United States Department of Agriculture

Wetland Mitigation Banking Program

Fiscal Year 2022

Natural Resources Conservation Service

Notice of Funding Opportunity

USDA-NRCS-NHQ-WMBP-22-NOFO0001217

NOTICE OF FUNDING OPPORTUNITY SUMMARY INFORMATION

Federal Awarding Agency Name: U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS)

Notice of Funding Opportunity Title: Notice of Funding Opportunity for NRCS's Wetland Mitigation Banking Program for Federal Fiscal Year 2022

Notice of Funding Opportunity Number: USDA-NRCS-NHQ-WMBP-22-NOFO0001217

Assistance Listing: This program is listed in the Assistance Listings on Sam.gov under 10.933: Wetland Mitigation Banking Program. The System for Award Management (SAM) is a web-based, governmentwide application that collects, validates, stores, and disseminates business information about the Federal Government's trading partners in support of the contract awards, grants, and electronic payment processes.

Notice of Funding Opportunity Summary

NRCS is announcing the availability of up to $5 million in Wetland Mitigation Banking Program (WMBP) grant funds for the development and establishment of mitigation banks and banking opportunities solely for agricultural producers with wetlands subject to the wetland conservation compliance provisions of the Food Security Act of 1985 (as amended). WMBP is a competitive grants program accepting proposals from Federally recognized Native American tribal governments, state and local units of government, for-profit entities, nonprofits with or without a 501(c)(3) status with the IRS other than institutions of higher education, private institutions of higher education, and public and State controlled institutions of higher education. Applications will be accepted from eligible entities in any of the 50 States, the District of Columbia, the Caribbean (Puerto Rico and the U.S. Virgin Islands), and the Pacific Islands (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). Priority will be given to banks in States with significant numbers of individual wetlands, wetland acres, and conservation compliance requests. Based on NRCS data, these States are Georgia, Indiana, Illinois, Michigan, Nebraska, Ohio, Pennsylvania, Wisconsin, and States in the Prairie Pothole Region (Iowa, Minnesota, North Dakota, South Dakota).

For new users of Grants.gov, see Section D for information about steps required before applying through Grants.gov.

Key Dates

Applicants must submit their applications through Grants.gov by 11:59 pm (EDT) on October 10, 2022. For technical issues with Grants.gov, contact Grants.gov Applicant Support at1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

For inquiries specific to the content of the Notice of Funding Opportunity (NFO) requirements, contact the Federal awarding agency contact (Section G of this NFO). Please limit questions to clarifying specific information contained in this NFO (such as dates, page numbers, clarification of discrepancies, etc.). Questions related to eligibility or the merits of a specific proposal will not be addressed. A webinar for potential WMBP applicants is scheduled for 3 p.m. (EST) on Tuesday, August 16, 2022. You can participate in the webinar through the following links:

Join through Microsoft Teams: WMBP Webinar Link
Meeting ID: 239 232 293 509
Passcode: m5gs46
Call-In: +1 202-650-0123, PIN: 353319360#

The agency anticipates making selections by December 31, 2022. and expects to execute awards by 03/01/2023. These dates are estimates and are subject to change.

Federal Funding Floor and Ceiling Amounts

The estimated funding floor for this opportunity is $400,000 and the estimated funding ceiling is $1,000,000. The funding floor means the minimum agreement funding amount for the Federal share per agreement awarded. The ceiling is the maximum agreement funding amount for the Federal share per agreement awarded. These numbers refer to the total agreement amount, not any specific budget period.

Federal Financial Assistance Training

The funding available through this NFO is Federal financial assistance. Grants 101 Training is highly recommended for those seeking knowledge about Federal financial assistance. The training is free and available to the public at http://www.cfo.gov/grants-training/. The course consists of five modules covering each of the following topics: (1) laws, regulations, and guidance; (2) financial assistance mechanisms; (3) uniform guidance administrative requirements; (4) cost principles; and (5) risk management and single audit. Farm Production and Conservation (FPAC) agencies also apply Federal financial assistance regulations to certain non-assistance awards (e.g., non-assistance cooperative agreements).

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A. PROGRAM DESCRIPTION

The authorizing statute for this opportunity is Section 1222(k) of the Food Security Act of 1985 (Pub. L. 99–198, also known as the 1985 U.S. Farm Bill), as amended.

Purchasing credits from a wetland mitigation bank provides a legal mechanism for agricultural producers to maintain their eligibility for USDA program benefits if they convert agricultural wetlands. A producer may offset the loss of wetland functions and values resulting from a conversion activity by restoring, enhancing, or creating wetland functions and values on a different site. Through a mitigation bank, producers can purchase offsetting wetland credits generated from previously drained (prior to 1985) wetlands that have been restored and approved for wetland mitigation.

WMBP supports the establishment and development of wetland mitigation banks to make credits available for USDA program participants. WMBP awardees work with the NRCS to develop a mitigation banking instrument that provides details for developing, establishing, and operating a mitigation banking program. Mitigation banking instruments are developed with technical oversight from national and state NRCS staff and are subject to NRCS approval. Awardees must ensure the following wetland types receive priority for mitigation under the NRCS WMBP (note that the wetland designation labels are used by NRCS for implementing the wetland conservation provisions of the Food Security Act of 1985):

- Farmed Wetland (FW)
- Farmed Wetland Pasture (FWP)
- Wetland (W) less than 5 acres in size that is predominantly bordered by land that has been cropped 8 of the past 10 years when the wetland is designated as degraded according to a functional assessment tool
- Converted Wetland (CW) that, prior to conversion, qualified under one of the types above, as determined by NRCS staff

B. FEDERAL AWARD INFORMATION

1. Available Funding

The Federal funding agency expects to award approximately $5 million through this opportunity. However, the agency retains the discretion to award a larger or lesser amount.

2. Start Dates and Performance Periods

Projects may be up to 4 years in duration. Applicants should plan their projects based on an estimated project start date of April 1, 2023.

3. **Number of Awards**

The agency expects to make 5-10 awards.

4. **Type of Award**

The agency plans to award grant agreements pursuant to this opportunity.

5. **Procurement Contracts**

The agency does not expect to award procurement contracts associated with this NFO.

6. **Eligibility of Renewal or Supplemental Project Applications**

Applications for renewal or supplementation of existing projects are eligible to compete with applications for new Federal awards. An application for renewal means an application submitted to continue an existing agreement that meets the objectives and requirements of this NFO. An application for supplementation of an existing project means an application to add components to an existing agreement so that it would meet the objectives and requirements in this NFO. WMBP is designed to increase the availability of wetland mitigation credits for agricultural producers. Entities may apply to expand an existing mitigation bank or establish a new one. For entities that have received WMBP funding through a previous award, a new proposal submitted under this announcement should clearly define new goals and deliverables and the project budget must be independent of any previous project(s).

C. ELIGIBILITY INFORMATION

1. **Eligible Applicants**

Applicants and applications must meet eligibility criteria by the application deadline to be considered for award. Eligible applicant type is determined by the implementing program statute. Applicant entities identified in the SAM.gov exclusions database as ineligible, prohibited/restricted, or excluded from receiving Federal contracts and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program (2 CFR 200.206(d)). Eligibility for this opportunity is limited to the following entity types:

a. City or township governments
b. County governments
c. For profit organizations other than small businesses
d. Native American tribal governments (Federally recognized)
e. Native American tribal organizations (other than Federally recognized tribal governments)
f. Nonprofits having a 501(c)(3) status with the IRS (other than institutions of higher education)

g. Nonprofits that do not have a 501(c)(3) status with the IRS (other than institutions of higher education)
h. Private institutions of higher education
i. Public and State-controlled institutions of higher education
j. Small businesses
k. Special district governments
l. State governments

2. Other

Any award made pursuant to this NFO will be made to a single entity. Applicants that apply as “partnerships” or other similar groupings must clearly describe the relationship between the applicant and the “partner” parties. In all but exceptional cases, the award must reflect the awardee/sub-awardee relationship.

An applicant organization may submit more than one application for different projects or proposing different approaches. In the case of applications submitted as revisions or corrections to a previously submitted application under this NFO, the agency will consider the last application submitted prior to the established deadline.

Awards made pursuant to this NFO are not Farm Bill incentive contracts; therefore, the awards themselves are not limited by the payment limitation in 16 U.S.C. Chapter 58.

WMBP funding can be used to develop and establish a wetland mitigation bank only for use by agricultural producers. Agricultural wetlands that have previously been converted or manipulated are ideal candidates for mitigation bank development under this program. Eligible entities must operate and manage all aspects of the wetland mitigation bank with technical oversight by NRCS.

Federal funds awarded under this program may be used for:

- Development of the mitigation banking instrument
- Identification of suitable mitigation sites and performance of functional assessments to determine the available credits and a credit release schedule
- Market research and contracting for mitigation activities
- Land surveys, permitting, and title searches
- Design and formulation of mitigation plans
- Restoration, enhancement, or creation of wetland mitigation bank sites in accordance with NRCS conservation practice standards
- Tracking and management of wetland mitigation data
- Direct administrative costs associated with implementing the project
- Indirect costs of the awardee, as described in Section D.8. of this NFO, “Indirect Cost Limitations”

3. Non-Federal Matching Requirement

This NFO requires applicants to provide cost-share, also known as Match, of 20 percent of total project cost, or 25 percent of the Federal funding request. For example, if an applicant requests $1 million in funding, the applicant must commit at least $250,000 in non-Federal matching funds for a total project cost of $1.25 million. Applications that do not include the required level of cost-sharing will be ineligible for award. Cost sharing may be achieved with contributions of cash, services, materials, equipment, or third-party in-kind contributions. Recipients with unrecovered indirect costs may also use those to meet cost-sharing obligations. Refer to Section D.4.c. of this NFO for information about any required submittals related to match or cost-share requirements. While the pace of cost-sharing/matching may vary throughout the award period, the agency will actively monitor cost-sharing/matching levels as it receives payment requests to ensure the total cost sharing/matching requirement is met by the award periods of performance end date. Additional details about cost sharing or matching funds/contributions are located at 2 C.F.R. § 200.306.

D. APPLICATION AND SUBMISSION INFORMATION

1. Information for New Users of Grants.gov

a. Overview

While a Grants.gov account is not required to download an NFO and related documents, it is required to submit an application. If your organization has never applied through Grants.gov, please be aware that there are several steps you must take to register your organization before you can apply on Grants.gov. **Completing those steps can take a significant amount of time, plan accordingly.**

For information about the Grants.gov pre-award phase of the grant lifecycle visit Grants.gov.

b. Register to Apply through Grants.gov

Carefully review the registration steps and gather information requested prior to beginning the registration process. For assistance with the registration process, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov.

Organizations must complete all steps to register (see bullets under D.1.c.). Complete organization instructions are included on Grants.gov here: https://www.grants.gov/web/grants/applicants/organization-registration.html.

Although creating a Grants.gov account online can take only minutes, SAM registrations may take several weeks. Therefore, organizations should begin the process early to ensure they have sufficient time to complete registration and meet required application submission deadlines.

c. Steps to Register

- **Obtain a UEI:** Entities applying for funding may obtain a UEI issued by SAM.gov.

- **Register with SAM:** Organizations must register with System for Award Management (SAM) to apply online through Grants.gov. SAM registration must be renewed annually. Part of the SAM registration process includes designating an Electronic Business Point of Contact (EBiz POC). The EBiz POC plays an integral part in the organization's Grants.gov registration and application process. The individual in that role must authorize all other roles in Grants.gov. For more detailed instructions for registering with SAM, refer to https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html.

- **Create a Grants.gov Account:** From the Grants.gov webpage (https://www.grants.gov/), click "Register" in the top right-hand corner and follow the on-screen instructions or refer to the detailed instructions here https://www.grants.gov/web/grants/applicants/registration.html.

- **Add an Organization Applicant Profile to a Grants.gov Account:** A profile in Grants.gov corresponds to a single applicant organization that the user represents or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all your grant applications. To add an organizational profile to your Grants.gov account, enter the UEI for the organization in the UEI field while adding a profile. For more detailed instructions about creating a profile on Grants.gov, refer to https://www.grants.gov/web/grants/applicants/registration/add-profile.html.

- **EBiz POC Authorized Profile Roles:** After you register with Grants.gov and create an Organization Applicant Profile, you must establish roles for individuals in the organization. The Authorized Organizational Representative (AOR) role is critical; it gives an individual permission to complete and submit applications on behalf of the organization. (Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people.) Without this role, the organization cannot submit any applications. The request for role assignment will be routed to the organization's EBiz POC for approval. Once approved, the AOR can apply online. For more detailed instructions about creating a EBiz POC authorized profile on Grants.gov, refer to https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html.

  Track Role Status: To track your role request, refer to https://www.grants.gov/web/grants/applicants/registration/track-role-status.html.

d. Electronic Signature

When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people. The EBiz POC must authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role. This step (the last step in Section D.1.c.) is often missed, and it is crucial for valid and timely submissions.

e. Workspace.

Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each NFO, you can create individual instances of a workspace. An applicant can start an application in Workspace and return to work on it later within Workspace.

f. Apply for an Opportunity

The following is an overview of applying on Grants.gov. For complete instructions on how to apply for opportunities, refer to https://www.grants.gov/web/grants/applicants/workspace-overview.html.

- **Create a Workspace:** Creating a workspace allows you to complete an application online and route it through your organization for review before submitting.
- **Complete a Workspace:** Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the status of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

  i. **Adobe Reader:** If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader. NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html.

  ii. **Mandatory Fields in Forms:** In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

iii. **Complete SF-424 Fields First:** The forms are designed to fill in common required fields across other forms, such as the applicant's name, address, and UEI. Once it is completed, the information will transfer (i.e., prepopulate) to the other forms.

- **Submit a Workspace:** An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab.

- **Track a Workspace Submission:** After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

  For additional training resources, including video tutorials, refer to https://www.grants.gov/web/grants/applicants/applicant-training.html.

2. Electronic Application Package

Applicants interested in applying to this NFO must submit their application through Grants.gov; the agency will not accept applications submitted by email or any other method. Applicants are urged to submit early to the Grants.gov system. Grants.gov recommends submitting the application package at least 24-48 hours before the close date so that you have time to correct any potential technical issues that may disrupt the application submission.

For technical issues with Grants.gov, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

All information necessary to apply for this opportunity is included in the Grants.gov opportunity announcement.

3. Content and Form of Application Submission

The agency may choose not to consider incomplete applications or applications that fail to comply with the required content, format, and page limits. Documents submitted in support of this application, other than those containing the information listed in this section (D.3.a-c), may not be considered.

To be considered for funding under this opportunity, an application must contain the following documents.

a. Executive Summary (1-page maximum)

On a single page, provide the following information:

- The applicant entity name
- The lead contact for the project, with email address and phone number (NRCS will use the contact identified as the primary applicant contact)
- The duration of the project in months (maximum 48 months), which is the anticipated agreement length between NRCS and the awardee
- The amount of Federal funding requested
- A brief project description of the project, including a summary of the activities to be accomplished under the WMBP grant
- A brief description of project deliverables, including the planned number of wetland bank site acres to be restored, enhanced, or created, and an estimate of the number of wetland credits to be offered through the bank
- The geographic location (region or area) of the state or tribal land impacted by the program

b. Project Narrative (10-page maximum)

Each page must be numbered and have 1-inch margins. The text of the project narrative must be single spaced and typed in a standard typeface (e.g., Times New Roman, Arial, Courier) with no smaller than 12-point font.

The project description must include the information below in the following order:

- **Project objectives and deliverables:**

    i. Describe how NRCS funding will be used to establish and develop a wetland mitigation bank site available to agricultural producers. Provide an estimate of the number of acres the project proposes to restore, enhance, or create for inclusion in the mitigation bank. Include activities supported by partner funding (e.g., land or easement acquisition) and the number of credits that will be made available to agricultural producers.

    ii. Describe the complexity of the planned restorations and the extent to which the project is “shovel ready.” If the site is not ready for construction or has not been secured, describe the plan to secure land or easements, obtain necessary approvals, and begin construction. If sites have not been secured, describe the plan for locating and securing project sites without NRCS assistance.

- **Project timeline:** NRCS provides priority consideration to projects that can be completed in a short timeframe: Generally, all work needed to allow banks to offer mitigation credits to agricultural producers should be completed, and credits made available, within 24 months. Provide a bulleted list of key project actions, milestones, and deliverables.

- **Project management:**

    i. List key personnel and describe their qualifications, experience, and anticipated contributions to the project.
    ii. Describe your organization's prior experience establishing and operating wetland mitigation banks.

- **Project marketing:**

    i. It is critical that agricultural producers in the mitigation bank's service area are aware that the bank offers a mitigation option. Describe how the project will be marketed to USDA program participants.
    ii. Describe your organization's previous experience working with historically underserved (HU) producers, along with the plan to: (1) conduct outreach to HU producers who might have restorable wetlands or mitigation banking sites on their land, and (2) promote the availability of credits to historically underserved producers.

- **Project evaluation:** Describe the methodology and procedures that will be used to evaluate the success of the project.

- **Assessment of environmental impact:**

    - Please describe the environmental impact of planned wetland restoration, enhancement, or creation and its extent. The description of the potential environmental impact must address both the beneficial and the possible adverse effects of the proposed action. The length of the description should be commensurate with the complexity of the proposed project and the natural resources effected directly, indirectly, or cumulatively.

    - Where possible, information on environmental impacts should be quantified, such as number of acres of wetlands impacted, volume of dredging needed, feet of ditch filled or tile drains plugged, etc. Natural resources include soil, water, air, plants, and animals, as well as other resources protected by law, regulation, Executive Order, and agency policy. NRCS may choose not to approve funding for projects that may result in unacceptable adverse environmental impacts.

If your proposal will include information collection from non-Federal sources, ensure the collection meets the requirements of the Paperwork Reduction Act. Surveys of individuals or entities are generally prohibited without prior approval from the Office of Management and Budget. For additional guidance about allowable and unallowable activities, please visit the following website: https://pra.digital.gov/do-i-need-clearance/.

4. **Other Documents:** The following documents do not count toward the project narrative's 10-page limit.

   a. **Standard Form (SF) 424: Application for Federal Assistance**

   See instructions for completing SF 424 located at the end of this document in Appendix A.

   b. **SF 424A: Budget Information - Non-Construction Programs**

   Fill in all spaces, as appropriate. Section B, Item 6, Column 1 should reflect the agency funds, and Column 2 should reflect the applicant's matching funds. This form is the summary budget for the project and should include the full project totals on the first and second pages. See Instructions for Completing SF 424A located at the end of this document in Appendix B. Refer to Section D.8. of this NFO for information regarding indirect costs.

   c. **Budget Narrative**

   - In a separate document titled "Budget Narrative," explain and justify all requested budget items and costs (refer to the budget narrative guidance located at the end of this document in Appendix C). Explain in detail how the totals on the SF-424A were determined and demonstrate a clear connection between project costs and the proposed project activities. For personnel salary costs, include the baseline salary figures and the time estimates (in percentages) to be directly charged to the project. Describe any item that, under the applicable Federal cost principles, requires the agency's approval, and estimate its cost. The budget narrative pages do not count toward the project narrative page limit. Cost sharing or matching must be committed at the time of application submission. The budget narrative must show the amounts and sources of cost sharing or matching (including both cash and in-kind contributions).

     For third-party contributions, a letter is required for each contribution that must be signed by the authorized organizational representative of the contributing organization and the applicant organization. The letter must include: (1) the name, address, and telephone number of the contributor, (2) the name of the applicant organization, (3) the title of the project for which the contribution is made, (4) the dollar amount of the contribution, and (5) a statement that the contributor will pay the contribution no later than the end of the award period. The agency may conduct reference checks to ensure that organizations identified are supportive of the application and involved with the project.

Cost sharing or matching letters should be addressed to the Federal Awarding Agency Contact in Section G of this NFO and uploaded under Other Attachments (listed separately under Optional Forms) in Grants.gov. For a discussion of costs reimbursable with Federal funds awarded under this announcement, see Section C.2. For a discussion of unallowable costs, see Section D.7.

- Any non-Federal entity (except State and local governments that receive more than $35 million per year in Federal funding) that does not have a current negotiated rate (including provisional) may elect to charge a de minimis rate of 10 percent of modified total direct cost (MTDC), which may be used indefinitely. No documentation is required to justify the 10 percent de minimis indirect cost rate. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, this methodology must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

- MTDCs are all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

- As required in 2 C.F.R. § 200 Subpart F, Audit Requirements, all U.S. states, local governments, Federally recognized Indian tribal governments, and nonprofit organizations expending $750,000 or more in Federal award funds in a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System.

d. Grants.gov Lobbying Form, Certification and Disclosure of Lobbying Activities

Under 31 U.S.C. § 1352, an applicant or recipient must not use any Federally appropriated funds (either annually appropriated or continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as 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 connection with the award. Submission of an application also represents the applicant's certification of the statements in 2 C.F.R. § 418, Appendix A – Certification Regarding Lobbying. If the applicant has made or agrees to make any payment using non-appropriated funds for lobbying, you must also complete and submit the 2 C.F.R. § 418 Appendix B – SF LLL, Disclosure of Lobbying Activities. See 2 C.F.R. 418.110 for more information on when additional submission of this form is required.

e. Negotiated Indirect Cost Rate Agreement (NICRA), if applicable

If charging indirect costs (including cost share), upload the NICRA under Other Attachments (listed as an Optional Form) in the Grants.gov Opportunity Application Package. See Section D.8. for information regarding indirect costs.

f. Disclosure of Potential Conflict of Interest

Applicants must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award, and administration of Federal grants. No employee, officer, or agent may participate in the selection, award, or administration of a Federal grant if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties referenced, has a financial or other interest in or a tangible personal benefit from an applicant considered for a Federal award. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the applicant.

If the applicant has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the applicant must also maintain written standards of conduct covering organizational conflicts of interest. An organizational conflict of interest would occur when the applicant is unable or appears to be unable to be impartial in conducting a Federal award action involving a related organization because of the applicant's relationship with a parent company, affiliate, or subsidiary organization.

g. Post Award Documentation

Not applicable

h. UEI and SAM

Each applicant (unless the applicant is excepted from the requirements under 2 C.F.R. § 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR § 25.110(d)) is required to: (1) be registered in SAM before submitting an application; (2) provide a valid UEI in the application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan being considered by a Federal awarding agency. The agency may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time the agency is ready to make an award, the agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

Applicants must obtain a UEI and register in SAM prior to registering with Grants.gov. A description of each is below. Entities are strongly encouraged to apply early for their SAM registration.

To register for SAM, go to: https://www.sam.gov. The Federal Service Desk is available for registration assistance and can be contacted via the Help tab at the website listed above.

Awarding agency staff cannot support applicants regarding UEI or SAM issues.

On April 4, 2022, the unique entity identifier used across the federal government changed from the D-U-N-S® number to "new, non-proprietary identifier" requested in, and assigned by SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID.

5. Submission Dates, Times, and Correspondence

Applicants must submit applications via Grants.gov. Applications must be received by 11:59 pm (EST) on October 10, 2022. An application submitted or resubmitted after the deadline is late (an application is considered on time at 11:59.59 pm (EST) but is late at 12:00 am (EST)). Late submissions will not be reviewed or considered.

Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process; be patient and give the system time to process the application.

If you have trouble submitting an application to Grants.gov, you should FIRST contact the Grants.gov Help Desk to resolve any issues. Keep a record of any such correspondence. See Section D.2. for Grants.gov contact information.

For applications successfully transmitted to Grants.gov before the deadline, the applicant with the AOR role who submitted the application will receive:

- An acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov
- An email with the official date/time stamp (this stamp is used to determine if the application was received prior to the deadline) from Grants.gov

When the agency successfully retrieves the application from Grants.gov and acknowledges the download of submissions, Grants.gov will also provide an electronic acknowledgment of receipt of the application to the applicant.

6. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

7. Funding Restrictions

Funds may not be used to pay any of the following costs unless otherwise permitted by law and approved in writing by the agency in advance of incurring such costs:

a. Purchase of land or conservation easement(s)
b. Expenses incurred after the grant agreement between NRCS and the awardee has expired
c. Expenses or activities that have already been funded by NRCS through another program
d. Purchase, rental, or installation of fixed equipment.
e. Costs above the amount of funds authorized for the project
f. Costs incurred prior to the effective date of the award, including time spent applying for this opportunity
g. Costs that are outside the scope of the approved project and amendments
h. Entertainment costs, regardless of their apparent relationship to project objectives
i. Compensation for injuries to persons, or damage to property arising out of project activities
j. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee
k. Capital expenditures for general purpose equipment, buildings, and land and for improvements to land, buildings, or equipment that materially increases their value or useful life (see 2 C.F.R. § 200.439 for additional information)
l. Management fees and profit (any funds awarded to for-profit entities must be used for reimbursement of award-related direct and indirect costs only)
m. Meals may be charged to an award only if they are necessary for the performance of the project. For instance, meals (normally only lunch) that are a necessary part of the costs of meetings and conferences (i.e., required attendance and continuity of a meeting for which the primary purpose is the dissemination of information) are allowable, as are costs of transportation, rental of facilities, speakers' fees, and

other items incidental to such meetings or conferences. Note: Meals consumed while in official travel status do not fall in this category. They are considered per diem expenses and should be reimbursed in accordance with the organization's established travel policies, which are subject to statutory limitations or in accordance with Federal travel policies.

n. Costs normally charged as indirect costs may not be charged as direct costs without proper justification and agency approval. Proper justification includes documentation that the costs meet the criteria for allowability (see 2 CFR 200.403). Examples of such costs include rent, utilities, depreciation on buildings and equipment, the costs of operating and maintaining facilities, general administration, and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

o. Salaries that are not commensurate with level of work. All costs must be reasonable to be allowable (2 C.F.R. § 200.403), and 2 C.F.R § 200.404 defines a reasonable cost as a cost that, in its nature and amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Salaries determined not to be reasonable compared to the level of work will be unallowable.
This list is not exhaustive. For additional information please refer to 2 CFR § 200 Subpart E, Cost Principals.

8. Indirect costs limitations

a. A non-profit organization or institution of higher education awarded a cooperative agreement will be limited to a 10 percent indirect cost rate in accordance with the agency's annual appropriations act. The 10 percent indirect cost rate applies to both Federal and non-Federal funds. Other types of entities are not subject to this statutory limitation.

b. To be eligible to recover any indirect cost under a Federal award, recipients must either (1) have a current negotiated indirect cost rate agreement (NICRA) with a Federal agency that has not expired or (2) qualify for use of the de minimis rate authorized by 2 CFR § 200.414(f). A State, local, or tribal governmental department or agency unit that receives more than $35 million in direct Federal funding is not eligible for the de minimis rate.

c. Applicants not subject to a statutory limitation that have a current NICRA must calculate indirect costs using the rate and base specified in their NICRA. A recipient may voluntarily reduce or waive recovery of indirect costs at its sole discretion and must not be encouraged or coerced in any way to do so by the agency. A copy of the applicant's current NICRA must be provided with the application. Indirect costs may not be recovered under an expired NICRA. However, if an applicant with a current NICRA is subject to the statutory limitation, indirect costs must be calculated as follows: first multiply the NICRA rate by the base stated in the NICRA to arrive at

Amount A, then multiply the statutory limit of 10 percent by the total of all direct costs to arrive at Amount B. The lower of Amount A and B is the amount of indirect cost to include in the budget.

d. Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

e. Applicants who are applying for funds separate from a business or non-profit organization that they operate are **not eligible** to charge indirect costs to their award. If you are an individual applying for funding, do not include any indirect costs in your proposed budget.

E. APPLICATION REVIEW INFORMATION

1. Review and Selection Process

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete or noncompliant applications, or applications not meeting the formatting criteria may be eliminated from competition. In that event, the agency will send notification of elimination to the applicant. The agency intends to select and award without conducting any discussions or allowing applicants to correct deficiencies or omissions in their applications. Consequently, applicants must ensure their applications are complete and accurate. However, while the agency intends to select without contacting applicants, it reserves the right to request applicants to revise their applications to correct deficiencies or omissions it identifies. If this occurs, the agency will conduct discussions with all applicants, identify deficiencies and omissions for all, and give applicants an opportunity to submit a revised application by a common cut-off date. The agency may also contact individual applicants to clarify certain components of their applications.

Merit/technical reviews will be conducted by a technical review board nominated by the approving official. Risk reviews will be conducted by the FPAC Business Center's Grants and Agreements Division. The approving official will make the final award decisions. The approving official for this opportunity is the NRCS Chief.

NRCS will use a grant agreement to provide program funds to each selected applicant. The project budget period, amount of Federal assistance, terms and conditions of the award, and reporting requirements will be described and provided to the selected applicants as a part of this process.

The wetlands and other natural resources that are part of a mitigation bank developed with NRCS funding must be protected by a conservation easement. The WMBP website contains a set of minimum easement deed terms that must be included in a conservation easement associated with the program. These terms can be found at:

https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/farmbill/?cid=nrcseprd362686. The applicant is responsible for enforcing all easements.

2. Merit and Technical Criteria

b. Geographic Scope/Project Goals (30 points)

- Priority will be given to banks based in locations with significant numbers of individual wetlands, wetland acres, and conservation compliance requests. According to NRCS data, these locations include States in the Prairie Pothole Region (Iowa, Minnesota, North Dakota, South Dakota), Nebraska, Michigan, Wisconsin, Indiana, Illinois, Georgia, Pennsylvania, and Ohio.
- The proposal identifies clear, measurable, and achievable goals and deliverables, including the planned number of wetland acres to be restored, enhanced, or created for inclusion in the wetland bank with an estimate of the number of credits to be made available through the bank.

c. Project Management (30 points)

- The applicant has a proven track record of establishing and operating wetland mitigation banks, including success in selling bank credits to agricultural producers.
- The applicant describes a sound marketing plan for marketing the wetland bank to USDA program participants.
- The proposal describes the applicant's previous experience working with HU producers, and includes a specific plan for marketing the wetland bank program to HU individuals and landowners. This plan should include one or both of the following elements, with preference given to plans that include both:
    - i. a plan to conduct outreach to HU producers who might have restorable wetlands or mitigation bank sites on their land, and
    - ii. a plan to promote the availability of credits to historically underserved producers.
- Project staff has the necessary capacity, technical, and administrative expertise to restore wetlands and operate a wetland mitigation bank.
- The budget is fully explained and justified, and expenses are allowable.

d. Bank Development and Operation (40 points)

- The proposal has a specific plan for locating and securing potential wetland mitigation bank sites. Proposals that have already secured a mitigation site will receive priority consideration.
- The proposal describes a reasonable approach to ensure that the land to be restored, enhanced, or created is appropriate for wetland mitigation.

- The proposal includes a plan for accelerated development of a mitigation bank site(s) to make available mitigation credits within 24 months of project initiation.
- If applicable, the application describes how NRCS conservation practice standards will be followed for wetland restoration activities.
- The bank description illustrates high potential for successful establishment and operation of a mitigation bank for agricultural producers seeking to comply with Farm Bill wetlands compliance provisions.

Applicant entities identified in the SAM.gov Exclusions database as ineligible, prohibited, restricted, or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program (2 C.F.R. 200.205..

3. Administrative and Risk Criteria

Notice of selection after merit or technical evaluation does not guarantee that an applicant will receive an award. Following notification of selection for funding (see Section F), staff from the FPAC Business Center's Grants and Agreements Division conducts a final administrative and risk review of those applications. The administrative review includes, but is not limited to, a check to ensure that NFO requirements were met (e.g., applicant meets eligibility criteria, application was submitted through Grants.gov by the established deadline, etc.), and proposed costs are allowable, allocable, and necessary. During this process, it may be necessary to request further documentation from the applicant (e.g., organizational information as part of the risk assessment, more detail regarding proposed costs, etc.).

In addition, to comply with the requirements at 2 C.F.R. § 200.206, the agency will follow, at a minimum, the following risk review process (additional steps may be taken).

The awarding agency will check SAM to ensure the applicant is not suspended or debarred, which would preclude receiving an award. In addition, prior to making a Federal award with a total Federal share greater than the simplified acquisition threshold ($250,000), the agency must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (the Federal Awardee Performance Integrity Information System (FAPIIS), see 41 U.S.C. § 2313 and 2 C.F.R. § 200.206(a)).

An applicant must meet the following standards to be considered for award:

a. Financial Stability

The applicant maintains an adequate financial resources or cash flow to meet financial obligations on a routine basis in order to successfully complete any agreement it may be awarded.

b. **Quality of Management Systems and Ability to meet Management Standards prescribed in 2 CFR § 200**

The applicant has an adequate financial management system capable of segregating and tracking Federal funds. It has adequate systems in place to manage (1) agreements administration; (2) compliance with the standards outlined in 2 CFR § 200 Section D for procurement, property, and records management; and (3) required financial and performance reporting.

c. **History of Performance**

If the applicant has previously obtained Federal financial assistance award, it has never failed to materially comply with the Federal award terms and conditions and further that it has never had an award terminated on that basis.

Submission of an application constitutes certification that an applicant meets these standards (items a. through c. above). The agency may request documentation to substantiate the certification. Based on risk assessment, the agency may impose specific award conditions in accordance with 2 CFR § 200.208.

4. Awards Over the Simplified Acquisition Threshold (if applicable)

a. Prior to making a Federal award with a total Federal share greater than the simplified acquisition threshold ($250,000), the agency must review and consider any information about the applicant that is in FAPIIS, the designated integrity and performance system accessible through SAM. FAPIIS is a Federal database intended to serve as a governmentwide source of information about the prior performance and compliance of Federal procurement contractors, grantees, and cooperative agreement holders (see 41 U.S.C. § 2313 and 2 C.F.R. § 200.206(a)).

b. An applicant may review information in FAPIIS and comment on any information that a Federal awarding agency previously entered.

c. The agency will consider any comments by the applicant in addition to the other information in FAPIIS when 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 § 200.206, Federal awarding agency review of risk posed by applicants.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

The agency will provide notice that an application has been selected before it makes the Federal award. As such, the selection notification is not an authorization to begin work. Any pre-award costs incurred by the awardee will not be reimbursed. The Notice of

Grant and Agreement Award (ADS-093) signed by the authorized agency official is the only authorizing document and will be provided electronically to the awardee's authorized official for signature.

Both successful and unsuccessful applicants will be notified of the award decision by e-mail.

2. Administrative and National Policy Requirements

All project funds will be used in accordance with 2 C.F.R. § 200 and the General Terms and Conditions, which are available at the following website: https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html.

Projects performed pursuant to this opportunity may be subject to the National Environmental Policy Act. If applicable, NRCS must work with awardees to complete an environmental review of each awarded project before project commencement. In addition, prior to any ground-disturbing activities related to NRCS funding, the awardee must work with NRCS staff to complete an environmental evaluation related to those activities. Awardees may be required to prepare or pay for preparation of an environmental assessment or environmental impact statement, should any environmental review find that an environmental assessment or environmental impact statement is required.

In addition, a National Historic Preservation Act (NHPA) Section 106 review and consultation by an NRCS state or area office with consulting parties (such as the pertinent State Historic Preservation Officer and Federally recognized Indian tribes) may be required prior to implementing project activities that have the potential to impact cultural resources. NHPA Section 106, its implementing regulations (36 C.F.R. § 800), and other related authorities, require Federal agencies to determine if a project has the potential to cause an effect to historic properties and, if so, how any effects may be addressed. The NHPA review and compliance in accordance with Section 106 of NHPA and implementing regulations at 36 C.F.R. § 800 must be completed by NRCS, and applicants may be required to pay for any cultural resource surveys needed for NRCS to assess project effects. More information on the applicant's role in the NHPA Section 106 process can be found on the Advisory Council on Historic Preservation website at https://www.achp.gov/digital-library-section-106-landing/section-106-applicant-toolkit.

Consultation with the U.S. Fish & Wildlife Service or the National Marine Fisheries Service under the Section 7 of the Endangered Species Act (ESA) is also required for projects that may affect listed or proposed species or destroy or modify critical habitat. The ESA consultation must be completed by NRCS in accordance with Section 7 of the ESA and implementing regulations at 50 C.F.R. § 402 prior to the implementation of project activities that have the potential to impact species or habitat protected under the ESA. More information on the Section 7 consultation process can be found at https://www.fws.gov/service/esa-section-7-consultation.Reporting

Reporting will follow the guidelines included in the agency's General Terms and Conditions, which are available at the following website: https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html.

If the Federal share of any agreement awarded under this opportunity notice may include more than $500,000 over the period of performance, recipients must also comply with the post award reporting requirements reflected in Appendix XII of 2 C.F.R. § 200 — Award Term and Condition for Recipient Integrity and Performance Matters.

Applicants that receive awards pursuant to this opportunity and any subawardee must comply with the reporting requirements described at 2 CFR § 170 unless an exception applies. Applicants must ensure they have the necessary processes and systems in place to comply with those requirements. A list of exceptions can be found at 2 CFR § 170.110(b).

G. FEDERAL AWARDING AGENCY CONTACT

For questions regarding this opportunity, please contact the following individual with the NFO number in the subject line:

Name: Jeffrey Jacobs
Grants Management Specialist
FPAC Business Center

Email: Jeffrey.Jacobs@usda.gov with a copy to FPAC.BC.GAD@USDA.GOV

H. OTHER INFORMATION

1. **Questions** regarding this opportunity must be submitted to the Federal Awarding Agency Contact identified in Section G providing the NFO number in the subject line.

2. **For technical issues** with Grants.gov, please contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

3. **Freedom of Information Act**

Applications are considered confidential information. Applications are not shared with individuals or entities seeking public disclosure through the Freedom of Information Act (FOIA) without the consent of the applicant. More specifically, Executive Order 12600 and USDA FOIA regulation 7 CFR § 1 Subpart A requires the awarding agency to provide notice to applicants that a third party has requested copies of their business information and requires the awarding agency to consult with applicants regarding the releasing their records.

4. **Government Obligation**

   The Federal Government is not obligated to make any Federal award as a result of this opportunity. Only authorized Federal officials can bind the Federal Government to the expenditure of funds.

5. Any award made pursuant to this NFO may be comprised of one or several parts. Together, these parts are considered one singular agreement.

6. Awardees are responsible for administering all terms of the final grant agreement and for promptly notifying the awarding agency of any issues that may potentially impact the successful completion of the project.

   Notes:

   - Information about administration of the Wetland Mitigation Banking Program can be found in Title 440 – Conservation Programs Manual, Part 526 – NRCS Grants, Subpart C – Wetland Mitigation Banking Program

   - Information about mitigation banking for conservation compliance can be found in Title 180 – National Food Security Act Manual, Part 517 – Wetland Conservation Noncompliance and Eligibility, Subpart C – Mitigation Bank Exemption

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. In addition, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer and at any USDA office, or write a letter addressed to USDA providing all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA at:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax: (202) 690-7442
program.intake@usda.gov

USDA is an equal opportunity provider, employer, and lender.

LIST OF ABBREVIATIONS

AOR Authorized Organizational Representative

C.F.R. Code of Federal Regulations

DUNS Data Universal Numbering System

EBiz Electronic Business

FAPIIS Federal Awardee Performance Integrity Information System

FOIA Freedom of Information Act

FY Fiscal Year

HU Historically Underserved

MTDC modified total direct costs

NFO Notice of Funding Opportunity

NHPA National Historic Preservation Act

NICRA Negotiated Indirect Cost Rate Agreement

NRCS Natural Resources Conservation Service

POC Point of Contact

SAM System for Award Management

SF Standard Form

UEI Unique Entity Identifier

U.S.C. United States Code

USDA United States Department of Agriculture

WMBP Wetland Mitigation Banking Program

APPENDIX A – Instructions for Completing SF-424
SF-424 Family | GRANTS.GOV

APPENDIX B – Instructions for Completing SF-424A
SF-424 Family | GRANTS.GOV

APPENDIX C – Budget Narrative Guidance

Microsoft Word - SF424 and SF424A Instructions_FY22_01.20.2022 (usda.gov)