



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00294

Region 8: Lower Colorado Basin Region

Fish and Wildlife Coordination Act Program Financial Assistance for Fiscal Year 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; 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.

Synopsis

Federal Agency Name	U.S. Department of the Interior, Bureau of Reclamation, Region 8: Lower Colorado Basin Region
Notice of Funding Opportunity Title	Fish and Wildlife Coordination Act Program Financial Assistance for Fiscal Year 2024
Announcement Type	Notice of Funding Opportunity (NOFO)
Notice of Funding Opportunity Number	R24AS00294
Assistance Listings No.	15.517
Application Due Date (See NOFO Sec. D.4)	This NOFO will have one application submission deadline: June 3, 2024, at 4:00 p.m. Pacific Daylight Time (PDT) The tentative selection and announcement timeframe will be approximately 60 days after closing date.
Eligible Applicants (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: 00 – State governments 01 – County governments 02 – City or township governments 04 – Special district governments 06 – Public and State controlled institutions of higher education 07 – Native American tribal governments (Federally recognized) 11 – Native American tribal organizations (other than Federally recognized tribal governments) 12 – Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher 20 – Private institutions of higher education 22 – For profit organization other than small businesses 23 – Small businesses.
Recipient Cost Share (See NOFO Sec. C.2)	No cost sharing requirement under this NOFO
Federal Funding Amount (See NOFO Sec. B.2)	Up to \$55,000 per applicant
Estimated Number of Awards (See NOFO Sec. B.1)	One
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 using the Workspace platform in Grants.gov.

✓	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.2.1.1	p.12
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See section D.3	p.18
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	See section D.2.1.2	p.12
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	See section D.2.1.3	p.14
✓	Recommended Application Components	Required Content	Page
	Environmental and cultural resources compliance	See section D.2.1.4	p.15
	Required permits or approvals	See section D.2.1.5	p.15
	Overlap or duplication of effort statement	See section D.2.1.6	p.15
	Conflict of interest disclosure statement	See section D.2.1.7	p.15
	Uniform audit reporting statement	See section D.2.1.8	p.16
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable)	See section D.2.1.9	p.17
	Letters of Support	See section D.2.1.10	p.17

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFR	Code of Federal Regulations
CWA	Clean Water Act
DM	Departmental Manual
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FAIR	Financial Assistance Interior Regulation
FAPIS	Federal Awardee Performance and Integrity Information System
FONSI	Finding of No Significant Impact
FTHL	Flat-Tailed Horned Lizard
FWCAP	Fish and Wildlife Coordination Act Program
FY	Fiscal Year
LCB	Lower Colorado Basin
MTDC	Modified Total Direct Cost
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NICRA	Negotiated Indirect Cost Rate Agreement
NOFO	Notice of Funding Opportunity
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	State Point of Contact (for intergovernmental review)

UEI	Unique Entity ID
USC	United States Code
WIIN Act	Water Infrastructure Improvements for the Nation Act
YAO	Yuma Area Office

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Section A. Funding Opportunity Description

A.1 Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of the Fish and Wildlife Coordination Act of 1934, Public Law (P.L.) 85-624, 16 United States Code (U.S.C.) §661, et. seq., as amended; as limited by the Secretary of the Interior delegation of authority at 255 Departmental Manual (DM) 1.1B to:

- (a) conduct activities for the improvement of fish and wildlife habitat associated with water systems or water supplies affected by Bureau of Reclamation (Reclamation) projects, including but not limited to fish passage and screening facilities at any non-Federal water diversion or storage project within the region;
- (b) plan, design, construct, and monitor, including acquire lands or interest therein as needed, instream habitat improvements, including but not limited to fish passage screening facilities at off-site locations (as negotiated on privately owned lands and facilities not associated with a Reclamation project); and
- (c) monitor and evaluate the effect of Reclamation actions on fish and wildlife resources including ESA-listed species.

A.2 Background and Program Requirements

Reclamation's Yuma Area Office (YAO) periodically makes funding available for conducting activities for Threatened and Endangered species and their habitats under Section 7(a)1 of the Endangered Species Act (ESA) under the Fish and Wildlife Coordination Act Program (FWCAP). The objective(s) of this NOFO is to fund projects for activities in support of YAO's endangered species and environmental restoration programs in Federal fiscal year (FY) 2024 (October 1, 2023, through September 30, 2024).

The map below shows the YAO management areas covered under this NOFO.

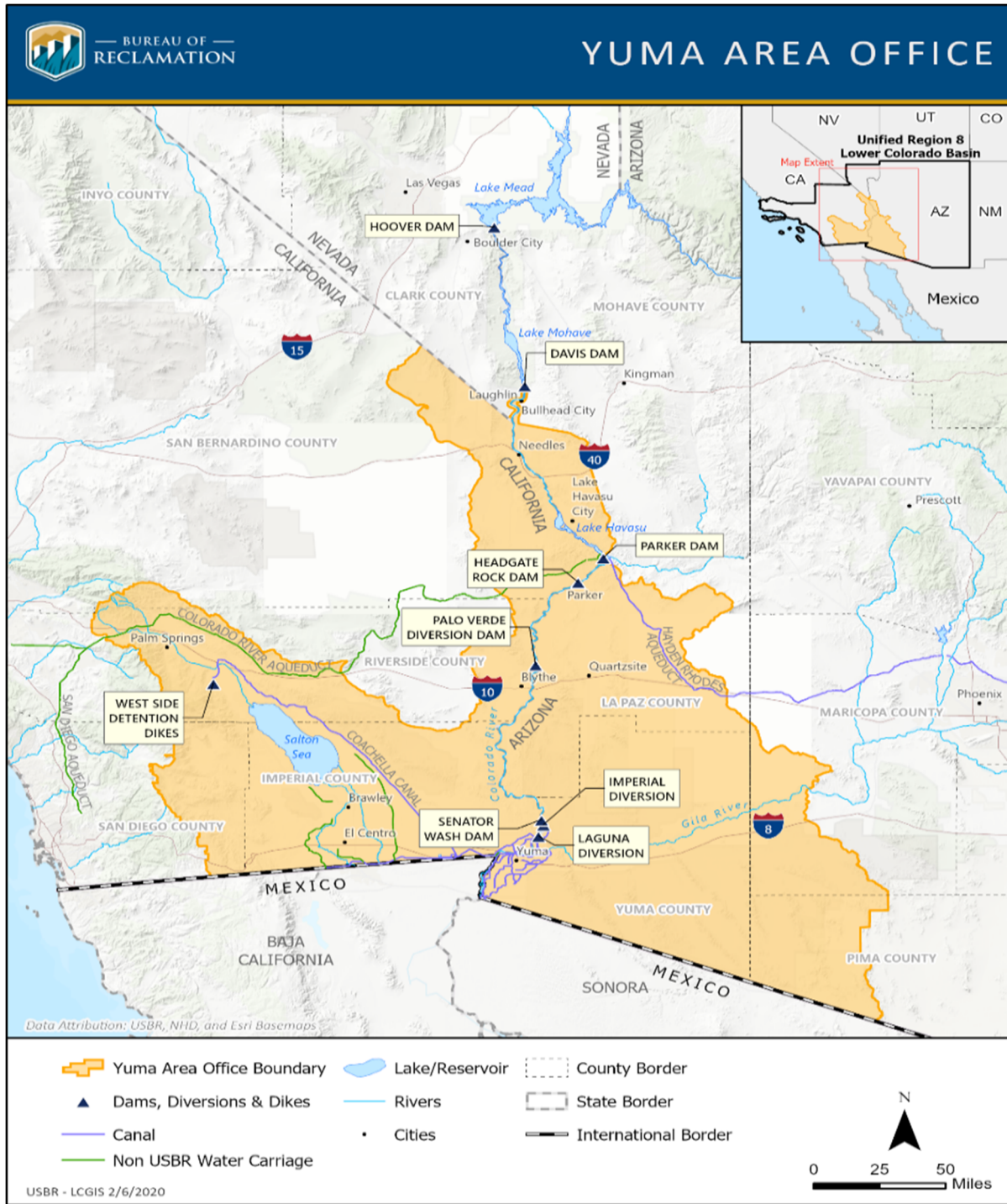


Figure 1 – Yuma Area Office Area of Consideration for FWCAP NOFO

A.3 Purpose and Objectives

The Bureau of Reclamation manages, develops, and protects water and related resources in an environmentally and economically sound manner in the interest of the American public. Reclamation has a major responsibility, in partnership with water users, States, and other interested parties, to help improve water resource management and water use efficiency in the western United States. More efficient water use is a key component of Reclamation's water resource management strategy. Through coordination with our stakeholders, FWCAP supports the Department of the Interior's (DOI) priorities, including:

- Creating a conservation stewardship legacy;
- Utilizing our natural resources;
- Restoring trust with local communities;
- Striking a regulatory balance;
- Modernizing our infrastructure; and
- Achieving our goals and leading our team forward.

Reclamation priorities are also supported through this program, including:

- Increasing water supplies, storage, and reliability under WIIN Act (Water Infrastructure Improvements for the Nation) and other authorities to benefit farms, families, businesses, and fish and wildlife;
- Streamlining regulatory processes and removing unnecessary burdens to provide more water and power supply reliability;
- Leveraging science and technology to improve water supply reliability to communities;
- Addressing ongoing drought;
- Improving the value of hydropower for Reclamation power customers;
- Improving water supplies for tribal and rural communities; and
- Promoting title transfer opportunities.

A.4 Program Requirements

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

All proposals will be evaluated against the Evaluation Criteria stated in *Section E – Application Review Information* of this NOFO.

Projects to be considered should address one of the following task component areas:

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

Projects to be considered should consider:

- Demonstration of long-term studies of native riparian habitat restoration;
- Specific emphasis of riparian plant genetic variation and its effect on community structure; or
- Demonstrated skill in the propagation and long-term survival of Lower Colorado Basin native riparian species.

Section B: Award Information

B.1 Total Funding

Approximately \$55,000 is available for this NOFO.

Reclamation will determine the final amount of Federal funding available for award under this NOFO once final FY 2024 appropriations have been made. This NOFO may be canceled if appropriations are insufficient to support new awards.

B.2 Expected Award Amount

Maximum Award: \$55,000

Minimum Award: \$1

The maximum award amount in Federal funds may be awarded to an applicant over a 2-year period, with no more than \$55,000 total amount to be available for entire project period.

B.3 Expected Award Funding and Anticipated Dates

Reclamation anticipates contacting potential award recipients and unsuccessful applicants within **30-60 days after closing date**. The anticipated award and completion dates are as follows:

Application Submission Period closing date is June 3, 2024

- Anticipated notification of successful/unsuccessful applicants: July 2024
- Anticipated Award Date: September 2024
- Anticipated Project Completion Date: December 2026

B.4 Number of Awards

Approximately one award, depending on the amount requested by each applicant and the amount of Federal funding available, will be awarded under this NOFO.

B.5 Type of Award

Project awards will be made through grants agreements.

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 appropriate Reclamation staff prior to applying, and this communication should be noted in your application.

Section C: Eligibility Information

C.1 Eligible Applicants

- 00 – State governments
- 01 – County governments
- 02 – City or township governments
- 04 – Special district governments
- 06 – Public and State controlled institutions of higher education
- 07 – Native American tribal governments (Federally recognized)
- 11 – Native American tribal organizations (other than Federally recognized tribal governments)
- 12 – Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher
- 20 – Private institutions of higher education
- 22 – For profit organization other than small businesses
- 23 – Small businesses

Note: The Application Review Committee (ARC) has the discretion to determine which group an applicant is eligible for.

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

- Federal governmental entities
- Individuals

C.2 Cost-Sharing or Matching

No cost sharing is required under this NOFO.

Should an applicant choose to provide any cost-sharing, it may be made through cash or in-kind contributions from the applicant or third-party partners; however, all cost-share contributions must meet the criteria established in the Office of Management and Budget (OMB) administrative and cost principles circulars applicable to the applicant.

Project costs that have been incurred prior to the date of award of the project may be submitted for consideration as an allowable portion of the recipient's cost-share for the project. Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the authorizing legislation and applicable cost principles.

If cost-share is included in the proposed budget, all cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200.

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

Donations and in-kind contributions constitute the value of non-cash contributions that benefit a Federally assisted project. These contributions may be in the form of real property, equipment, supplies, and other expendable property, as well as the value of goods and services (e.g., qualified volunteer labor) directly benefiting and specifically identifiable to the project or program.

The cost or value of donations and in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be used to satisfy the cost-share requirement for an award under this NOFO. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended.

Applicants should refer to 2 CFR §200.434 for regulations regarding the valuation of in-kind donations and contributions, available at www.ecfr.gov.

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. In general, if an applicant is seeking funding for multiple project components, and the components are interrelated or closely related (e.g., projects that are physically and geographically linked), the applicant should combine these in one application. However, if the projects are only loosely related, an applicant should submit them as separate applications.

C.3.2 Excluded Parties

Reclamation conducts a review of the SAM.gov Exclusions database for all applicant entities and their key personnel prior to award for this Federal program. If entities or key 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 that seek to include conservation and improvement programs, habitat conservation, and riparian restoration projects. All proposals will be evaluated against the Evaluation Criteria stated in *Section E* of this NOFO.

- **Projects to be considered should address one of the following task component areas:**
 - Wetland and riparian habitat restoration, enhancement, and protection;
 - Tracking fish and wildlife movement, habitat monitoring, collection, analysis of invertebrates, and/or genetics studies; or
 - Surveying and monitoring of fish and wildlife.
- **Projects to be considered should consider:**
 - Demonstration of long-term studies of native riparian habitat restoration;
 - Specific emphasis of plant genetic variation and its effect on community structure; or
 - Demonstrated skill in the propagation and long-term survival of Lower Colorado Basin native riparian species.

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 the electronic application forms in Grants.gov, you can request them by emailing Chandrika Nasstrom, Grants Management Specialist, at cnasstrom@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

Use the application checklist (page ii) and the following list to ensure the application is complete and properly formatted:

- All pages must be consecutively numbered, including tables, appendices, and exhibits.
- The font used should be easy to read and at least 11 points.
- The Technical Proposal shall be limited to no more than 15, one-sided, single-spaced, 8½ by 11-inch pages. Oversized pages will not be accepted.
- Federal forms (application for Federal Assistance SF-424 [use as the cover page], Budget Non-construction SF-424A, Assurances Non-construction SF-424B, and if applicable, Disclosure of Lobbying Activities SF-LLL), blank pages, title page, blueprints, appendices, environmental compliance documentation, budget narrative, funding plans, and table of contents pages **do not** count towards the 15-page limit.
- Do not include a cover letter, organization literature, and/or brochures, nor place the proposal in binder or between plastic covers.

All applications will be prescreened for compliance with the page number limitations. If the Technical Proposal exceeds 15 pages, only the first 15 pages will be evaluated.

D.2.1.1 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*.

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.

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 Programs form is required whether a project involves construction costs or not.

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

SF-424B: Assurances Form

A fully completed SF-424B Assurances – Non-construction Programs form 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.2.1.2 Technical Proposal

Submission of a technical proposal (limited to 15 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.

D.2.1.2.1 Title Page

Provide a succinct, informative, and descriptive title for the proposed work indicating the nature of the project. Include the applicant's name and address, as well as the name, address, e-mail address, and telephone number of the project manager. Clearly identify the task component area listed in *Section C.4* for the project. This page does not count toward the 15-page limit.

D.2.1.2.2 Table of Contents

List all major sections of the proposal in the table of contents. This page does not count toward the 15-page limit.

D.2.1.2.3 Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out including the specific work for which funding is being requested in this application, any partners involved, concerns in your project area and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.
- State the length of time and estimated completion date for the proposed project (month/year).
- Whether or not the proposed project is located on a Federal facility or will involve Federal land.

D.2.1.2.4 Project Location

Provide specific information on the geographic location of the proposed planning area (e.g., watershed, basin, county) or location of the project being designed, including a map showing the geographic location. For example, [project name] is located in [county and state] approximately [distance] miles [direction, e.g., northeast] of [nearest town]. The project latitude is {##°##'N} and longitude is {###°##'W}.

D.2.1.2.5 Project Description

On a separate line, on the first page of the Technical Proposal, clearly identify which Task Area Component (see *Section E.1, Table 2. Task Area Components and Evaluation Criteria Point Distribution*) will be addressed through the proposed activity/project. To ensure the proposal receives the points it merits, applicants are strongly encouraged to explain how the proposed project relates to the Evaluation Criteria outlined in *Section E*.

Do not attempt to address all the criteria. Applicants must select one Task Area Component that most directly applies to the proposed activity/project and address the criteria for that single component. If a project has aspects of more than one area of emphasis, choose the one that best describes the primary purpose of the project.

Briefly discuss the background and location of the applicant's organization. Identify the objective of the proposed project and identify whether the project is a component of an approved conservation or management plan. Include a map showing the precise location of the proposed project.

Succinctly describe the technical work to be performed. Applicants should divide the proposed work into major tasks/milestones and discuss the approach and evaluation techniques that will be used to accomplish the work. This discussion should provide sufficient detail to permit a comprehensive evaluation of the proposal and its outcomes. Include engineering plans, designs, and analyses as appendices, as applicable. (Appendices do not count toward the application's 15-page limit.) Multi-year applications should include such information for each year of the proposed activity.

D.2.1.2.6 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.2.1.3 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. 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 B). Applicants may elect to use the

Budget Detail and Narrative spreadsheet (Attachment A to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, but must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

Please note: The project budget proposal (either a budget narrative in Word format or a detailed Excel budget spreadsheet) should be uploaded to Grants.gov as "Budget Narrative Attachment Form".

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

D.2.1.4 Environmental and Cultural Resources Compliance

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

D.2.1.5 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. 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.2.1.6 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.2.1.7 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.

D.2.1.7.1 Applicability

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

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

D.2.1.7.2 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.

D.2.1.7.3 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.

D.2.1.7.4 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.

D.2.1.7.5 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.2.1.8 *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.2.1.9 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.2.1.10 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.2.1.11 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.2.1.12 Letters of Funding Commitment

If a project is selected for award under this funding opportunity and cost-share funding is anticipated to be provided by a source other than the applicant, the third-party cost-share must be supported with letters of commitment prior to award. Letters of commitment should identify the following elements:

- The amount of funding commitment
- The date the funds will be available to the applicant
- Any time constraints on the availability of funds
- Any other contingencies associated with the funding commitment

Cost-share funding from sources outside the applicant's organization (e.g., loans or State grants) should be secured and available to the applicant prior to award.

Reclamation will not execute a financial assistance agreement until non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that non-Federal funds will be available to the applicant after executing the agreement.

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

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 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 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 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 *Section D.4.2.1. Application Submission Requirements* 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 or a UEI will not be able to submit an application.

D.3.2 Obtain a Unique Entity Identifier

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

D.4 Submission Date and Time

Submission due date for applications is **June 3, 2024, at 4 p.m. (PST)**.

Applications **must** be submitted no later than the due date and time identified for application 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 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.

D.4.1 Application Submission Instructions

Applications **MUST** be submitted electronically through Grants.gov (www.grants.gov). Paper applications will not be accepted. Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

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 Submission Requirement

All 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.

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.

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 Chandrika Nasstrom, Grants Management Specialist, at cnasstrom@usbr.gov that validates the delay.

D.4.2.2 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. A list of States that have elected to participate in the intergovernmental review process can be found at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. 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.

In no case will any costs incurred prior to **January 1, 2024**, be considered for cost-share purposes. Please clearly identify and include the request for pre-award costs in the proposal.

Examples of pre-award costs are design or construction plans and environmental compliance costs directly related to the proposed project. Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the authorizing legislation and applicable cost principles. To be considered allowable, any pre-award costs proposed for consideration under the new awards must comply with all applicable requirements under this NOFO.

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 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.6.3 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.

Your budget may include a de minimis rate of up to 10% of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.68.

See below reference from 2 CFR §200.414 (f):

In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part,

paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in § 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected 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.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the de minimis 10% 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 ibc.doi.gov/ICS.

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 Evaluation 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 technical project description and that is reflected in the budget - not the larger project.

Table 2. Task Area Components and Evaluation Criteria Point Distribution

Evaluation Criteria Scoring Summary	Points
A. Project A1. Projects to be considered should address one of the task components areas listed below in E.1.1.1. A2. Projects to be considered should consider criteria listed below in E.1.1.2.	<i>Max 25</i>
B. Goals and Objectives	<i>Max 25</i>
C. Personnel and Institutional Qualifications	<i>Max 15</i>
D. Demonstration	<i>Max 15</i>
E. DOI Priorities	<i>Max 10</i>
F. Reclamation Priorities	<i>Max 10</i>
<i>Total</i>	<i>100</i>

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

E.1.1 Evaluation Criterion A. Project (max 25 points)

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

E.1.1.1 Sub-criterion A1. Projects to be considered should address one of the following task component areas:

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

E.1.1.2 Sub-criterion A2. Projects to be considered should consider:

- Demonstration of long-term studies of native riparian habitat restoration;
- Specific emphasis of plant genetic variation and its effect on community structure; or
- Demonstrated skill in the propagation and long-term survival of Lower Colorado Basin native riparian species.

E.1.2 Evaluation Criterion B. Goals and Objectives (max 25 points)

The extent to which the stated goals and objectives and methods are specific, measurable, appropriate, and realistic to achieve within the time and budget proposed.

E.1.3 Evaluation Criterion C. Personnel and Institutional Qualifications (max 15 points)

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

E.1.4 Evaluation Criterion D. Demonstration (max 15 points)

The proposal identifies how it will meet the FWCAP planning action to benefit Endangered Species Act listed riparian birds or fish.

E.1.5 Evaluation Criterion E. DOI Priorities (max 10 points)

May be awarded based on the extent that the proposal demonstrates how the project supports the Department's priorities. Please address only those priorities that are applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal.

The following are the Department's priorities:

1. *Creating a conservation stewardship legacy second only to Teddy Roosevelt*
 - a. Utilize science to identify best practices to manage land and water resources and adapt to changes in the environment.
 - b. Examine land use planning processes and land use designations that govern public use and access.
 - c. Revise and streamline the environmental and regulatory review process while maintaining environmental standards.
 - d. Review the Department's water storage, transportation, and distribution systems to identify opportunities to resolve conflicts and expand capacity.
 - e. Foster relationships with conservation organizations advocating for balanced stewardship and use of public lands.
 - f. Identify and implement initiatives to expand access to Department's lands for hunting and fishing.
 - g. Shift the balance towards providing greater public access to public lands over restrictions to access.
2. *Utilizing our natural resources*
 - a. Ensure American Energy is available to meet our security and economic needs.
 - b. Ensure access to mineral resources, especially the critical and rare earth minerals needed for scientific, technological, or military applications.
 - c. Refocus timber programs to embrace the entire 'healthy forests' lifecycle.
 - d. Manage competition for grazing resources.
3. *Restoring trust with local communities*
 - a. Be a better neighbor with those closest to our resources by improving dialogue and relationships with persons and entities bordering our lands.
 - b. Expand the lines of communication with Governors, state natural resource offices, fish and wildlife offices, water authorities, county commissioners, tribes, and local communities.
4. *Striking a regulatory balance*
 - a. Reduce the administrative and regulatory burden imposed on U.S. industry and the public.
 - b. Ensure that ESA decisions are based on strong science and thorough analysis.

5. *Modernizing our infrastructure*

- a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure.
- b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs.
- c. Prioritize Department's infrastructure needs to highlight:
 1. Construction of infrastructure.
 2. Cyclical maintenance.
 3. Deferred maintenance.

E.1.6 Evaluation Criterion F. Reclamation Priorities (max 10 points)

May be awarded based on the extent that the proposal demonstrates how the project supports Reclamation's priorities. Please address only those priorities that are applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal.

The following are Reclamation's priorities:

1. Increase water supplies, storage, and reliability under WIIN and other authorities to benefit farms, families, businesses, and fish and wildlife.
2. Streamline regulatory processes and remove unnecessary burdens to provide more water and power supply reliability.
3. Leverage science and technology to improve water supply reliability to communities.
4. Address ongoing drought.
5. Improve the value of hydropower to Reclamation power customers.
6. Improve water supplies for tribal and rural communities.
7. Title transfer.

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.

Combating the Climate Crises: E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, focuses on increasing resilience to climate change and supporting climate-resilient development. For additional information on the impacts of climate change throughout the western United States, see: www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf. Please describe how the project will address climate change, including the following:

- 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?

Disadvantaged or Underserved Communities

Points will be awarded based on the extent to which the project directly serves disadvantaged, underserved, or Tribal communities.

E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.

- 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 (screeningtool.geoplatform.gov/en/#17.59/36.63278/-105.181329) to identify any disadvantaged communities that will benefit from your project. In addition to identifying specific census tracts that are disadvantaged, the CEJST considers the lands of Federally Recognized Tribes as disadvantaged communities. In addition, regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities are considered disadvantaged communities for the purposes of the Justice40 Initiative.¹
- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve, or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?

Tribal Benefits

Points will be awarded based on the extent to which the Project will honor the Federal government’s commitments to Tribal Nations. The Department of the Interior is committed to strengthening Tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President’s memorandum, “Tribal Consultation and Strengthening Nation-to-Nation Relationships,” asserts the importance of honoring the Federal government’s commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for a Tribe?
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and

¹ OMB, CEQ, & CPO, M-23-09, Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST) (Jan. 27, 2023), www.grants.gov/web/grants/view-opportunity.html?oppId=350116.

safety by addressing water quality, new water supplies, or economic growth opportunities?

- 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 reject applications that do not meet the requirements of this NOFO or are outside the scope of FWCAP grants. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program task component areas listed in *Section C.4. Eligible Projects*. 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 the required SF-424 forms; 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 request that information from the applicant 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 *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*

The LCB Regional Office or the Area Offices will complete environmental compliance, as 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. For a Demonstration Program, any 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*

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

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

E.3 Anticipated Announcement and Federal Award Dates

Reclamation expects to contact potential award recipients and unsuccessful applicants who applied under the application submittal period within **30-60 days after closing date**, or later if necessary. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the timeframe for the completion of their agreement.

Section F: Federal Award Administration Information

F.1 Federal Award Notices

Successful applicants will receive, by email, a notice of selection signed by 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 obtain a Unique Entity Identification (UEI) number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI Number and/or Agency. All the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to the grantee by Reclamation staff if selected for award.

Note: If the entity is currently enrolled in the ASAP system with an agency other than Reclamation, it 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, including, but not limited to, the 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.

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. **Environmental and cultural resources compliance costs are considered project costs and should be included in the project budget.**

As previously stated, 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 when such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

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 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, Pub. L. 115-254, Subtitle F – Geospatial Data, §§ 751-759C, codified at 43 U.S.C. §§ 2801–2811. Interior requires fully compliant metadata on all Geographic Information Systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the recipient 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 (see definition for Intangible property in 2 CFR §200.1) acquired under a Federal award vests upon acquisition in the non-Federal entity. 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).

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 governmentwide regulations issued by the Department of Commerce at 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

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

Under this NOFO, Recipients will be required to submit Federal Financial and Performance Progress Reports on a semi-annual basis, unless more frequent reporting is deemed necessary.

F.3.1 Interim and Final Financial Reports

Recipients will be required to submit a fully completed SF-425 Federal Financial Report form along with the Final Federal Financial 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

Recipients will be required to submit a completed Performance Progress Report (PPR) along with the Final Performance Progress Report. The PPR has no required format or template but will need to include:

- 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.
- Photographs documenting the Project are also appreciated. *Note: Reclamation may print photos with appropriate credit to the applicant.*

F.3.3 Final Performance Report

Recipients will be required to submit a Final Performance Progress Report (PPR) encompassing the entire period of performance. The Final PPR must include, but is not limited to, the following information:

- A brief description of the components of the Project and the work completed, including each element of the scope of work and the work completed at each stage of the Project.
- The goals and objectives of the Project and whether each of these was met, the reasons why goals and objectives were not met (if appropriate), and any problems, delays encountered in completing the Project, and whether or not the Project was completed within cost.
- Future tracking of Project benefits.
- A description of how the Project demonstrates collaboration, stakeholder involvement or the formation of partnerships, if applicable.
- Any other pertinent issues involving the Project.

Please note that final reports are public documents and may be made available on Reclamation's website.

F.4 Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflicts 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 under 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. 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: Federal Awarding Agency Contacts

Note that staff availability on the day of the NOFO closing will be limited.

If contacting the individuals below by email, **please include the NOFO number R24AS00294 in the Subject line.**

G.1 Reclamation Financial Assistance Contact

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

Name: Chandrika Nasstrom

Email: cnasstrom@usbr.gov

G.2 Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to:

Name: Nick Heatwole

E-mail: nheatwole@usbr.gov

Phone: 928-343-8111

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 decide 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 (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. Federal Awarding 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 successful applicant 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 United States Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (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.