



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00362

WaterSMART Cooperative Watershed Management Program Phase I for Fiscal Years 2023 and 2024



Mission Statements

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

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

Cover photo - Rio Grande, New Mexico. (Reclamation/Alex Stephens)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Cooperative Watershed Management Program Phase I for Fiscal Years 2023 and 2024
Announcement Type:	Notice of Funding Opportunity
Funding Opportunity Number:	R23AS00362
Catalog of Federal Domestic Assistance (CFDA) Number:	15.554
Dates: (See NOFO Sec. D.4)	Application due Date: • First application period: Tuesday, December 5, 2023, 4:00 p.m. Mountain Standard Time • Second application period: Tuesday, September 3, 2024, 4:00 p.m., Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	New Watershed Groups Applicants eligible to receive an award as a New Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, and non-profit organizations. To be eligible, applicants must also (1) be sponsoring the development of a New Watershed Group, (2) significantly affect or be affected by the quality or quantity of water in a watershed, and (3) be capable of promoting the sustainable use of water resources. Existing Watershed Groups Applicants eligible to receive an award as an Existing Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, and non-profit organizations. To be eligible, applicants must also Be an Existing Watershed Group, which meets the definition of a watershed group as described above in Section A.3. Notice of Funding Opportunity Objectives and is legally incorporated as a non-profit entity; be a participating entity in an Existing Watershed Group; or be a fiscal sponsor of an Existing Watershed Group. Applicants (except non-profits organizations) must also be located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico.

	Non-profit organizations must be located in the United States or one of the territories identified above and must be sponsoring the establishment or development of a watershed group located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.
Recipient Cost-Share: (See NOFO Sec. C.2)	A non-Federal cost-share contribution is not required for Phase I CWMP activities funded under this NOFO.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$300,000 per applicant
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 25 to 30 projects per application submittal period contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 .

Application Checklist

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

✓	Mandatory Application Components:	Required Content	Page
	Mandatory Federal forms: - SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) - SF-424A: Budget Information - Non-Construction Programs (OMB) - SF-424B: Assurances - Non-Construction Programs (OMB)	See section D.2.2.1	16
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See Section D.3	22
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	See Section D.2.2.2	17
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	See Section D.2.2.3	19
✓	Recommended Application Components:	Required Content	Page
	Environmental and cultural resources compliance	See Section D.2.2.4	20
	Required Permits and Approvals	See Section D.2.2.5	20
	Overlap or duplication of effort statement	See Section D.2.2.6	20
	Conflict of interest disclosure statement	See Section D.2.2.7	20
	Uniform audit reporting statement	See Section D.2.2.8	21
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable) (OMB)	See Section D.2.2.9	22
	Letters of Support	See Section D.2.2.10	22
	Official Resolution	See Section D.2.2.11	22

Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAPIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
GIS	Geographic information system
IBC	Interior Business Center
HUC	Hydrologic Unit Code
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 6002 of the Cooperative Watershed Management Act, Subtitle A of Title VI of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364).

A.2. Background, Purpose, and Program Requirements

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, Tribes, and local entities as they plan for and implement actions to increase water supply sustainability through investments in existing infrastructure and attention to local water conflicts.

WaterSMART's Cooperative Watershed Management Program (CWMP) provides support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad* and aligned with other priorities, such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The Cooperative Watershed Management Program will advance the Biden-Harris Administration's Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that 40 percent of the overall benefits of certain Federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.¹ The Cooperative Watershed Management Program also supports the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership.

Drought conditions across the West impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. While waves of precipitation have hit Western United States since December of 2022, as of March 2023, the U.S. Drought Monitor indicates that more than 75% of the land in the seventeen Western states is still in abnormally dry to exceptional drought conditions. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the Western United States.

¹ For more information, see E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (Jan. 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, <https://www.whitehouse.gov/environmentaljustice/justice40/>

Through the CWMP, Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their water management needs. By providing this funding Reclamation promotes water reliability and cooperation between stakeholders to reduce conflict, facilitate solutions to complex water issues, and stretch limited water supplies.

This NOFO provides funding to watershed groups for Phase I projects for watershed group development, restoration planning, and watershed management project design.

For further information on the CWMP, see www.usbr.gov/watersmart/cwmp.

A.3. Notice of Funding Opportunity Objectives

The objective of this NOFO is to invite states, Indian Tribes, irrigation districts, water districts, local governmental entities, non-profit organizations, Existing Watershed Groups, and local and special districts (e.g., irrigation and water districts, conservation districts, natural resource districts) to submit proposals for Phase I activities to develop a watershed group, complete watershed restoration planning activities, and design watershed management projects. See Section C.4. Eligible Projects for a more comprehensive description of eligible activities.

A “watershed group,” as defined in Section 6001(6) of the Cooperative Watershed Management Act (see Section A.1. Authority for full citation) is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed, is capable of promoting the sustainable use of water resources in the watershed, makes decisions on a consensus basis, and represents a diverse group of stakeholders, including hydroelectric producers, livestock grazing, timber production, land development, recreation or tourism, irrigated agriculture, the environment, municipal water supplies, private property owners, Federal, state and local governments, Tribes, and disadvantaged communities.

A.4. Other Related Funding Opportunities

WaterSMART Environmental Water Resources Projects. Reclamation provides up to \$3 million in cost-share funding for projects that provide ecological and watershed health benefits and were developed as part of a collaborative process. Project types may include efforts such as water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values and watershed health; water management or infrastructure improvements to benefit ecological values and watershed health; and watershed management or restoration projects benefitting ecological values and watershed health that have a nexus to water resources or water resources management. The Federal share of the cost of an infrastructure improvement or activity may be up to 75 percent of the total project cost if certain conditions are met.

WaterSMART Aquatic Ecosystem Restoration Projects. Reclamation provides funding on a 65/35 cost share basis for the study, design, and construction of projects that restore or protect aquatic ecosystems. Projects benefit aquatic ecosystems across multiple basins, build habitat and

Section A. Funding Opportunity Description

systems resiliency, support threatened and endangered species, and provide broad environmental benefits. For information on the Aquatic Ecosystem Restoration Program, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/aerp/index.html>.

WaterSMART Drought Resiliency Project Grants. Reclamation provides funding on a 50/50 cost share basis for projects that will increase the reliability of water supplies or improve water management to build long term resilience to drought and are supported by an existing drought contingency plan. For information on the Drought Resiliency Projects, visit the WaterSMART Program website at <https://www.usbr.gov/drought/projects.html>.

WaterSMART Grants: Water and Energy Efficiency Grants. Financial assistance is provided on a 50/50 cost share basis for the construction of projects that conserve and use water more efficiently; increase the production of hydropower; mitigate conflict risk in areas at a high risk of future water conflict; and accomplish other benefits that contribute to water supply reliability in the West. For information on the Water and Energy Efficiency Grants, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/weeg/index.html>.

WaterSMART Small-Scale Water Efficiency Projects. Financial assistance is provided on a 50/50 cost share basis for small-scale water management projects (up to \$100,000 in Federal funding for each project) that have been identified through previous planning efforts. Reclamation has developed a streamlined selection and review process to reflect the small-scale nature of these projects. For information on the Small-Scale Water Efficiency Projects, visit the WaterSMART Program website at <https://www.usbr.gov/watersmart/swep/index.html>.

Planning and Project Design Grants. Reclamation provides up to \$400,000 in cost-share funding for collaborative planning and design projects to support water management improvements. This includes funding for comprehensive Drought Contingency Plans; Water Strategy Grants to investigate and develop activities and projects supporting water marketing, water conservation, drought resilience, and ecological values; and Project Design Grants to conduct project-specific design for projects supporting water conservation, drought resilience, and ecological values. The Federal cost share of a project may be up to 50 or 75 percent depending on the project type.

Native American Affairs Technical Assistance Program (TAP). Reclamation's Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required, and technical assistance requests must satisfy "Program Criteria". Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation's website at the address below.

Section B. Award Information

B.1. Total Funding

This NOFO will allocate available program funds, including fiscal years (FY) 2023 and 2024 enacted appropriations for the Cooperative Watershed Management Program and funding made available for the Cooperative Watershed Management Program under the Bipartisan Infrastructure Law (BIL).

The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other WaterSMART programs. Any awards are subject to a determination by Reclamation that appropriations and/or BIL funds are available. Applications submitted under this NOFO may also be considered if other funding becomes available in FY 2023 or subsequently.

B.2. Expected Award Amount

Maximum Award: \$300,000

Minimum Award: \$10,000

A total of up to \$300,000 in Federal funds may be awarded to an applicant over the three-year period, with no more than \$100,000 to be available per year. A non-Federal cost-share contribution is not required for Phase I activities funded under this NOFO. For each year of the grant, Reclamation must determine whether a recipient has made sufficient progress on the project to justify additional funding (see Section F.3.4. Determination of Sufficient Progress for additional information).

B.3. Expected Award Funding and Federal Award Date

This funding opportunity has two application submittal periods (See Section D.4. Submission Date and Time). For proposals submitted under the first application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in spring 2024 (or later if necessary). The anticipated award and completion dates for the first submittal period are as follows:

Anticipated Award Date: December 31, 2024

Anticipated Project Completion Date: December 31, 2027.

For proposals submitted under the second application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in winter 2024/2025 (or later if necessary). The anticipated award and completion dates for the second submittal period are as follows:

Anticipated Award Date: September 30, 2025

Anticipated Project Completion Date: September 30, 2028

B.4. Number of Awards

Approximately 25 to 30 awards, per application submittal period, depending on the amount requested by each applicant and the amount of funding available.

B.5. Type of Award

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the project.

Substantial involvement by Reclamation may include:

- Collaboration and participation with the recipient in the management of the project and close oversight of the recipient's activities to ensure that the program objectives are being achieved.
- Oversight may include review, input, and approval at key interim stages of the project.

B.6. Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. To discuss available assistance and associated costs, contact the Program Coordinator identified in Section G. Agency Contacts.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this funding opportunity are described below.

Applicants (except non-profits organizations) must also be located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico.

Non-profit organizations must be located in the United States or one of the territories identified above and must be sponsoring the establishment or development of a watershed group located in one of the following states or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.

C.1.1. Applicant Eligibility for New Watershed Groups

Applicants eligible to receive an award as a New Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, non-profit organizations, and institutes of higher education sponsoring a watershed group. To be eligible, applicants must also meet all the following requirements:

1. Be sponsoring the development of a New Watershed Group
2. Significantly affect or be affected by the quality or quantity of water in a watershed
3. Be capable of promoting the sustainable use of water resources

C.1.2. Applicant Eligibility for Existing Watershed Groups

Applicants eligible to receive an award as an Existing Watershed Group include states, Indian Tribes, local and special districts (e.g., irrigation, water districts, water conservation districts), local governmental entities, interstate organizations, non-profit organizations, and institutes of higher education sponsoring a watershed group. To be eligible, applicants must also be an Existing Watershed Group, which meets the definition of a watershed group as described above in Section A.3. Notice of Funding Opportunity Objectives and is legally incorporated as a non-profit entity; be a participating entity in an Existing Watershed Group; or be a fiscal sponsor of an Existing Watershed Group.

C.1.3. Applicant Category Guidance

In general, applicants should apply as a New Watershed Group if the group is just getting started, has completed little or no watershed restoration planning, and requires more substantial support for building the capacity of the watershed group and completing outreach to stakeholders. Groups that have been active in the watershed for several years and have previously conducted some watershed planning should apply as an Existing Watershed Group, even if the group is not incorporated as a legal entity. Entities that have previously received funding through CWMP Phase I should apply as an Existing Watershed Group and explain how their new project differs from and builds on their past Phase I project(s). Although New and Existing Watershed Groups will be scored using the same evaluation criteria (see Section E.1. Evaluation Criteria), they will be ranked separately to ensure fairness. Note: The Application Review Committee (ARC) (see Section E.2.2. Application Review Committee) has the discretion to change the Applicant Category when they deem appropriate.

C.1.4. Ineligible Applicants

Those not eligible include, but are not limited to, the following entities:

- Federal Governmental entities
- Individuals
- Institutes of higher education, unless they are serving as a sponsor for a watershed group.

C.2. Cost Sharing or Matching

There is no requirement for a non-Federal cost-share contribution for Phase I activities, and an application will not receive additional priority under the evaluation criterion (see Section E. Application Review Information) for providing non-Federal cost-share. If the applicant is voluntarily providing a non-Federal cost-share this must be noted in the budget proposal (see Section D.2.2.3. Project Budget).

C.2.1. Cost Share Regulations

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

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO the cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal

financial assistance agreement, a Federal procurement contract, or any other award of Federal funds. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. However, only one award will be made per watershed group.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

Applicants can apply for funding for activities within one or more of the following three Task Areas. It is acceptable and expected for an applicant not to address all three Task Areas. For example, a New Group might focus exclusively on Task A: Watershed Group Development or an Existing Group might focus exclusively on Task C: Watershed Management Project Design. An application will not receive more points simply because they are addressing more than one Task Area. In addition, applicants are not required to complete all activities identified under a certain Task Area. Developing ***articles of incorporation, bylaws, and business practices*** are eligible activities for both New and Existing Watershed Groups. See Section C.1.3. Applicant Category Guidance for a description of New and Existing Watershed Groups.

Reclamation funding can be used to support one full-time salary for a watershed group coordinator; however, most of the watershed group coordinators time that is funded by Reclamation should be spent on eligible activities specifically identified in the technical project description. Under the Section 6002 of the Cooperative Watershed Management Act administrative costs are limited to 20% of the grant award (see Section D.6.2. Project Cost Restrictions).

1. Task A: Watershed Group Development: Watershed group development activities include, but are not limited to:

- Developing a mission statement, vision statement, and goals for the watershed group.
- Developing articles of incorporation, bylaws, and business practices
- Conducting outreach activities including, but not limited to, development of informational materials about the watershed and the purpose of the watershed group community (e.g., brochures, advertisements, website, videos), creation of an outreach plan, conducting stakeholder meetings to establish broad-based and diverse membership, hiring a facilitator to assist with outreach and coalition building, tabling at community events, targeted outreach to specific groups and individuals (e.g., attending meetings of other groups, meeting with individual land owners, and tours of past watershed management projects).
- Gathering information about issues and needs related to water quality, water quantity and restoration needs within the watershed (e.g., through literature research and talking to government agencies, local universities, and stakeholders).
- Conducting pre-planning activities, including outlining a watershed restoration plan, reviewing existing plans related to the watershed, and collecting baseline information.

2. Task B: Watershed Restoration Planning: Watershed restoration planning activities may include, but are not limited to:

- Completing a watershed restoration plan, updating an existing restoration plan.
- Developing general watershed management project concepts or performing an analysis of the watershed to identify and prioritize watershed management projects. For example, creating a matrix within the watershed restoration plan that outlines and prioritizes watershed management projects.
- Conducting monitoring activities (e.g., water quality studies, water quantity studies, vegetation surveys, invertebrate surveys) needed to provide baseline information about the current condition and needs of the watershed to inform a broader watershed planning effort (see Section C.4.2. Eligibility of Monitoring, Measurement, and Field Work for additional information).
- Conducting mapping and other technical analyses, including obtaining data, performing modeling, or developing goals and benchmarks for the watershed restoration plan.
- Obtaining project management services or software technology required to formulate the watershed restoration plan.
- Interviewing watershed group members and stakeholders to gain an idea of projects that would improve the watershed.
- Working with watershed group members, landowners, Federal agencies, and state or local governments to determine how the watershed can be improved.

- Reviewing watershed-specific best management practices established by Federal, state, and local government agencies.

3. Task C: Watershed Management Project Design: Project design activities can include, but are not limited to:

- Completing an analysis to identify specific project locations.
- Completing site-specific project design and engineering, including but not limited to:
 - Preparing design drawings and specifications for the construction of the project.
 - Developing a basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)
 - Analyzing the means and methods for construction at the project site and identify constraints (necessary equipment, site access, etc.)
- Developing project timelines and milestones.
- Researching what type of site-specific environmental compliance will be necessary to implement a project, particularly if the applicant intends to seek Federal funding to implement the project in the future (e.g., under The WaterSMART Environmental Water Resource Projects or Aquatic Ecosystem Restoration Projects). We recommend contacting your local Reclamation office (www.usbr.gov/main/offices.html) as part of such research, to discuss the required environmental and cultural resource compliance and costs associated with potential projects. If a potential project is located on land owned by a different Federal agency, other than Reclamation, we also recommend contacting that agency.

C.4.1. Watershed Restoration Plan Guidance

A watershed restoration plan is a tool designed to help a watershed group plan for and implement restoration activities in their watershed. A watershed restoration plan should describe the issues of concern related to water resources within the watershed and identify potential solutions.

Reclamation understands that watershed restoration plans may take different forms depending on their purpose. Rather than prescribing specific requirements, Reclamation encourages recipients to develop a restoration plan that best meets the needs of the watershed. However, recipients should consider that the WaterSMART Environmental Water Resources Projects funding opportunity, which provides funding to watershed groups for on-the-ground watershed management projects, prioritizes projects that are identified and prioritized in a strategy or planning document that was developed collaboratively by a diverse set of water users and addresses water supply reliability for ecological value. You can find watershed restoration plans completed by previously selected CWMP Phase I recipients on Reclamation's website, www.usbr.gov/watersmart/cwmp/plans.html

C.4.2. Eligibility of Education and Training Activities

To be considered eligible activities, all outreach activities, training, and conferences must be specifically linked to the proposed watershed group development, watershed restoration planning, or watershed management project design activities. General education activities (e.g., K-12 educational programs) or general staff training are not eligible under this NOFO. Note: The ARC (see Section E.2.2. Application Review Committee) has the discretion to determine whether a specific education/outreach activity, training, or conference is eligible.

C.4.3. Eligibility of Monitoring, Measurement, and Field Work

Monitoring, measurement, and fieldwork (e.g., water quality monitoring, vegetation surveys) to collect baseline information regarding the current conditions and needs of the watershed is eligible under this funding opportunity if they will inform a broader planning or design effort being completed as part of the same grant project and costs do not exceed 50 percent of the Reclamation grant Reclamation funding. Applicants should also be aware that these on-the-ground activities may require more substantial environmental and cultural resources compliance.

C.5. Ineligible Projects

Projects not eligible for funding under this NOFO include, but are not limited to, scientific research and the project types identified immediately below.

C.5.1. Other Planning Projects

Proposals for developing planning efforts other than collaborative watershed restoration plans developed by watershed groups are not eligible for funding under this NOFO. This includes proposals for developing drought plans, appraisal investigations, feasibility studies, special studies, Basin Studies, or studies authorized under the Title XVI Water Recycling and Reuse Program, through P.L.102-575, as amended (43 U.S.C. 390h et seq.), or under the Rural Water Program, pursuant to the Rural Water Supply Act of 2006, P.L.109-45. Applicants interested in completing similar planning efforts that do not involve a collaborative watershed group should consider the WaterSMART Planning and Project Design Grant funding opportunity (see Section A.4. Other Related Funding Opportunities for additional information).

C.5.2. Implementation On-the-Ground Watershed Management Projects

Implementation of on-the-ground watershed management projects are not eligible under this funding opportunity. Implementation of on-the-ground watershed management projects that improve ecological value and watershed health are funded under the Environmental Water Resources Projects NOFO. On-the-ground watershed management projects include, but are not limited to, removing fish passage barriers, or installing fish passage structures, streambed and streambank modifications, invasive species removal, vegetation restoration, installing fences, and water conservation and efficiency projects (e.g., canal lining and piping).

C.5.3. Water and Land Purchases and Easements

A project that proposes using Federal funding primarily for the purchase of water or land, or to secure an easement, is not eligible under this NOFO.

C.5.4. Building Construction

A project that proposes to construct a building is not eligible for Federal funding under this NOFO (e.g., a building to house administrative staff or to promote public awareness of water conservation).

C.5.5. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm irrigation efficiency improvements should contact the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) to investigate opportunities for Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or visit www.nrcs.usda.gov for further contact information in your area.

C.5.6. Pilot Projects

A project that proposes to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology is not eligible for Federal funding under this NOFO.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance NOFO Operations Section staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **25** consecutively numbered pages. If this section of the application exceeds **25** pages, only the first **25** pages will be evaluated. **The full application, including attachments, cannot exceed 75 pages. If the application exceeds 75 pages, only the first 75 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.6. Freedom of Information Act.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under Section G.1 Reclamation Financial Assistance Contact.

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is manually signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

Failure to submit a signed SF-424 with a valid UEI number will result in the elimination of the application from further consideration.

SF-424A Budget Information Form.

A fully completed SF-424A Budget Information – Non-construction must be submitted with the application.

Failure to submit an SF-424A will result in the elimination of the application from further consideration.

SF-424B Assurances Form.

A SF-424B – Assurances – Non-construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

Failure to submit a signed SF-424B will result in the elimination of the application from further consideration.

D.2.2.2. Technical Proposal

Submission of a technical proposal (limited to 25 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

Title Page

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

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one paragraph project summary that briefly describes the location of the watershed area in which the group will work, the activities that will be carried out, any partners involved, watershed concerns in the watershed area, and how the activities completed through this grant are expected to help alleviate impacts of those concerns. This information will be used to create a summary of your project for our website if the project is selected for funding.

***Example:** The East Moloka'i Watershed Partnership, in collaboration with the State of Hawai'i, Department of Land and Natural Resources, will update their existing watershed management action plan. The Partnership is a collaborative of landowners and land managers, including the Nature Conservancy, the State of Hawai'i, the County of Maui, the Kamehameha Schools, and the Kapualei Ranch, on the east side of the island of Moloka'i. This effort is part of a larger vision to care for East Moloka'i's remaining native forests. These forests sit atop and help recharge Moloka'i's main aquifers, the source of residential water supplied by the County of Maui. As part of this project, the Partnership will complete design work for a fence to protect the native forests in the Kamalō-Kapualei area from non-native feral pigs, deer, and goats, which roam wild and trample and devour vegetation, and spread weeds. The Partnership will also draft the Pua'ahala watershed management plan for a recently acquired 800-acre property.*

- State the length of time and estimated completion date for the proposed project (month/year).

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- Whether or not the proposed planning efforts are focused on a Federal facility or will involve Federal land.

Project Location

Provide specific information on the geographic location of the area in which the watershed group will work including a map showing the geographic location. For example, {watershed area} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town}. If applicable, please provide the United States Geological Survey (USGS) Hydrologic Unit Codes (HUC) in which the group will work. If you are selected for funding, Reclamation may request additional detail regarding your project location. If the project will focus on site-specific planning or watershed management project design, please identify both the watershed area the watershed group works in and the location the site-specific planning or project will focus on.

Applicant Category

Please identify whether you are seeking funding as a New or Existing Watershed Group and explain why you chose to apply under that Applicant Category. As part of this discussion, please provide a brief history of the group, including discussion of (1) when and how the group was initiated, and (2) ongoing projects or efforts (e.g., previous watershed planning activities).

Eligibility of Applicant

Please write a narrative summary indicating how the applicant meets the eligibility requirements, as described in Section C.1. Eligible Applicants. Please include an explanation of the applicant's role in the New or Existing Watershed Group.

Project Description

Provide a detailed description of the activities that will be completed under this grant and the overall goals of the project.

- Please identify which of the Task Areas described in Section C.4. Eligible Projects you will address as part of this project, including a detailed discussion of what activities you will undertake within each Task Area.
- If the watershed group previously received a CWMP Phase I grant, please explain how the scope of work of this project differs from and builds upon the past grant. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.

Please do not include your project schedule and milestones here; that information is requested in response to the Readiness to Proceed criterion described in Section E.1.3. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria described in Section E.1. This section is solely intended to provide an understanding of the technical aspects of the project.

Evaluation Criteria

Section E.1. Evaluation Criteria provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

Copying and pasting the evaluation criteria and sub-criteria in Section E.1. Evaluation Criteria into your applications is suggested to ensure that all necessary information is adequately addressed.

D.2.2.3. Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

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

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

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A (Task A projects) or Cost Classification categories identified on the SF-424C (Task B projects). The budget narrative must clearly identify *all* items of cost (**total estimated project cost**), *including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation*, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

Please note: The Budget Narrative Attachment Form in Grants.gov is to be used to upload the budget proposal.

Failure to submit a budget proposal will result in the elimination of the application from further consideration.

D.2.2.4. Environmental and Cultural Resources Compliance

You should answer the questions from Section H.1. Environmental and Cultural Resource Considerations in this section.

D.2.2.5. Required Permits or Approvals

You should state in the application whether any permits or approvals are necessary and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR Section 429 and that the development will not impact or impair project operations or efficiency.

D.2.2.6. Overlap or Duplication of Effort Statement

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.2.2.7. Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR §200.318 apply.

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.

Restrictions on Lobbying

Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR §18 and 31 USC §1352.

Review Procedures

The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.8. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9. SF-LLL: Disclosure of Lobbying Activities (if Applicable)

If applicable, a fully completed and signed SF-LLL: Disclosure of Lobbying Activities form is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. *This form cannot be submitted by a contractor or other entity on behalf of an applicant.*

D.2.2.10. Letters of Support

You should include any letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project.

D.2.2.11. Official Resolution

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

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

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110 (b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110 (d) is required to:

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

Each applicant must be registered in SAM before submitting its application. Register on the [SAM.gov](https://sam.gov) website. The “Help” tab on the website contains User Guides and other information to assist you with registration. The [Grants.gov “Register with SAM” page](https://www.grants.gov/web/grants/register-with-sam.html) also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity’s Internal Revenue Service information.

See the “Submission Requirements” section of this document below for more information on SAM.gov registration.

There is no cost to register with SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.**

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2. Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a [Unique Entity Identifier](https://sam.gov) (UEI) prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

Please see Section D.4.2.2, Applications Submitted by Mail, Express Delivery or Courier Services, if you are unable to submit an application electronically.

D.4. Submission Date and Time

This NOFO covers two submittal periods and will remain open until September 3, 2024.

- Applications received by **December 5, 2023, at 4:00 p.m. Mountain Standard Time (MST)**, will be considered under the first submittal period.
- Applications received after December 5, 2023, at 4:00 p.m. MST and before **September 3, 2024, 4:00 p.m. Mountain Daylight Time (MDT)** will be considered for the second submittal period.

Applications must be submitted no later than this due date and time identified for each submittal period.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *Note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1. Application Delivery Instructions

Applications may be submitted electronically through Grants.gov (www.grants.gov) or a paper application may be submitted to the following addresses. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

By mail or United States Postal Service overnight services:

Bureau of Reclamation
Financial Assistance Operations Section
Attn: NOFO Team
P.O. Box 25007, MS 84-27133
Denver, CO 80225

By all other express delivery and courier services:

Bureau of Reclamation mail services
Attn: NOFO Team
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

If you are submitting a paper application, please notify Christina Munoz at CMunoz@usbr.gov for approval no later than 2:00 p.m. Mountain Daylight Time on December 5, 2023, for the first submittal period and 2:00 p.m. Mountain Daylight Time on September 3, 2024, for the second submittal period.

D.4.2. Instructions for Submitting the Project Application

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

D.4.2.1. Applications Submitted Electronically

Electronic applications must be submitted through Grants.gov. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available at www.grants.gov/applicants/apply-for-grants.html. **In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.**

Applicants have experienced significant delays when attempting to submit applications through Grants.gov. Applicants are encouraged to submit applications several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to sha-dro-fafoa@usbr.gov that validates the delay.

D.4.2.2. Applications Submitted by Mail, Express Delivery or Courier Services

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

- We request that applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.

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

D.4.2.3. Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

D.6. Funding Restrictions

D.6.1. Pre-award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

Note: Any incurrence of costs in the performance of the project prior to the issuance of a financial assistance award is at the applicant's own risk. No legal liability on the part of Reclamation for any payment may arise until funds are made available, in writing, by a Reclamation Grants Officer.

D.6.2. Project Cost Restrictions

Proposal costs. The costs for preparing and submitting an application in response to this funding opportunity, including developing data necessary to support the proposal, are not eligible project costs and must not be included in the project budget.

Other project costs. The costs for the purchase of water or land, or to secure an easement other than a construction easement are not eligible project costs under this funding opportunity.

Administrative Costs: Under the Section 6002 of the Cooperative Watershed Management Act administrative costs are limited to 20% of the grant award.

Costs for Monitoring, Measurement, and Fieldwork: Cost for monitoring, measurement, and fieldwork should not exceed 50 percent of the Reclamation grant funding.

D.6.3. Environmental and Regulatory Compliance Costs

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

D.6.4. Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of

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Management and Budget (OMB). If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Section E. Application Review Information

E.1. Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the project description and that is reflected in the budget, not the larger project.

Evaluation Criteria Scoring Summary	Points:
A. Watershed Group Diversity and Geographic Scope	30
B. Developing Strategies to Address Critical Watershed Needs	35
C. Readiness to Proceed	20
D. Presidential and Department of the Interior Priorities	15
Total	100

Note: Projects may be prioritized to ensure balance among the program task areas and to ensure that the projects address the goals and objectives of this NOFO.

E.1.1. Evaluation Criterion A—Watershed Group Diversity and Geographic Scope (30 points)

Up to **30 points** may be awarded for this criterion. Proposals demonstrating that the New or Existing Watershed Group will represent the maximum diversity of interests, including representatives of the different sectors that exist within the watershed (e.g., hydropower production; livestock grazing; agriculture; industry; state or local governments; Tribes; disadvantaged communities; recreation; environmental interests), will receive the highest priority consideration under this criterion. For example, in previous years, successful applicants targeted a diverse array of stakeholders that included farmers, irrigators, tourist and recreation groups, industry, environmental organizations, universities, local governments, and disadvantaged communities.

Priority will also be given to those proposals that target stakeholders and project concepts for small to medium sub-basin sized watersheds (e.g., an approximate 8-digit USGS HUC water.usgs.gov/GIS/huc.html) and that represent the full extent of the watershed.

E.1.1.1. Sub-criterion No. A1. Watershed Group Diversity

Points shall be awarded to proposals based on the extent to which they encourage collaboration with a diverse array of stakeholders across the watershed.

Please describe the efforts that you will undertake to ensure that the watershed group will include a diverse array of stakeholders. If the watershed itself does not include a diverse set of interests and sectors, please also provide an explanation of this (e.g., some watersheds may not include affected stakeholders in all the sectors identified in the definition of a “watershed group” provided in Section A.2. Objective of this Notice of Funding Opportunity). If your proposed project is for site-specific planning or project design, rather than watershed wide planning, please still discuss the stakeholder diversity throughout the entire watershed in which the watershed group works. In responding to this sub-criterion, please include:

- For New and Existing Watershed Groups, a description of the stakeholder groups (e.g., agriculture, municipal, recreation, environmental, Tribal) within the watershed that affect or are affected by the quantity or quality of water within the watershed (“affected stakeholders”). Describe their role in the watershed and how they interact with the water resources and identify specific organizations, entities, or individuals that make up these groups.
- For New Watershed Groups, a description of the affected stakeholders within the watershed that already support the formation of watershed group. To the extent possible, please identify the specific stakeholders or groups that already support the formation of the watershed group, describe their interest in the watershed, what their involvement in the group entails, and reference any letters of support or pledges/donations from affected stakeholders.
- For Existing Watershed Groups, an explanation of the specific individuals, entities, and organizations already participating in the watershed group and whether the current participation is representative of the affected stakeholders within the watershed. In other words, if the watershed group is already diverse, please provide support demonstrating the diversity of the group. Provide a description of the stakeholders that are involved, what their involvement in the group entails, and reference any letters of support or pledges/donations from affected stakeholders. and how.
- For New and Existing Watershed Groups, if the group does not already represent the full stakeholder diversity of the watershed, provide details on how you plan to target affected stakeholders to ensure that your group will represent a diverse set of stakeholders within the watershed, such as engaging in outreach to include new members, or collaborating with different groups or partners (e.g., outreach or partnership activities, public meetings, newsletters, marketing materials, or recruitment of new members).

- For Existing Watershed Groups, a description of the structure of the watershed group, and for New Watershed Groups, a description of the anticipated structure of the watershed group. Is there a formal membership process or is participation more informal? If a formal membership process exists, ensure your responses under this criterion make it clear which watershed group participants are formal members and which act as partner organizations. How are decisions made within the watershed group? Does a board of directors make decisions or are decisions made on a consensus basis? If the watershed group has a board of directors, how are board members chosen?
- Any other support demonstrating that the watershed group will include a diverse membership.

E.1.1.2. Sub-criterion No. A2. Geographic Scope

Under this sub-criterion, higher priority will be given to Watershed Groups representing the full geographic extent of the watershed. Applicants will receive points based on the extent to which they intend to do work and include stakeholders from across the entire extent of the watershed.

In addition, proposals that target small to medium sub-basin sized watersheds, for example an approximate 8-digit USGS HUC, water.usgs.gov/GIS/huc.html, will be given priority over large or very small watersheds.

Please provide the following information in response to this sub-criterion:

- Provide a map illustrating the geographic boundaries of the area in which the watershed group will work.
- The map should also identify the location or boundaries of the stakeholder groups within the area and indicate which stakeholders are currently involved in the group and which will be targeted through outreach. If a map of stakeholder locations cannot be provided, please describe the geographic scope of the area to the best of your knowledge, including where specific stakeholders are located within the watershed.
- Describe the extent to which the planned membership of the watershed group will represent the full geographic scope of the area in which the group intends to work. If applicable, describe the extent to which the watershed group already represents the geographic scope of the area.
- Describe the efforts that you will undertake to ensure that the watershed group will target stakeholders that represent the full geographic scope of the area in which the watershed group will work. For example, will outreach focus on stakeholders in a certain part of the watershed the have historically not been represented in the watershed group.
- Describe why you have chosen to work within the watershed area you described. For example, if the watershed group is only working along the river corridor, describe why they are not working within the larger watershed area.

- If your proposed project is for site-specific planning (e.g., completing planning for a specific stream reach) or watershed management project design, rather than watershed wide planning, please first address the above question for the entire watershed area in which the watershed group works and then address the following related to the smaller area for which you are completing planning or design.
 - Provide a map illustrating the location of the planning or design.
 - Briefly describe why you have chosen to complete site-specific planning or project design in this location.

E.1.2. Evaluation Criterion B— Developing Strategies to Address Critical Watershed Needs (35 points)

Up to **35 points** may be awarded under this criterion based on the extent of the critical issues or needs within the watershed that can be addressed by the New or Existing Watershed Group.

E.1.2.1. Sub-criterion No. B1. Critical Watershed Needs or Issues

Please describe in detail the critical issues or needs of the watershed, for example: declining ecological resiliency, water supply shortages, wildfire risk or post-fire concerns, flooding, water quality impairments, endangered species concerns, drought impacts, aquatic and riparian ecosystem degradation, habitat fragmentation and degradation, conflicts over water supply, and other related issues faced by affected stakeholders.

Provide quantitative and qualitative support to describe the severity of the critical issues or needs. If the concerns are not yet severe, describe why it is important to address the concerns preemptively and explain the potential impacts of not addressing the concerns.

Applicants should consider contacting Federal, state, and local agencies; non-governmental organizations; and other affected stakeholders to discuss what critical issues are affecting the watershed.

E.1.2.2. Sub-criterion No. B2. Project Benefits

Please respond to the following questions as applicable to your proposed project.

All Applicants:

- Linking your response to the critical watershed issues you identified in response to Criterion B1, please provide an explanation of why your proposed watershed group activities are an important next step for addressing the issues.
- Based on current information, what are the expected benefits of the proposed activities? To the extent possible, describe the anticipated benefits. Provide quantitative and qualitative support for the expected benefits (e.g., cite to relevant data sources or literature, provide examples where applicable).

- What stakeholders will benefit from the proposed project?

Applicants proposing activities under Task C: Watershed Management Project Design

- To the extent known, describe the project(s) for which the watershed group will complete a design.
- What type of site-specific project design and engineering will the watershed group complete?
- To the extent possible, describe and quantify the potential benefits of the watershed management project that would result from the design process.

E.1.3. Evaluation Criterion C—Readiness to Proceed (20 points)

Up to **20 points** may be awarded to proposals based on the extent to which the application demonstrates that the applicant understands program requirements, is able to proceed with proposed activities upon entering into a financial assistance agreement, and able to complete proposed activities within the required three-year time frame.

- Include a preliminary project schedule that shows the stages and duration of the proposed work including major tasks, milestones, and dates. For each task and milestone, indicate who will have the primary responsibility for completion. Proposals that provide a detailed project schedule broken down by tasks and subtasks with identified milestones will be prioritized.
- Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.
- Describe any new policies or administrative actions required to implement the plan or project being designed.

E.1.4. Evaluation Criterion D—Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: Tackling the Climate Crisis at Home and Abroad and E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and the President's memorandum, Tribal Consultation and Strengthening Nation-to Nation Relationships.

E.1.4.1. Climate Change

Points will be awarded based on the extent the project will reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Address the following as relevant to your project.

- Please provide specific details and examples on how the project will address the impacts of climate change and help combat the climate crisis.
- Does this proposed project strengthen water supply sustainability to increase resilience to climate change? Does the proposed project contribute to climate change resiliency in other ways not described above?

E.1.4.2. Benefits to Disadvantaged, Underserved, and Tribal Communities

Points will be awarded based on the extent to which the project directly serves disadvantaged, underserved, or Tribal communities. For the purposes of this criterion, Tribes and insular areas (American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands) are considered disadvantaged.

Disadvantaged and Underserved Community Benefits:

- Please use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify the disadvantaged communities that will benefit from your project.
- If applicable, describe how the proposed project will serve or benefit a disadvantaged or underserved community, identified using the tool described above. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits in a disadvantages or underserved community?

Tribal Benefits:

- Does the proposed project directly serve and/or benefit a Tribe? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, economic growth opportunities, or improving water management.
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.2. Review and Selection Process

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

E.2.1. First Level and Threshold Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

- The application meets the completeness, eligibility and timeliness requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO.
- The application meets the content requirements of the NOFO package, including submission of a technical proposal and budget narrative.
- The application contains executed mandatory forms SF-424, Application for Financial Assistance and SF-424B, Assurances Form, and a completed SF-424A, Budget Information Form.

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be considered for funding. Reclamation reserves the right to remove an application from funding consideration during the initial screening if it is not submitted on time; does not include a SF-424; does not include a technical proposal or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant. If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

E.2.2. Application Review Committee

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the Section E.1. Evaluation Criteria.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position.

Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

In addition, during this review, Reclamation will address any specific concerns or questions raised by members of the ARC, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share as required.

E.2.4. Managerial Review

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration.

E.2.5. Pre-Award Clearances and Approvals

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately one to three months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

E.2.5.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. To the extent possible, environmental compliance will be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

E.2.5.2. Budget Analysis and Business Evaluation

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

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

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313).

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

E.4. Anticipated Announcement and Federal Award Dates

For applications received by the December 5, 2023, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in spring 2024, subject to the timing and amount of final appropriations. For applications received by the September 3, 2024, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in winter 2024/2025. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

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

F.2. Administrative and National Policy Requirements

See the “[DOI Standard Terms and Conditions](#)” for the administrative and national policy requirements applicable to Department awards.”

F.2.1. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Unique Entity Identifier (UEI) prior to the award of funds. If a recipient has multiple UEIs, they must separately enroll within ASAP for each unique UEI and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

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

F.2.2. Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, Clean Water Act (CWA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.

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As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

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

Recipients shall adhere to Federal, state, territorial, Tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Recipients shall also coordinate and obtain approvals from site owners and operators.

F.2.3. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, state, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

Any spatially explicit data or tools developed in the performance of an award made under this NOFO must be developed in industry standard formats that are compatible with geographic information system platforms.

F.2.5. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.59 Intangible Property [of this CFR]). The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without

approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

The non-Federal entity is subject to applicable regulations governing patents and inventions, including government wide regulations issued by the Department of Commerce at 37 CFR §401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

F.2.6. Title to Improvements P.L. 111-11 §9504(a)(3)(D)

If the activities funded through an agreement awarded under this NOFO result in a modification to a portion of a federally owned facility that is integral to the existing operations of that facility, the Federal government shall continue to hold title to the facility and the improvements thereto. Title to improvements, P.L. 111-11 §9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

F.3. Reporting Requirements and Distribution

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement. Recipients will also be required to have a system in place to comply with these reporting requirements (see 2 CFR §170.210 for additional information).

F.3.1. Financial Reports

Recipients will be required to submit a fully completed SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports submitted on at least a semiannual basis, which include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period
- The reasons why established milestones were not met, if applicable

- The status of milestones from the previous reporting period that were not met, if applicable
- Whether the Project is on schedule and within the original cost estimate
- Any additional pertinent information or issues related to the status of the Project

F.3.3. Final Performance Report

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

- Whether the Project objectives and goals were met
- Discussion of the benefits achieved by the Project
- How the project demonstrates collaboration, if applicable
- If applicable, a copy of the completed Watershed Restoration Plan
- An industry standard map of the area in which the watershed group will work. Please provide this information in one of the following formats:
 1. Shapefile (.shp)
 2. KMZ/KML (.kmz or .kml) aka Google Earth File, not an exported Google Earth map
 3. AutoCAD (.dwg)
 4. PDF map (.pdf)
- Photographs documenting the Project are also appreciated

Note: Reclamation may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on Reclamation's website.

F.3.4. Determination of Sufficient Progress

Only a portion of funding will be made available when the financial assistance agreement is initially signed. As required under Section 6002 of the Cooperative Watershed Management Act (see Section A.1. Authority for the full citation), for each year of the grant, Reclamation must determine whether a recipient has made sufficient progress on its project during the year to justify any additional funding. If the applicant is awarded an agreement under this NOFO, Reclamation will review the interim reports to determine whether the recipient has made sufficient progress each year of the grant. If it is determined that the progress during the year justifies additional funding, grant funds will be made available for subsequent years of the grant project.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.1. Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §1402.315)

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

F.6. Freedom of Information Act

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

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

Section G. Agency Contacts

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

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to:

Name: Christina Munoz
Email: bor-sha-fafoa@usbr.gov
Phone: 720-614-2192

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R23AS00362 in the subject.**

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Robin Graber, Program Coordinator, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Robin Graber
Mail Code: 86-6300
P.O. Box 25007
Denver, CO 80225

By e-mail: rgraber@usbr.gov

By phone: 303-445-2764

Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals that include measurement, monitoring and field work. While these statutes are not the only environmental laws that may apply, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your projects.

H.1. Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants should consider the following list of questions focusing on the NEPA, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed project area?

- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on Tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund an award under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal.

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental effects, is completion of an **EIS and Record of Decision**. An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. It is not anticipated that projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? Or 95 percent?). The best

source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area Reclamation office. See www.usbr.gov/main/offices.html with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see Section G. Agency Contacts).

H.1.2. National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the **potential to cause effects to historic properties**, before it can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

If a proposal is selected for initial award, the recipient will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways, depending on how complex the issues are, including:

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
 - A determination as to whether additional information is necessary.
 - Evaluation of the significance of identified cultural resources.
 - Assessment of the effect of the project on historic properties
 - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.
 - A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to

qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See www.usbr.gov/cultural/crmstaff.html for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance, it is possible that a cultural resources survey has already been completed.

H.2. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the USFWS or the NOAA Fisheries Service to ensure any action it authorizes, funds, or carries out is not likely to **jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat**.

Before Reclamation can approve funding for the implementation of a proposed project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. A rough overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by

the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.