, review of proposed procurements;
4. Review of qualifications of key personnel (EPA does not have authority to select employees or contractors employed by the recipient); and
5. Review and comment on tasks/deliverables and reports/publications prepared under the cooperative agreement (the final decision on the content of the reports rests with the recipient).

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

To be eligible for a section 319 grant under this RFP, a tribe or intertribal consortium must: (1) be federally recognized; (2) have an EPA-approved NPS assessment report in accordance with CWA section 319(a); (3) have an EPA-approved NPS management program in accordance with CWA section 319(b); and (4) have "Treatment-in-a-manner-similar-to-a -State" (TAS) status in accordance with CWA section 518(e). To be eligible for CWA section 319 grants under this RFP, tribes or intertribal consortium must have met these eligibility requirements as of October 13, 2017. For a complete list of tribes eligible for section 319 FY 2018 funding, refer to the List of Tribes Eligible for 319 Base and Competitive Funding for FY 2018.

Some tribes have formed intertribal consortia to promote cooperative work. An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under this program. (See 40 CFR 35.502.) Individual tribes who are part of an intertribal consortium that submits a proposal for a section 319 competitive grant may not also submit an individual section 319 competitive proposal. In such cases the individual proposal will be considered ineligible.

The intertribal consortium is eligible only if the consortium demonstrates that all of its members have met the eligibility requirements listed above for the section 319 program by October 13, 2017, and member tribes authorize the consortium to apply for and receive assistance in accordance with 40 CFR 35.504 at the time of proposal submission. An intertribal consortium must submit with its proposal adequate documentation of the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant. (See 40 CFR 35.504.)

B. Cost Sharing or Matching Requirements

Section 319(h)(3) of the CWA requires a non-federal cost share/match of 40 percent of the total project cost, and the cost share/match must be provided from non-federal sources. In order to receive an award, applicants must demonstrate how they will meet the applicable match requirements by the time of award. The non-federal cost share/match may be provided in cash or can come from in-kind contributions, such as use of volunteers and/or donated time, equipment, expertise, etc., and is subject to the regulations governing matching fund requirements described in 2 CFR 200.306, as applicable. In-kind contributions often include salaries or other verifiable costs and this value must be carefully documented. In the case of salaries, applicants may use either minimum wage or fair market value. Cost share/match must be used for eligible and allowable project costs. Cost share/matching funds are considered grant funds and are included in the total award amount and should be used for the reasonable and necessary expenses of carrying out the workplan. All grant funds are subject to federal audit. Any restrictions on the use of grant funds also apply to the use of cost share/match. Other federal grants may not be used as cost share/match without specific statutory authority. Examples of cost share/match calculations are provided in Table 1 below in Section III.C.

Applicants should be aware that certain funds originating from the Bureau of Indian Affairs (specifically, funds provided under funding agreements, contracts, or grant agreements entered into pursuant to 25 USC Chapter 15, Subchapter II) may be used as match for CWA section 319 funds. Pursuant to 25 USC 458cc(j), these funds are treated as non-federal funds for purposes of meeting cost share/ match requirements.

EPA's regulations also provide that EPA may decrease the cost share/match requirement to as low as 10 percent if the applicant can demonstrate in writing to the satisfaction of the Regional Administrator that fiscal circumstances within the tribe or within each tribe that is a member of the intertribal consortium are constrained to such an extent that fulfilling the cost share/match requirement would impose undue hardship (see 40 CFR 35.635). Where the stated purpose is to decrease the cost share/match requirement based upon undue hardship, the applicant may prepare a budget and proposal based upon the assumption that EPA will approve the reduced cost share/match under 40 CFR 35.635. If the applicant does not demonstrate undue hardship, the applicant must then meet the 40 percent cost share/match requirement. The applicant must also provide a new budget with the final grant application based upon the program's 40 percent cost share/match requirement and the federal award will be reduced accordingly. The purpose of this requirement is to ensure that all work plan activities for a project which is evaluated and competitively awarded will be implemented as described in the original proposal.

C. Example Cost Share Amounts and how to Adjust Tribal Cost Share Under a Performance Partnership Grant (PPG)

Performance Partnership Grants (PPGs) enable tribes to combine funds from more than one environmental program grant into a single grant award. If a tribe or intertribal consortium includes the funds for a grant awarded under this solicitation in an approved Performance Partnership Grant (PPG), the cost share/match requirement, unless waived as described below, that applies to those funds shall be 5 percent or less (see 40 CFR 35.536 (b)) of the allowable cost of the work-plan budget for those grant funds during the first two years in which the tribe or intertribal consortium receives the PPG. After two years, the cost share/match requirement may be increased up to a maximum of 10 percent of the work-plan budget for those funds (as determined by the Regional Administrator). See Section III.F on Performance Partnership Grants below for additional information. If the applicant's PPG is older than two years at the time of award of the competitive grant funds under this solicitation, the applicant should contact the EPA Regional Contact identified in Section VII of this solicitation or the project officer for the PPG. The Agency will then make a preliminary determination as to the percent of cost share/match required from the applicant for the grant funds awarded under this solicitation (see the regulations at 40 CFR Part 35.536(c)) so that the applicant can include that cost share/match requirement in its application.

If the Tribe or intertribal consortium is interested in obtaining a cost share waiver for the funds to be awarded under this solicitation, they must submit a cost share waiver request as part of their proposal submission-such request is not subject to any page limitations specified for the proposal in Section IV of this solicitation. The cost share/match requirement may be waived entirely by the Regional Administrator if, based on an objective assessment of socioeconomic indicators, the Regional Administrator determines that meeting the cost share would impose an undue hardship.

Applicants should indicate in their proposal submission if they anticipate incorporating the proposed project, if selected for funding, into an already existing PPG or if they intend to create a new PPG that would include the project proposed under this solicitation.

Where the applicant's stated purpose is to include a grant awarded under this solicitation in a PPG, the applicant should prepare a budget and proposed work-plan based upon the assumption that the EPA will approve the adjusted cost share/match for the grant funds or a waived cost share/match as authorized for PPGs under 40 CFR 35.536. If the applicant ultimately does not or cannot include a grant awarded under this solicitation as part of an approved PPG, or subsequently chooses to withdraw the competitively awarded grant from their PPG, the tribe or intertribal consortium must then meet the applicable cost share/match requirements identified above in Section III and negotiate a new work-plan and budget with the EPA project officer based on the same total project cost and work initially proposed. Since the new budget will be based upon the initially proposed total project cost and the applicable cost share/match requirement will be increased, the federal award amount will be reduced accordingly. The purpose of this is to ensure that all work plan activities for a competitively awarded project will be performed as initially proposed and in accordance with the adjusted budget reflecting the applicable cost share/match requirement and federal award amount.

The following table demonstrates a 40 percent (section 319 required non-federal cost share/match), 10 percent (e.g., if undue hardship is demonstrated per 40 CFR 35.635), or 5 percent (if work plan combined in a PPG) cost share/match on a section 319 maximum federal request of $100,000. **Applicants may request less than $100,000 of federal funding.** If applicants have additional questions regarding cost share/match calculations, please contact the EPA Headquarters Contact identified in Section VII.

Table 1. Example Cost Share/Match Calculation

Federal Share	Non-Federal Match	Federal Share	Non-Federal Match	Total Project Cost
$100,000	40%	60%	$66,667	$166,667
$100,000	10%	90%	$11,111	$111,111
$100,000	5%	95%	$5,263	$105,263

Example Calculation:

a. If you know the total project costs:
(1) Multiply the total project costs by the cost share/match % needed.
(2) The total is your cost share/ match amount.

For example:
If your total project cost = $166,667 and you need 40% cost share/match, then $166,667 x .40 = $66,667 (Cost Share/Match).

OR

b. If you know the total federal funds requested (i.e., $100,000 for this RFP):
(1) Divide the total federal funds requested by the maximum federal share allowed.
(2) Subtract the federal funds requested from the amount derived in step 1.
(3) The amount derived from step 2 is the non-federal cost share/match.

For example:
(1) If the federal funds requested = $100,000; and the recipient cost share/match is 10%, then the federal share = 90% or .90. $100,000 divided by .90 = $111,111 (total project cost) then,
(2) $111,111 - $100,000 = $11,111
(3) The non-federal cost share/match = $11,111

D. Threshold Evaluation Criteria

In addition to applicant eligibility (discussed above in sections III.A, B and C), all of the following threshold evaluation criteria must be met by the time of proposal submission in order for a tribe's or intertribal consortium's proposal to be evaluated under the ranking criteria in section V and be considered for award. Only proposals that meet all of these criteria will be

evaluated against the ranking criteria in section V of the announcement. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified by the EPA Regional Contact in section VII within 15 calendar days of the ineligibility determination.

1. An individual tribe (or intertribal consortium) may not submit more than one proposal under this RFP. If more than one proposal is submitted, the EPA Regional Contact will contact the applicant to determine which proposals to withdraw. Individual tribes who are part of an intertribal consortium that submits a proposal for a section 319 competitive grant may not also submit an individual section 319 competitive proposal. In such cases the individual proposal will be considered ineligible.

2. An individual tribe (or intertribal consortium) may submit a proposal requesting up to a maximum of $100,000 of federal CWA section 319 funding. If an applicant submits a proposal that requests more than $100,000 of federal CWA section 319 funding, it will be rejected from further consideration.

3. All proposals must include activities that are related to waters within a reservation or they will be rejected. CWA section 319 grant funds awarded under this competition may be awarded to tribes for use outside the reservation only if they support activities that are related to waters within a reservation and are consistent with the applicant's nonpoint source assessment report and management program. These activities may include either those relating to sources upstream of a waterway entering the reservation, or activities downstream of reservation waters. The proposal must clearly demonstrate the impacts of the upstream or downstream project on tribal land and waters or it will be rejected from further consideration. If any project work, such as NPS BMP implementation activities or monitoring, is to occur off-reservation the applicant must assess and indicate in their proposal whether land access/permission is required, and if so must demonstrate in the proposal that any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.

   i. Activities That Are Related to Waters Within a Reservation

   Section 518(e) of the CWA provides that EPA may treat an Indian tribe in a manner similar to a state for purposes of section 319 of the CWA if, among other things, "the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are within the borders of an Indian reservation" (see 33 USC 1377(e)(2)). EPA already awards grants to tribes under section 106 of the CWA for activities performed outside of a reservation (on condition that the tribe obtains any necessary access agreements and coordinates with the state, as appropriate) that pertain to reservation waters, such as evaluating impacts of upstream waters on water resources within a reservation. Similarly, EPA has awarded section 106 grants to states to conduct monitoring outside of state borders. EPA has concluded that grants awarded to an Indian tribe pursuant to section 319 may similarly be used to perform eligible section 319 activities outside of a reservation if: (1) the activity pertains to the management and protection of waters within a reservation; and (2) just as for on-reservation activities, the tribe meets all other applicable requirements.

ii. Activities That Are Unrelated to Waters of a Reservation

EPA is not authorized to award CWA section 319 grants for activities that do not pertain to waters of a reservation. For off-reservation areas, including "usual and accustomed" hunting, fishing, and gathering places, EPA must determine whether the activities pertain to waters of a reservation prior to awarding a grant.

4. All proposal work plans, as described in Section IV, must address one of the following four project types:
   i. The work plan develops or continues work on a nine element watershed-based plan and implements a nine element watershed-based plan;
   ii. The work plan develops or continues work on a nine element watershed-based plan and implements a watershed project (that does not implement the watershed-based plan) that is a significant step towards solving NPS impairments or threats on a watershed-wide basis;
   iii. The work plan implements a nine element watershed-based plan; or
   iv. The work plan implements a watershed project that is a significant step towards solving NPS impairments or threats on a watershed-wide basis.

5. Proposals including watershed-based plan development as a work plan component must also contain an on-the-ground project to implement NPS BMPs (i.e., a tribe will not receive competitive funding only for the development of a watershed-based plan).

6. Proposals must **substantially comply** with the proposal submission instructions and requirements set forth in Section IV.C of this announcement or else they will be rejected. Where a page limit is expressed in Section IV.C.2 with respect to the proposal work plan, pages in excess of the page limitation will not be reviewed. Section IV.C.2, establishes a 15-page, single-spaced proposal work plan page limit. Supporting materials, as described in Section IV.C.2, are not included within the page limit for the proposal work plan.

7. Proposals must be submitted through Grants.gov as specified in Section IV of this announcement (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Section IV) on or before the proposal submission deadline published in Section IV of this announcement. Applicants are responsible for following the submission instructions in Section IV of this announcement to ensure that their proposal is timely submitted.

8. Proposals submitted after the submission deadline will be considered late and deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with Grants.gov or relevant SAM.gov system issues. An applicant's failure to timely submit their proposal through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a late submission. Applicants should confirm receipt of their proposal with Steve Epting at

tribal319grants@epa.gov as soon as possible after the submission deadline—failure to do so may result in your proposal not being reviewed.

9. If a proposal is submitted that includes any ineligible tasks or activities, that portion of the proposal will be ineligible for funding and may, depending on the extent to which it affects the proposal, render the entire proposal ineligible for funding.

E. Funding Restrictions

Watershed-Based Plan Development: The use of competitive funding for the development of a watershed-based plan shall be limited to 20 percent of the federal portion of the competitive grant (i.e., up to $20,000 of a $100,000 federal grant request) to assure that these competitive funds are primarily focused on NPS BMP implementation. Proposals including watershed-based plan development as a work plan component must also contain a project to implement NPS BMPs (i.e., a tribe will not receive competitive funding only for the development of a watershed-based plan).

Administrative Costs: Pursuant to CWA section 319(h)(12), administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the grant shall not exceed 10 percent of the grant award (federal share and tribal cost share or match). The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation. For example, staff time implementing a stream restoration project is exempt from the 10 percent cap on administrative costs. Developing a watershed-based plan is also exempt from the 10 percent cap on administrative costs.

Please note that a tribe's indirect cost rate set by Department of Interior is independent of the 10 percent administrative costs mentioned in CWA section 319(h)(12). If a tribe chooses to include indirect costs in its budget, the indirect cost rate set by the Department of Interior would be the rate that the tribe would start with. However, some of the costs that are covered in the indirect cost rate may be administrative and subject to the 10 percent administrative cap. If they are subject to the administrative cap and are more than 10 percent, the tribe would need to limit the indirect costs included in the budget. The 10 percent administrative cap is intended to limit overall funds for any administrative costs whether they are direct or indirect costs.

Water Quality Monitoring: In general, CWA section 319 funding should not be used for general assessment activities (e.g., monitoring the general status of reservation waters, which may be supported with CWA section 106 funding). CWA section 319 funding may not be used to fund any activities required by a National Pollutant Discharge Elimination System permit. This includes monitoring and other activities associated with the storm water permitting program. However, tribes may use CWA section 319 funding to support nonpoint source project-specific water quality monitoring (i.e., baseline monitoring and post-BMP implementation monitoring), data management, data analysis, and the development of watershed-based plans. Section 319 does not, by statute, provide access for tribes to sample lands or waters not within their jurisdiction. If monitoring is to occur off tribal lands in waterbodies that affect the waters of the reservation, approval must be obtained from the land owner(s) prior to applying for funding.

Intertribal Consortia: To receive funds under section 319 in any fiscal year, a tribe or each member of an intertribal consortium must agree that the tribe or each member of the intertribal consortium will maintain its aggregate expenditures from all other sources for programs for controlling nonpoint source pollution and improving the quality of the tribe's or the intertribal consortium's members' waters at or above the average level of such expenditures in Fiscal Years 1985 and 1986 (see 40 CFR 35.636).

F. Performance Partnership Grants (PPG)

Funds for a grant awarded under this solicitation may be included in a PPG. Applicants should indicate in their proposal submission if they anticipate incorporating the proposed project, if selected for funding, into an already existing PPG or if they intend to create a new PPG that would include the project proposed under this solicitation**.** The PPG should be in place before the time of grant award or created concurrently with the award of the grant funds. The proposed project under this grant announcement must have a project period that is within the PPG project period. It cannot be longer than the PPG project period. A PPG enables entities to combine funds from more than one environmental program grant into a single grant with a single budget. Under this competition, tribal or intertribal consortia proposals must first be selected under the competitive grant process described in this announcement and, in accordance with 40 CFR 35.535, the work-plan commitments that would have been included in the work-plan must be included in the PPG work-plan. After the funds have been included in the PPG, the recipient does not need to account for these funds in accordance with the funds' original program source. If a proposed PPG work-plan differs significantly from the work-plan approved for funding under this competition, the Regional Administrator must consult the National Program Office (see 40 CFR 35.535). The purpose of this consultation requirement is to address the issue of ensuring that a project which is awarded funding under this competition is implemented as proposed once combined with other grant programs in a PPG. For further information, see the final rules on Environmental Program Grants for tribes and intertribal consortia at 40 CFR Part 35, Subpart B.

IV. APPLICATION AND SUBMISSION INFORMATION

A. Requirement to Submit Through Grants.gov and Limited Exception Procedures

Applicants, except as noted below, must apply electronically through Grants.gov under this funding opportunity based on the grants.gov instructions in this announcement. If an applicant does not have the technical capability to apply electronically through Grants.gov because of limited or no internet access which prevents them from being able to upload the required application materials to Grants.gov, the applicant must contact OGDWaivers@epa.gov or the address listed below in writing (e.g., by hard copy, email***) at least 15 calendar days prior to the submission deadline under this announcement*** to request approval to submit their application materials through an alternate method.

Mailing Address:

OGD Waivers
c/o Jessica Durand
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave., N. W.
Mail Code: 3903R
Washington, DC 20460

Courier Address:
OGD Waivers
C/o Jessica Durand
Ronald Reagan Building
1300 Pennsylvania Ave., N.W.
Rm # 51278
Washington, DC 20004

In the request, the applicant must include the following information:

- Funding Opportunity Number (FON)
- Organization Name and DUNS
- Organization's Contact Information (email address and phone number)
- Explanation of how they lack the technical capability to apply electronically through Grants.gov because of 1) limited internet access or 2) no internet access which prevents them from being able to upload the required application materials through www.Grants.gov.

EPA will only consider alternate submission exception requests based on the two reasons stated above and will timely respond to the request -- all other requests will be denied. If an alternate submission method is approved, the applicant will receive documentation of this approval and further instructions on how to apply under this announcement. Applicants will be required to submit the documentation of approval with any initial application submitted under the alternative method. In addition, any submittal through an alternative method must comply with all applicable requirements and deadlines in the announcement including the submission deadline and requirements regarding proposal content and page limits (although the documentation of approval of an alternate submission method will not count against any page limits).

If an exception is granted, it is valid for submissions to EPA for the remainder of the entire calendar year in which the exception was approved and can be used to justify alternative submission methods for application submissions made through December 31 of the calendar year in which the exception was approved (e.g., if the exception was approved on March 1, 2017, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2017). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31 of that calendar year. Applicants must request a new exception from required electronic submission through Grants.gov for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2017 with a

submission deadline of January 15, 2018, the applicant would need a new exception to submit through alternative methods beginning January 1, 2018.

Please note that the process described in this section is only for requesting alternate submission methods. All other inquiries about this announcement must be directed to the EPA Headquarters Contact listed in Section VII of the announcement. Queries or requests submitted to the email address identified above for any reason other than to request an alternate submission method will not be acknowledged or answered.

B. Grants.gov Proposal Submission Instructions

The electronic submission of your application must be made by an official representative of your institution who is registered with Grants.gov and is authorized to sign applications for Federal assistance. For more information on the registration requirements that must be completed in order to submit an application through grants.gov, go to Grants.gov and click on "Applicants" on the top of the page and then go to the "Get Registered" link on the page. If your organization is not currently registered with Grants.gov, please encourage your office to designate an Authorized Organization Representative (AOR) and ask that individual to begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a Unique Entity Identifier (e.g. DUNS number) and a current registration with the System for Award Management (SAM) and the process of obtaining both could take a month or more. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on grants.gov, SAM.gov, and DUNS number assignment is FREE.

Applicants need to ensure that the AOR who submits the application through Grants.gov and whose Unique Entity Identifier (e.g., DUNS number) is listed on the application is an AOR for the applicant listed on the application. Additionally, the DUNS number listed on the application must be registered to the applicant organization's SAM account. If not, the application may be deemed ineligible.

To begin the application process under this grant announcement, go to Grants.gov and click on "Applicants" on the top of the page and then "Apply for Grants" from the dropdown menu and then follow the instructions accordingly. Please note: To apply through Grants.gov, you must use Adobe Reader software and download the compatible Adobe Reader version. For more information about Adobe Reader, to verify compatibility, or to download the free software, please visit Adobe Reader Compatibility Information on Grants.gov

You may also be able to access the application package for this announcement by searching for the opportunity on Grants.gov. Go to Grants.gov and then click on "Search Grants" at the top of the page and enter the Funding Opportunity Number, **EPA-OW-OWOW-18-01**, or the CFDA number that applies to the announcement (CFDA 66.460), in the appropriate field and click the Search button.

Please Note: All applications must now be submitted through Grants.gov using the "Workspace" feature. Information on the Workspace feature can be found at the Grants.gov Workspace Overview Page.

1. Proposal Submission Deadline

Your organization's AOR must submit your complete proposal electronically to EPA through Grants.gov no later than **11:59 PM EDT /10:59 PM CDT / 9:59 PM MDT/8:59 PM PDT, May 2, 2018.** Please allow for enough time to successfully submit your application process and allow for unexpected errors that may require you to resubmit.

Please submit *all* of the application materials described below using the grants.gov application package that you downloaded using the instructions above.

It may take a day or more to receive confirmation of your submittal or associated error messages. To facilitate the submission process, and leave time to address any submission issues, consider submitting your application at least several days before the closing day of the announcement.

2. Application Materials

The following forms and documents are required to be submitted under this announcement via Grants.gov:

Mandatory Documents:

i. Application for Federal Assistance (SF-424)
ii. Proposal Work Plan (Project Narrative Attachment Form) - prepared as described in Section IV.C.2 of the announcement—subject to the 15-page single-spaced proposal work plan page limit.

Optional Documents

iii. Supporting Materials (such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of project location) as described in Section IV.C.2. Supporting materials are not included in the 15-page single-spaced proposal work plan page limit.

Application packages submitted thru Grants.gov will be time/date stamped electronically. If you have not received a confirmation of receipt from EPA (*not from Grants.gov*) within 30 days of the proposal deadline, please contact Steve Epting at tribal319grants@epa.gov. Failure to do so may result in your proposal not being reviewed.

3. Technical Issues with Submission

i. Once the application package has been completed, the "Submit" button should be enabled. If the "Submit" button is not active, please call Grants.gov for assistance at 1-800-518-4726. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. Applicants should save the completed application package with two different file names before

providing it to the AOR to avoid having to re-create the package should submission problems be experienced or a revised application needs to be submitted.

ii. **Submitting the application**. The application package must be transferred to Grants.gov by an AOR. The AOR should close all other software before attempting to submit the application package. Click the "submit" button of the application package. Your Internet browser will launch and a sign-in page will appear. ***Note: Minor problems are not uncommon with transfers to Grants.gov. It is essential to allow sufficient time to ensure that your application is submitted to Grants.gov BEFORE the due date identified in Section IV of the solicitation.*** The Grants.gov support desk operates 24 hours a day, seven days a week, except Federal Holidays.

A successful transfer will end with an on-screen acknowledgement. For documentation purposes, print or screen capture this acknowledgement. If a submission problem occurs, reboot the computer – turning the power off may be necessary – and re-attempt the submission.

Note: Grants.gov issues a "case number" upon a request for assistance.

iii. **Transmission Difficulties**. If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted application are experienced, and following the above instructions do not resolve the problem so that the application is submitted to Grants.gov by the deadline date and time, follow the guidance below. The Agency will make a decision concerning acceptance of each late submission on a case-by-case basis. All emails, as described below, are to be sent to tribal319grants@epa.gov with the Funding Opportunity Number, EPA-OW-OWOW-18-01, in the subject line. If you are unable to email, contact Steve Epting at 202-566-1074. Be aware that EPA will only consider accepting applications that were unable to transmit due to Grants.gov or relevant www.sam.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit timely because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of a late submittal.

a. If you are experiencing problems resulting in an inability to upload the application to Grants.gov, it is essential to call Grants.gov for assistance at 1-800-518-4726 before the application deadline. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. Be ***sure*** to obtain a case number from Grants.gov. If the problems stem from unforeseen exigent circumstances unrelated to Grants.gov, such as extreme weather interfering with internet access, contact Steve Epting at tribal319grants@epa.gov or 202-566-1074.

b. Unsuccessful transfer of the application package: If a successful transfer of the application cannot be accomplished even with assistance from Grants.gov due to electronic submission system issues or unforeseen exigent circumstances, send an email message to tribal319grants@epa.gov prior to the application deadline. The

email message must document the problem and include the Grants.gov case number as well as the entire application in PDF format as an attachment.

c. Grants.gov rejection of the application package: If a notification is received from Grants.gov stating that the application has been rejected for reasons other than late submittal, promptly send an email to tribal319grants@epa.gov with the Funding Opportunity Number "EPA-OW-OWOW-18-01" in the subject line within one business day of the closing date of this solicitation. The email should include any materials provided by Grants.gov and attach the entire application in PDF format.

Please note that successful submission through Grants.gov or via email does not necessarily mean your application is eligible for award.

C. Content of Proposal Package Submission

Applicants should read the following section very closely and address all requirements thoroughly. A complete proposal package must include the components below.

1. **Signed Standard Form (SF) 424- Application for Federal Assistance**

Complete the form and have it signed. Please be sure to include organization fax number and e-mail address in Block 5 of the signed SF 424. The organizational Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number must be included in the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711. This should be completed several weeks before submitting a proposal to ensure sufficient time is allowed for obtaining the DUNS number.

The SF 424A Budget Information for Non-Construction Programs may be used to enter budget information, but this form *is not required* to be submitted with the Grants.gov package. Applicants may find utilizing the SF 424A helps to organize their budget. The total amount of federal funding requested for the project period should be shown on line 5(e) and on line 6(k) of the SF 424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (e.g., personnel costs and fringe benefits), and the total indirect amount should also be indicated on line 22.

2. **Proposal Work Plan**

Proposal work plans will be evaluated based on the ranking criteria set forth in Section V.A of this announcement. The Proposal Work Plan must include sections i – x below. The work plan must be typewritten and must include the information listed below and address the evaluation criteria in Section V.A. If a particular item is not applicable, clearly state this in the proposal work plan.

Note: It is recommended that you identify within your proposal work plan each individual ranking criterion you are addressing. Your proposal work plan should conform to the outline below.

- The proposal work plan must be limited to no more than fifteen (15) typewritten single-spaced 8.5 X 11-inch pages (a page is one side of paper), **except** for documents specifically excluded from the page limit as noted below.
- Pages should be consecutively numbered for ease of reading.

- It is recommended that applicants use standard 12-point type with 1-inch margins. While these guidelines establish the minimum type size recommended, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the proposal work plan. The proposal work plan will be reviewed up to the 15-page single-spaced page limit; excess pages will not be reviewed.
- **Supporting materials** (such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of project location) are not included within the page limit for the proposal work plan. Supporting material pages should be numbered. The review committee will only review the material you provide with the application and not material referenced in the proposal work plan or in a web link. Do not include documents such as watershed plans, assessment reports, or management program plans.

All work plans must be consistent with the tribe's EPA-approved NPS management program and conform to legal requirements that are applicable to all environmental program grants awarded to tribes (see 40 CFR 35.507 and 35.515) as well as the legal requirements that specifically apply to NPS management grants (see 40 CFR 35.638). As provided in those regulations, and in accordance with EPA Order 5700.7A1, *Environmental Results under EPA Assistance Agreements*, and other applicable EPA policies, all proposal work plans must include the following information:

i. **Subcategories of NPS pollution (see also evaluation factor V.A.a).**
Identify and describe the extent and magnitude of subcategories of NPS pollution contributing to the water quality problems or threats described in the proposal. Provide estimates at the NPS subcategory level of the extent to which these subcategories are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation). Identify the area the estimate applies to (project(s) area, larger watershed, reservation, etc.). Indicate the specific subcategories of NPS pollution you will address through the proposed work plan activities.

Include photos if possible as supporting materials (site photos are considered supporting materials and are not included in the 15-page proposal work plan limit). For a list of the categories and subcategories of NPS pollution, please see Appendix B of the RFP.

ii. **Water Quality Problems or Threats (see also evaluation factor V.A.b).**
Identify each water quality problem or threat caused by the subcategories of NPS pollution you propose to address through the proposed project(s). Include water quality data analysis to show the water quality impacts from the NPS pollution subcategories of concern. Applicants are encouraged to include water quality data related to the NPS issue of concern to be addressed by the proposed project. Applicants should include specific descriptions of water quality problems or threats, for example, in relation to impairments to water quality standards or other parameters that indicate waterbody health (e.g., decreases in fish or macroinvertebrate counts). Include photos of the NPS issue(s) of

concern (site photos and maps are considered supporting materials and are not included in the 15-page proposal work plan limit).

iii. **Project Goals and Objectives, Work Plan Components, Specific NPS BMPs and Eligible Project Activities to be Implemented, and Project Location(s) (see also evaluation factor V.A.c).**

Describe the goals and objectives of the proposal. Describe each component of the work plan, which includes an outline of all activities to be implemented, including watershed-based plan development, if applicable (see Project Types below for additional information on project components). Provide detailed information regarding the specific NPS BMPs and other eligible project activities to be implemented through the proposed project. Include specific information regarding where the NPS project will take place in relation to the waterbody affected by NPS pollution. EPA recommends including maps of the reservation, waterbody to be addressed, and project location as supporting materials. Photos of project sites should include a detailed description of what is in the photos and clearly link back to the proposal (site photos and maps are considered supporting materials and are not included in the 15-page limit).

All proposals must address one of the following four project types, as described in the table below. Identify which project type applies to your proposal, and provide the information relevant to that project type. Please note the narrow definition of a "nine element watershed-based plan" specific to EPA's Nonpoint Source Program (see Section I.A., as well as Appendix A for a list of the nine elements).

Project Type	Description
i.	**The work plan develops or continues work on a nine element watershed-based plan and implements a nine element watershed-based plan.** Include the following information for the nine element watershed-based plan to be developed: (1) the geographical coverage of the watershed plan, (2) a commitment to incorporate the nine elements of a watershed-based plan described in Appendix A, (3) a summary of the work, if any, already completed in developing the watershed-based plan, (4) a specific schedule for developing the watershed-based plan, including cases where plan development may continue past the proposal project period, and (5) an estimate of the funds that will be used to develop the watershed-based plan (not to exceed 20 percent of the federal competitive grant). Include the following information for the nine element watershed-based plan to be implemented: (1) whether the plan includes the nine elements as defined by EPA, (2) whether the watershed-based plan has been reviewed by EPA, and (3) whether the plan it is in final or draft form. Describe how the work plan will make progress towards achieving the overall goals of the watershed-based plan and the specific water quality-based goals identified in the watershed-based plan. Applicants may

	propose to implement a watershed-based plan authored by the applicant, or authored by another entity (i.e., watershed organization, non-profit, state water quality agency, regional planning commission, etc.).
ii.	**The work plan develops or continues work on a nine element watershed-based plan and implements a watershed project (that does not implement the watershed-based plan) that is a significant step towards solving NPS impairments or threats on a watershed-wide basis.** Include the following information for the nine element watershed-based plan to be developed: (1) the geographical coverage of the watershed plan, (2) a commitment to incorporate the nine elements of a watershed-based plan described in Appendix A, (3) a summary of the work, if any, already completed in developing the watershed-based plan, (4) a specific schedule for developing the watershed-based plan, including cases where plan development may continue past the proposal project period, and (5) an estimate of the funds that will be used to develop the watershed-based plan (not to exceed 20 percent of the federal competitive grant). For the watershed project to be implemented, describe how the watershed approach (see Section I.A) was adopted in developing the proposed project. Additionally, describe how the proposed NPS BMPs and other eligible activities will contribute to achieving water quality goals on a watershed scale.
iii.	**The work plan implements a nine element watershed-based plan.** Provide the following information for the nine element watershed-based plan to be implemented: (1) whether the plan includes the nine elements as defined by EPA, (2) whether the watershed-based plan has been reviewed by EPA, and (3) whether the plan it is in final or draft form. Describe how the work plan will make progress towards achieving the overall goals of the watershed-based plan and the specific water quality-based goals identified in the watershed-based plan. Applicants may propose to implement a watershed-based plan authored by the applicant, or authored by another entity (i.e., watershed organization, non-profit, state water quality agency, regional planning commission, etc.).
iv.	**The work plan implements a watershed project that is a significant step towards solving NPS impairments or threats on a watershed-wide basis.** For the watershed project to be implemented, describe how the watershed approach (see Section I.A) was adopted in developing the proposed project. Additionally, describe how the proposed NPS BMPs and other eligible activities will contribute to achieving water quality goals on a watershed scale.

iv. **Link Between Work Plan Components and NPS Subcategories; Water Quality Benefits (see also evaluation factor V.A.d).**

Describe how the proposed work plan components will reduce or eliminate the NPS pollution subcategories contributing to the water quality problem/threat to be addressed by the proposed project. Describe how the proposed project addresses the water quality problems or threats, either through restoring NPS-impaired waters or protecting waters from NPS pollution.

Describe how, and what, significant water quality benefits will be achieved as a result of the proposed project). Describe how the proposed project addresses the water quality problems or threats, either through restoring NPS-impaired waters or protecting waters from NPS pollution. The water quality benefits you describe should be linked to the NPS pollution subcategories (see i above) and the resulting water quality problems or threats (see ii above). Include specific water quality-based goals linked to: load reductions; water quality standards for one or more pollutants/uses; NPS total maximum daily load allocations; measurable, in-stream reductions in a pollutant; and/or improvements in a parameter that indicates waterbody health (e.g., increases in fish or macroinvertebrate counts). If information is not available to make specific estimates, water quality-based goals may include narrative descriptions and best professional judgment based on existing information.

v. **Watershed Approach (see also evaluation factor V.A.e).**

Describe the watershed-based approach (or estuarine/coastal ecosystem system approach) adopted to determine the project areas and proposed management activities that will be most effective in preventing or reducing NPS pollution. This description should address how the proposed project(s) fit into a broader watershed approach to managing NPS pollution (see also Section I.A and the evaluation factor Section V.A.e.). Describe why this project is the best project to be implemented in the watershed based on for example, its scope, location, sequencing in relation to other projects in the watershed, past watershed planning efforts, or other factors, and/or if the project is part of an existing watershed-based plan. Describe how the proposed project can be linked to or expanded upon to address NPS impairments or threats on a watershed-wide basis, for example, by laying the groundwork for future implementation of NPS management efforts on a watershed basis.

vi. **Environmental Outputs, Outcomes, and Tracking (see also evaluation factor V.A.f (i) and (ii)).**

Include the anticipated environmental outputs and outcomes (as required by EPA Order 5700.7A1) of your project; a description of how the outcomes are linked to EPA's Strategic Plan Goal 1, Objective 1.2; and a plan for tracking and measuring progress towards achieving the expected outputs and outcomes. See Section I.B of this RFP for more information regarding outputs and outcomes and the Strategic Plan.

vii. **Environmental Results Past Performance (see also evaluation factor V.A.f.iii).**

Submit a list of federally-funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts) that your

organization performed within the last three years (no more than 5 agreements, and preferably EPA agreements), and describe how you documented and/or reported on whether you were making progress towards achieving the expected results (e.g., outputs and outcomes) under those agreements. If you were not making progress, please indicate whether, and how, you documented why not.

In evaluating applicants under this factor in Section V.A.f.iii, EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available environmental results past performance information, you must indicate this in the proposal and you will receive a neutral score for this factor under Section V.A.f. Failure to provide any environmental results past performance information, or failure to include a statement that you do not have any relevant or available environmental results past performance information, may result in a zero score for this factor.

viii. **Detailed Budget (see also evaluation factor V.A.g).**

Provide a detailed budget and estimated funding amounts for each work plan component/task. Applicants must itemize costs related to personnel, fringe benefits, contractual costs, travel, equipment, supplies, other direct costs, indirect costs, and total costs. This section provides an opportunity for narrative description of the budget or aspects of the budget such as "other" and "contractual". All subgrant funding should be located in the "other" cost category. Describe itemized costs in sufficient detail for EPA to determine the reasonableness and allowability of costs for each work plan component/task, including the use of the non-federal cost share/match funds. Also indicate whether the applicant has requested a hardship waiver (the non-federal cost share/match may be reduced to 10 percent), or if the competitive funds will be added to a PPG (cost share/match may be reduced to 5 percent for the first two years in which a tribe or intertribal consortia receives a PPG, and then is increased to 10 percent). See Section III.B and III.C for additional information.

Provide information on the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. This can be done, for example, by providing a brief discussion of how the funds will be drawn down over the course of the grant, or provide a timeline as to when the funds are expected to be expended.

Note the following:

a. Total costs must include both federal and non-federal cost-share/matching components.
b. The use of funding for the development of a watershed-based plan will be limited to 20 percent of the federal portion of the competitive award.
c. Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the assistance agreement shall not exceed 10 percent of the federal portion of the grant award. The costs of implementing enforcement and regulatory activities, education, training,

technical assistance, demonstration projects, and technology transfer are not subject to this limitation.

d. Costs may include financial assistance to persons only to the extent that such assistance is related to the cost of demonstration projects.

ix. **Milestone Schedule (see also evaluation factor V.A.h).**

Provide a milestone schedule that covers each year of the total proposed project period (up to four years, and see Section III.F. for information about PPG-specific requirements). The milestone schedule should provide a breakout of the project activities into phases with associated tasks and a timeframe for completion of tasks. For each work plan component and task or activity, such information includes, but is not limited to, the following:

a. Identify a specific "start" and "end" date.
b. Estimate the specific work years.
c. Provide interim milestone dates, particularly for work plan components/tasks that span multiple years.

x. **Roles and Responsibilities (see also evaluation factor V.A.i).**

Describe the roles and responsibilities of the recipient and any partners in carrying out the work plan commitments. This may include, but is not limited to, the following:

a. Defining the specific level of effort for the responsible parties for each work plan component.
b. Identifying and describing parties who will take the lead in carrying out the work plan commitments.
c. Identifying and describing other programs, parties, and agencies that will provide additional technical and/or financial assistance.

The work plan must include additional required information, if applicable, relating to:

i. Eligibility (e.g., adequate documentation to demonstrate eligibility of intertribal consortium).
ii. Any other supplemental information that may be relevant or applicable to the proposal or evaluation criteria in Section V.

xi. **Financial Hardship Waiver Letter and Quality Assurance/Quality Control (not included in the proposal workplan page limit)**

i. Financial hardship waiver letter requesting a reduced non-federal cost share/match, if applicable.
ii. Quality Assurance/Quality Control. If the applicant expects to collect data and information as part of baseline or pre/post-project monitoring, briefly describe how the applicant will comply with the Quality Assurance/Quality Control requirements (see Section V.III.A. of this announcement for additional information). Note: Development of a Quality Assurance Project Plan (QAPP) is required of all EPA assistance agreements that fund data collection and assessment. The cost of QAPP development should be included in the project budget. For more information on QAPP development, see VIII.A.

Note: The applicant should also provide in the proposal work plan any additional information to the extent not already addressed above, that addresses the selection criteria in Section V.A.

D. Submission Dates and Times

Proposals submitted electronically through Grants.gov must be received by **11:59 PM EDT / 10:59 PM CDT / 9:59 PM MDT/ 8:59 PM PDT, May 2, 2018.** Late proposals will not be considered for funding.

E. Additional Provisions For Applicants Incorporated Into The Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to confidential business information, contracts and subawards under grants, and proposal assistance and communications, can be found at EPA Solicitation Clauses. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA Headquarters contact listed in this solicitation to obtain the provisions.

F. Communications with Applicants

In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), **EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria**. Applicants are responsible for the contents of their proposals. However, consistent with the provisions in the announcement, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about the announcement. Please note that applicants should raise any questions they may have about the solicitation language to the EPA HQ Contact identified in Section VII as soon as possible so that any questions about the solicitation language may be resolved prior to submitting a proposal. In addition, if necessary, EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

Questions must be submitted in writing via email and must be received by the EPA HQ Contact identified below by **April 20, 2018.** Written responses will be posted on EPA's website at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. EPA strongly recommends interested applicants refer to the FAQs webpage (https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information) prior to submitting a question.

G. Information Sessions

EPA will host two national Information Sessions regarding this announcement via webinar prior to the closing date of this RFP. These webinars will be held on **Wednesday, April 4, 2018 from 3 – 4:30 PM EDT** and **Tuesday, April 10, 2018 from 3 – 4:30 PM EDT.** Webinar registration is available at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. EPA will attempt to answer any appropriate questions in these public

forums. Information about these webinars, including Questions and Answers, will be posted at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information

V. APPLICATION REVIEW INFORMATION

A. Ranking Criteria

All eligible proposals, based on the Section III threshold eligibility review, will be evaluated based on the evaluation criteria and weights below (100 point scale). Points will be awarded based on how well and thoroughly each criterion and/or sub-criterion is addressed in the proposal.

Criteria	Description
a – Subcategories of NPS pollution **(10 points total)**	The proposal will be evaluated based upon the extent, and quality, to which it identifies and describes each subcategory of NPS pollution contributing to the water quality problems or threats described in the proposal, and the specific subcategories of NPS pollution that will be addressed through the proposal. (**5 points**) The proposal will be evaluated based upon how well it provides estimates at the NPS subcategory level of the extent to which these subcategories are present in the watershed. (**5 points**) See Section IV.C.2.i for more information. See Appendix B of the RFP for a list of NPS categories and subcategories.
b – Water quality problems/threats **(10 points total)**	The proposal will be evaluated based upon the extent, and quality, to which it identifies and provides specific descriptions of each water quality problem or threat caused by the subcategories of NPS to be addressed in the work plan (see Section IV.C.2.ii), (**10 points**)
c – Project goals and objectives; **Work plan components;** **Specific NPS BMPs and eligible project activities to be implemented;** **Project Location** **(30 points total)**	The proposal will be evaluated based upon the extent and quality to which it clearly describes and addresses: • The goal(s) and objective(s) of the project (**3 points**) • The work plan components, which includes an outline of all activities to be implemented (**11 points**) • The level of detail provided in relation to the specific NPS BMPs and other eligible project activities to be implemented (**11 points**) • Specificity in identifying where the NPS project will take place in relation to the waterbody affected by NPS pollution (**5 points**) See Section IV.C.2.iii for more information.
d – Link between work plan components and NPS	Proposals will be evaluated on how well they meet each of the following sub-criteria:

pollution subcategories; Water quality benefits **(10 points total)**	(i) Extent and quality to which the proposal describes how the work plan components will reduce or eliminate the NPS pollution subcategories addressed in the proposal that are contributing to the water quality problem/threat. (**5 points**) (ii) Extent and quality to which the proposal describes how and what significant water quality benefits will be achieved as a result of the project and how it addresses the water quality problems or threats either through restoring NPS-impaired waters or protecting waters from NPS pollution. (**5 points**) See Section IV.C.2.iv for more information.
e – Watershed Approach **(10 points total)**	Proposals will be evaluated on how well they meet each of the following sub-criteria: (i) Extent and quality to which the proposal demonstrates that a watershed-based approach was adopted in developing the proposed project and describes how the project is the best project to be implemented based on, for example, scope, location, sequencing in relation to other projects in the watershed, past watershed planning efforts, or other factors relevant to the watershed. (**5 points**) (ii) Extent and quality to which the proposal demonstrates that the project can be linked to or expanded upon to address NPS impairments or threats on a watershed-wide basis. (**5 points**) See Section IV.C.2.v for more information.
f – Environmental results; **Measuring and tracking progress;** **Past performance** **(10 points total)**	Proposals will be evaluated on how well they meet each of the following sub-criteria: (i) Extent and quality to which the proposal demonstrates potential environmental results (i.e., whether the project will result in the protection or restoration of water resources), anticipated outputs and outcomes (see Section I.B for examples of outputs and outcomes), and how the outcomes are linked to EPA's Strategic Plan (discussed in Section I.B of this RFP and also available at https://www.epa.gov/planandbudget/strategicplan). (**3 points**) (ii) Extent and quality to which the proposal demonstrates a sound plan for measuring and tracking progress toward achieving the expected outputs and outcomes (examples of outputs and outcomes can be found in Section I.B of this announcement). (**3 points)** (iii) Extent and quality to which the applicant adequately documented and/or reported on its progress towards achieving the expected results

	(e.g., outputs and outcomes) under the federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) identified in the proposal performed within the last 3 years, and if such progress was not being made, whether the applicant adequately documented and/or reported why not. (**4 points**) Note: In evaluating applicants under sub-criterion (iii), EPA will consider the information provided by the applicant in its proposal and may also consider relevant programmatic information from other sources including Agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). Applicants who have no relevant or available past performance information must indicate that in the proposal and will receive a neutral score for sub-criterion (iii) (i.e., two points). Failure to provide any past performance information, or failure to include a statement in your proposal that you do not have any relevant or available past performance information, may result in a zero score for sub-criterion (iii). See Section IV.C.2.vi and IV.C.2.vii for more information.
g – **Budget** **(10 points total)**	Proposals will be evaluated on how well they meet each of the following sub-criteria: (i) The proposal will be evaluated based upon the extent and quality to which it demonstrates the reasonableness of the budget and estimated funding amounts for each work plan component/task. Proposals will be evaluated based on the adequacy and specificity of the information provided in the detailed budget and whether the proposed costs are reasonable and allowable. Total project costs must include both federal and the required non-federal cost share/match. The cost-effectiveness and reasonableness of all costs (federal and non-federal cost share/match will also be evaluated. (**8 points**) (ii) Applicants will be evaluated based on their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. (**2 points**) See Section IV.C.2.viii for more information.
h – **Milestone Schedule** **(5 points total)**	The proposal will be evaluated based upon the adequacy and completeness of the milestone schedule, including timeframes and major milestones to complete significant project tasks. (see Section IV.C.2.ix), (**5 points**)

	Note: A work plan that includes a schedule that can be initiated with minimal delay upon the award of the assistance agreement (i.e., indicates a "readiness to proceed") may score higher than work plans which may require significant further action before the project can be implemented.
i – Roles and Responsibilities (5 points total)	The proposal will be evaluated based upon how specifically and clearly it defines the roles and responsibilities of each responsible party in relation to each work plan component (see Section IV.C.2.x), (**5 points**)

B. Review and Selection Process

All proposals received by the submission deadline will be screened by EPA staff against the threshold criteria in Section III.D of the announcement. Proposals that do not pass the threshold review will not be evaluated further or considered for funding.

A panel(s) comprised of EPA staff will review the eligible proposals based on the evaluation criteria listed in Section V.A. The ranking list will be provided to the headquarters selection official who makes the final funding decisions. In making the final funding decisions, the selection official will consider the proposal score/ranking and may also take into consideration whether the proposal is for a high quality work plan that adopts a watershed approach in targeting on-the-ground NPS activities. Awards will be made by EPA regional offices.

C. Additional Provisions For Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation including the clause on Reporting and Use of Information Concerning Recipient Integrity and Performance can be found at EPA Solicitation Clauses. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA HQ contact listed in this solicitation to obtain the provisions.

VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices

Following EPA's evaluation of proposals, all applicants, including those who are not selected for funding, will be notified regarding their status. The notification will be made to the original signer of the Standard Form (SF) 424, Application for Federal Assistance. The notification of recommendation for award is not an authorization to begin performance, not is it a guarantee that the award will be made. The official notification of award will be made by the Regional Award Official.

Applicants are cautioned that only an Award Official is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made.

For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA Award Official, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant or cooperative agreement can officially be awarded. The time between notification of selection and award can take up to 90 days or longer.

Final applications will be requested from those eligible entities whose proposal has been successfully evaluated and preliminarily recommended for award. Required forms and instructions for preparing and submitting the completed application will be provided at that time.

a. EPA anticipates notification to *successful* applicant(s) will be made by the appropriate EPA Regional contact via e-mail in June 2018. This notification, which advises that the applicant's proposal has been selected and is being recommended for award, is not an authorization to begin performance, nor is it a guarantee that an award will be made. The award notice signed by the EPA Award Official is the authorizing document and will be provided through e-mail. At a minimum, this process can take 90 days from the date of selection notification.
b. The EPA Regional contact will notify *unsuccessful* applicant(s) via e-mail within 15 calendar days after final selection of successful applicants. The notification will be sent to the original signer of the proposal or the project contact listed in the proposal.
c. The appropriate EPA Regional contact will notify applicants who do not meet the threshold eligibility criteria under Section III.D via e-mail within 15 calendar days of EPA's decision on applicant eligibility.

EPA reserves the right to negotiate and/or adjust the final grant amount and work plan narrative prior to award, as appropriate and consistent with Agency policy including the Competition Policy, EPA Order 5700.5A1.

<u>Prior to award, an approvable final work plan is required to include:</u>

1. Components to be funded under the assistance agreement;
2. Estimated work years and the estimated funding amounts for each component;
3. Commitments for each component and a timeframe for their accomplishment;
4. Performance evaluation process and reporting schedule;
5. Roles and responsibilities of the recipient and EPA (for cooperative agreements only) in carrying out the commitments;
6. Brief description of each significant category of nonpoint source activity and the work plan commitments to be produced for each category;
7. If a proposal work plan includes implementation of a watershed-based plan, a brief summary of the watershed-based plan to be implemented by the proposal;
8. The project's goals and objectives; and
9. The performance measures and environmental indicators that will be used to evaluate the results of the project.

In addition, successful applicants will be required to certify that they have not been Debarred or Suspended from participation in federal assistance awards in accordance with 40 CFR Part 32.

Any additional information about this RFP will be posted on EPA's website at https://www.epa.gov/nps/tribal/. Deadline extensions or other modifications if any, will be posted on this website and www.grants.gov.

B. Additional Provisions For Applicants Incorporated Into The Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to DUNS, SAM, copyrights, disputes, and administrative capability, can be found at EPA Solicitation Clauses. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA HQ contact listed in this solicitation to obtain the provisions

C. Administrative and National Policy Requirements

1. Grant Requirements

The general award and administration process for assistance agreements to be funded under this announcement are governed by the regulations at 2 CFR 200 and 1500, as applicable. In addition, all applicable legal requirements including, but not limited to, EPA's regulations on environmental program grants for tribes (*see* 40 CFR 35.500 to 35.735) and regulations specific to NPS grants for tribes (*see* 40 CFR 35.630 to 35.638), apply to all section 319 grants. A description of the Agency's substantial involvement in cooperative agreements will be included in the final agreement.

2. Satisfactory Progress

For a tribe or intertribal consortium that received section 319 funds in the preceding fiscal year, section 319(h)(8) of the CWA requires that the Regional Administrator determine whether the tribe or each member of the intertribal consortium made "satisfactory progress" during the previous fiscal year in meeting the schedule of activities specified in its EPA-approved NPS management program in order to receive section 319 funding in the current fiscal year. The Region will base this determination on an examination of tribal activities, reports, reviews, and other documents and discussions with the tribe in the previous year. The Regional Administrator or delegee must include in each CWA section 319 grant award package a written determination that the tribe has made satisfactory progress during the previous fiscal year in meeting the schedule of milestones specified in its NPS management program. The Regional Administrator or delegee must include brief explanations that support their determinations.

3. Operation and Maintenance

Each CWA section 319 grant must contain an award condition requiring that the tribe assure that any management practices implemented for the project be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of

the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

The condition must require the tribe to assure that any subrecipient of section 319 funds similarly include the same condition in the subaward. Additionally, such condition must reserve the right of EPA and the tribe, respectively, to conduct periodic inspections during the life span of the project to ensure that operation and maintenance are occurring, and shall state that, if it is determined that participants are not operating and maintaining practices in an appropriate manner, EPA or the tribe, respectively, will request a refund for the project supported by the grant.

The life span of a project will be determined on a case-by-case basis, tailored to the types of practices expected to be funded in a particular project, and should be specified in the grant condition. For assistance in determining the appropriate life span of the project, tribes may wish to examine other programs implementing similar practices, such as the U.S. Department of Agriculture's conservation programs. For example, for conservation practices, it may be appropriate to construct the life span consistent with the life span for similar conservation practices as determined by the Commodity Credit Corporation (pursuant to the implementation of the Environmental Quality Incentives Program). Following the approach used in many federal funding programs, practices will generally be operated and maintained for a period of at least 5 to 10 years.

4. Grants to Intertribal Consortia

In making grant awards to tribes who are part of an intertribal consortia, Regions must include a brief finding in the final funding package that the tribe has demonstrated the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant.

5. Match Requirements

In making grant awards to tribes that provide for a reduced match requirement, the Regional Administrator or delegee must include the hardship letter from the tribe in the final funding package for categorical grants or the work plan may be included in a PPG. If the match for the PPG is reduced below 5 percent, the hardship letter should also be included justifying the reduced match under the PPG.

D. Reporting

In general, recipients are responsible for managing the day-to-day operations and activities supported by the assistance funding, to assure compliance with applicable federal requirements, and for ensuring that established milestones and performance goals are being achieved. Recipients must submit performance reports and financial reports according to the established schedule (at least annually, but no more than quarterly). Copies of the performance evaluation reports are placed in the official files and provided to the recipient. Performance reports and financial reports are due 30 days after the reporting period. The final report is due 90 days after the assistance agreement has expired. Recipients will be required to report direct and indirect environmental results from the work accomplished through the award. In negotiating assistance agreements, EPA will work closely with the recipient to incorporate appropriate performance measures and reporting requirements in

the work plan consistent with 2 CFR 200 and 1500, and 40 CFR Part 45 as appropriate, and 40 CFR 35.507, 35.515, and 35.638. All section 319 grants must include a set of reporting requirements and a process for evaluating performance. Some of these requirements have been explicitly incorporated into the required work plan components that all Tribes must include in order to receive CWA section 319 grant funding.

E. Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at Dispute Resolution Procedures. Copies of these procedures may also be requested by contacting the HQ contact listed in Section VII of the announcement.

VII. AGENCY CONTACTS: EPA HEADQUARTERS AND REGIONAL TRIBAL NPS COORDINATORS

EPA Headquarters – *Office of Wetlands, Oceans, and Watersheds – Assessment and Watershed Protection Division*
Steve Epting
e-mail: tribal319grants@epa.gov

Region 1- *Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*
Beth Edwards
e-mail: edwards.beth@epa.gov

Region 2 - *New Jersey, New York, Puerto Rico, U.S. Virgin Islands*
Sheri Jewhurst
e-mail: jewhurst.sheri@epa.gov

Region 3 - *Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, DC*
Fred Suffian
e-mail: suffian.fred@epa.gov

Region 4 - *Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee*
Sharon Brown
e-mail: brown.sharon@epa.gov

Region 5 - *Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin*
Janette Marsh
e-mail: marsh.janette@epa.gov

Region 6 - *Arkansas, Louisiana, New Mexico, Oklahoma, Texas*
Nikole Witt
e-mail: witt.nikole@epa.gov

Region 7 - *Iowa, Kansas, Missouri, Nebraska*
Heather Duncan
e-mail: duncan.heather@epa.gov

Region 8 - *Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming*
Peter Monahan
e-mail: monahan.peter@epa.gov

Region 9 - *Arizona, California, Hawaii, Nevada, American Samoa, Mariana Islands, Guam*
Audrey Johnson
e-mail: Johnson.audreyl@epa.gov

Region 10 - *Alaska, Idaho, Oregon, Washington*
Krista Mendelman
e-mail: mendelman.krista@epa.gov

VIII. OTHER INFORMATION

A. Quality Assurance/Quality Control (QA/QC)

Quality Assurance/Quality Control (QA/QC) requirements are applicable to these assistance agreements (see 2 CFR 1500.11). QA/QC requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. Successful applicants should allow sufficient time and resources for this process. EPA can assist applicants in determining whether QA/QC is required for the proposed project. If QA/QC is required for the project, the applicant is encouraged to work with the EPA QA/QC staff to determine the appropriate QA/QC practices for the project. Contact the Agency Contact (See Section VII for Agency Contact information) for referral to an EPA QA/QC staff.

Applicants who have been collecting water quality data under CWA section 106 and have an EPA approved QAPP (Quality Assurance Project Plan), may or may not need to develop a QAPP for CWA section 319 monitoring related to their proposed project. EPA can assist applicants in determining whether QA/QC is required for the proposed project. If QA/QC is required for the project, the applicant is encouraged to work with the EPA QA/QC staff to determine the appropriate QA/QC practices for the project. Contact the Agency Contact (See Section VII above for Agency Contact information) for referral to an EPA QA/QC staff person.

The successful applicant must ensure all water quality data generated in accordance with an EPA approved Quality Assurance Project Plan, either directly or by subaward, is transmitted into the Agency's Storage and Retrieval (STORET) Data Warehouse annually or by project completion using either WQX or WQXweb in accordance with an EPA approved Quality Assurance Project Plan. Water quality data that are appropriate for STORET include physical,

chemical, and biological sample results for water, sediment and fish tissue. The data include toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. The Water Quality Exchange (WQX) is the water data format associated with the EPA, State and Tribal Exchange Network. Using the WQX format partners map their dataset structure to the WQX/STORET structure. WQXweb is a web-based tool to convert data into the STORET format for smaller data generators that are not direct partners on the Exchange Network. More information about WQX, WQXweb, and the STORET Warehouse, including tutorials, can be found at https://www.epa.gov/waterdata/storage-and-retrieval-and-water-quality-exchange

B. Data Sharing

All recipients of these assistance agreements will be required to share any data generated through this funding agreement as a defined deliverable in the final work plan.

Appendix A – Nine Elements of a Watershed-Based Plan Developed by a Tribe

a. An identification of the causes and sources or groups of similar sources that will need to be controlled to achieve the goal identified in element (c) below. Sources that need to be controlled should be identified at the significant subcategory level with estimates of the extent to which they are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation).

b. A description of the NPS BMPs that will need to be implemented to achieve a water quality-based goal described in element (c) below, as well as to achieve other watershed goals identified in the watershed-based plan, and an identification (using a map or a description) of the critical areas for which those measures will be needed to implement the plan.

c. An estimate of the water quality-based goals expected to be achieved by implementing the measures described in element (b) above. To the extent possible, estimates should identify specific water quality-based goals, which may incorporate, for example: load reductions; water quality standards for one or more pollutants/uses; NPS total maximum daily load allocations; measurable, in-stream reductions in a pollutant; or improvements in a parameter that indicates stream health (e.g., increases in fish or macroinvertebrate counts). If information is not available to make specific estimates, water quality-based goals may include narrative descriptions and best professional judgment based on existing information.

d. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the plan. As sources of funding, Tribes should consider other relevant Federal, State, local and private funds that may be available to assist in implementing the plan.

e. An information and education component that will be used to enhance public understanding and encourage early and continued participation in selecting, designing, and implementing the NPS BMPs that will be implemented.

f. A schedule for implementing the NPS BMPs identified in the plan that is reasonably expeditious.

g. A description of interim, measurable milestones for determining whether NPS BMPs or other control actions are being implemented.

h. A set of criteria that can be used to determine whether the water quality-based goals are being achieved over time and substantial progress is being made towards attaining water quality-based goals and, if not, the criteria for determining whether the watershed-based plan needs to be revised.

i. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under element (h) above.

Appendix B – Nonpoint Source Categories and Subcategories

Category: Abandoned Mine Drainage

- Surface mining
- Subsurface mining
- Placer mining
- Dredge mining
- Petroleum activities
- Mill tailings
- Mine tailings

Category: Agriculture

- Non-irrigated crop production
- Irrigated crop production
- Specialty crop production (e.g., truck farming and orchards)
- Pasture land
- Range land
- Feedlots - all types
- Aquaculture
- Animal holding/management areas
- Manure lagoons

Category: Silviculture

- Forest management
- Road construction/maintenance
- Harvesting, reforestation, residue management

Category: Hydrologic/Habitat Modifications

- Channelization
- Channel Erosion/Incision
- Dredging
- Dam construction
- Flow regulation/modification
- Bridge construction
- Removal of riparian vegetation
- Streambank modification/destabilization
- Draining/filling of wetlands

Category: Marinas and Boating

- Boat Construction
- Boat Maintenance
- Dredging
- Fueling
- Other On-Vessel Discharges

- Pumpouts
- Sanitary On-Vessel Discharges
- Shoreline Erosion

Category: Construction (on sites less than 1 acre in size)
- Roads, highways, bridges
- Land development or Redevelopment

Category: Turf Management
- Golf Courses
- Yard Maintenance
- Other Turf Management

Category: Urban Areas
- Storm sewers (source control)
- Combined sewers (source control)
- Surface runoff

Category: Wetlands and Riparian Management
- Draining/filling of wetlands
- Removal of riparian vegetation

Category: Land Disposal/Storage/Treatment
- Inappropriate Waste Disposal
- Industrial Land Management
- Landfills
- On-site/Decentralized Wastewater Treatment
- Septage Disposal

Other
- Atmospheric deposition
- Waste storage/storage tank leaks
- Highway maintenance and runoff
- Spills
- In-place contaminants
- Natural Recreational activities
- Salt storage sites