



— BUREAU OF —
RECLAMATION

And

U.S. FISH AND WILDLIFE
SERVICE



Notice of Funding Opportunity No. R25AS00005

**Central Valley Project Conservation and
Habitat Restoration Program Grants
for Fiscal Years 2025 and 2026**



Mission Statements

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

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

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, California-Great Basin Region; and U.S. Fish and Wildlife Service, Pacific Southwest Region
Funding Opportunity Title:	Central Valley Project Conservation and Habitat Restoration Program Grants for Fiscal Years 2025 and 2026
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R25AS00005
Assistance Listing Number:	15.564 (Central Valley Project Conservation Program) 15.512 (Central Valley Project Improvement Act)
Dates: (See NOFO Sec. D.4)	Application due date: Tuesday, December 10, 2024, 3:00 p.m. Pacific Standard Time (PST).
Eligible Applicants: (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: State or local government agencies, private non-profit or for-profit organizations, individuals, and educational institutions.
Recipient Cost-Share: (See NOFO Sec. C.2)	No cost sharing requirement.
Federal Funding Amount: (See NOFO Sec. B.1)	Approximately \$4,800,000 is available under this program. Up to \$1,000,000 per award.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 7 to 10 per application submittal period, contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	This NOFO is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is available on whitehouse.gov .

Application Checklist

The following tables contain a summary of the information that applicants are required to submit.

✓	Mandatory Application Components	Section	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)	Section D.2.1	8
	Unique Entity Identifier and System for Award Management (SAM) registration	Section D.3	15
	Technical Proposal (use Project Narrative Attachment Form to upload in grants.gov)	Section E.1	22
	Budget Narrative (use Budget Narrative Attachment Form to upload in grants.gov)	Section D.2.5.11	11

✓	Recommended Application Components	Section	Page
	Environmental and cultural resources compliance	Section D.6.3	20
	Required permits or approvals	Section D.2.1.7	12
	Overlap or duplication of effort statement	Section D.2.1.8	12
	Conflict of interest disclosure statement	Section D.2.1.9	13
	Uniform audit reporting statement	Section D.2.1.11	14
	SF-LLL : Disclosure of Lobbying Activities (required, if applicable) (OMB)	Section D.2.1.12	14
	Certification Regarding Lobbying	Section D.2.1.11	14
	Official Resolution	Section D.2.1.13	14
	Project Abstract Summary	Section D.2.1.14	15

Contents

Section A. Program Description	1
A.1. Authority.....	1
A.2. Background, Purpose, and Program Requirements	1
Section B. Federal Award Information	3
B.1. Total Funding	3
B.2. Expected Award Amount.....	3
B.3. Anticipated Award Funding and Dates.....	3
B.4. Number of Awards.....	3
B.5. Type of Award.....	3
Section C. Eligibility Information.....	5
C.1. Eligible Applicants.....	5
C.2. Cost Sharing or Matching.....	6
C.3. Other.....	6
C.4. Eligible Projects.....	6
C.5. Ineligible Projects	7
Section D. Application and Submission Information	8
D.1. Access to Application Package.....	8
D.2. Content and Form of Application Submission.....	8
D.3. Unique Entity Identifier and System for Award Management (SAM).....	15
D.4. Submission Date and Time.....	16
D.5. Intergovernmental Review (if applicable).....	18
D.6. Funding Restrictions.....	19
Section E. Application Review Information.....	21
E.1. Technical Proposal: Evaluation Criteria	21
E.2. Review and Selection Process	27
E.3. Anticipated Announcement and Federal Award Dates.....	29
E.4. Program Priority Actions.....	30
Section F. Federal Award Administration Information	34
F.1. Federal Award Notices	34
F.2. Administrative and National Policy Requirements	35
F.3. Reporting Requirements and Distribution	40
F.4. Data Availability (2 CFR §1402.315).....	42
F.5. Recipient Service Delivery Option.....	43
Section G. Federal Awarding Agency Contact(s).....	45
G.1. Reclamation Financial Assistance Contact.....	45
G.2. Reclamation Program Coordinator Contact.....	45
Section H. Other Information	46
H.1. Environmental and Cultural Resource Considerations.....	46
H.2. Environmental Statutes.....	47

Section A. Program Description

A.1. Authority

Reclamation Projects Authorization and Adjustment Act of 1992, Title XXXIV, Central Valley Project Improvement Act, Public Law 102-575 and the Fish and Wildlife Coordination Act, as amended, 16 U.S.C. Section 661 et seq.

A.2. Background, Purpose, and Program Requirements

The purpose of this NOFO is to solicit applications from non-federal parties to which the Bureau of Reclamation (Reclamation) and U.S. Fish and Wildlife Service (USFWS) will issue awards of grants or cooperative agreements through the CVPCP, CVPIA and the HRP. The CVPCP and HRP implement actions intended to protect, restore, and enhance special-status species (excluding fish) and their habitats that have been affected by the operation of the Central Valley Project (CVP) and implementation of the CVPIA, with a special emphasis on federally listed species. The main objectives of the programs are to: (1) protect and restore native habitats impacted by the CVP, (2) stabilize and improve populations of native species impacted by the CVP, and (3) assist with the recovery of federally and state-listed species whose populations have been impacted by the CVP.

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Federal awarding agency will review and consider applications for funding pursuant to this notice of funding opportunity and the Program seeks to implement the Biden-Harris administrations priorities through the following Executive Orders:

- *Executive Order 14008: Tackling the Climate Crisis at Home and Abroad - Directs*, which directs the Department and other Federal agencies to prioritize efforts to support land conservation and biodiversity efforts.
- *Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities through the Federal Government – Federally recognized tribes are eligible to apply under this NOFO.*
- *Executive Order 14005 – Ensuring the Future is Made in All of America by All of America's Workers – This NOFO relies on US-based non-profits, tribes, and California state agencies. Through this action Reclamation and the Service will also ensure that Tribes and Tribal organizations are eligible to participate, consistent with underlying law (P.L. 102-575, Title XXXIV, Central Valley Project Improvement Act, Section 3407(e)), and receive appropriate technical assistance if required.*

General Terms and Conditions:

For applicants successful in receiving an award through this NOFO, by accepting an agreement for award the recipient and its executives, as defined in 2 CFR § 170.315, certify that the recipient's policies are in accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance.

Section B. Federal Award Information

B.1. Total Funding

Estimated Total Funding: \$4,800,000.00

B.2. Expected Award Amount

Maximum Award:

\$1,000,000.00

Minimum Award:

\$25,000.00

B.3. Anticipated Award Funding and Dates

Agreements are not effective until fully executed with signature from the Grants Officer. The length of projects will vary by award, the length of time generally being as requested in the project schedule in the application and as outlined in the scope of the financial assistance agreement signed by award recipients and the awarding agency. The maximum length of award for financial assistance agreements is 5 years from the date of execution of the award for Reclamation agreements. The maximum length of award for USFWS agreements is 4 years.

The number of financial assistance agreements awarded and amount of funding available is dependent on annual appropriations to the CVPCP and HRP and the number of successful applications. An estimated total of \$4,800,000 is available for project awards. Of that, an estimated \$1,270,000 will be available during both FY 2025 and FY 2026 through the CVPCP. An estimated \$1,130,000 will be available during both FY 2025 and FY 2026 through the HRP.

B.4. Number of Awards

Reclamation will award approximately 7 to 10 awards, depending on the amount requested by each applicant and the amount of Federal funding available, under this NOFO.

B.5. Type of Award

Project awards will be made through Grants or Cooperative Agreements.

Section B. Federal Award Information

Under cooperative agreements, the successful applicant should expect Reclamation to have substantial involvement in the project. This includes:

- collaboration and participation with the successful applicant in the management of the project and close oversight of the successful applicant's activities to ensure that the program objectives are achieved, and
- possible oversight, including review, input, and approval at key interim stages of the project.

Section C. Eligibility Information

This section addresses the considerations or factors that determine applicant or application eligibility. This includes the eligibility of particular types of applicant organizations, any factors affecting the eligibility of the principal investigator or project director, and any criteria that make particular projects ineligible. Federal agencies should make clear whether an applicant's failure to meet an eligibility criterion by the time of an application deadline will result in Reclamation returning the application without review or, even though an application may be reviewed, will preclude Reclamation from making a Federal award.

C.1. Eligible Applicants

- ☐00—State governments
- ☐01—County governments
- ☐02—City or township governments
- ☐04—Special district governments
- ☐05—Independent school districts
- ☐06—Public and State controlled institutions of higher education
- ☐07—Native American Tribal governments (Federally recognized)
- ☐08—Public housing authorities/Indian housing authorities
- ☐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 education
- ☐13—Nonprofits without 501(c)(3) status with the IRS, other than institutions of higher education
- ☐20—Private institutions of higher education
- ☐21—Individuals
- ☐22—For profit organization other than small businesses
- ☐23—Small businesses

Section C. Eligibility Information

☐ *25—Others (see text field entitled “Additional Information on Eligibility” for clarification)

☒ *99—Unrestricted (i.e., open to any type of entity above)

Applications from parties who have received a federal assistance award in the past may be evaluated based on past performance. At a minimum, this would include how well the applicant, as a previous award recipient, complied with requirements for submitting reports and other requirements in a complete and timely manner; communicated and coordinated on past projects between themselves and the awarding agency; complied with the terms and conditions of the previous financial assistance agreement; and whether the award recipient was responsive to requested information in a timely manner.

C.2. Cost Sharing or Matching

Neither the CVPCP nor the HRP have a cost-sharing requirement. However, partnering (i.e., cost-sharing provided by other contributing entities, through cash or in-kind services, toward the cost of the proposed project) is highly encouraged. The extent of partnering is considered during application evaluation.

In-kind contributions constitute the value of non-cash contributions that benefit a federally assisted project that would otherwise be paid for by USFWS or Reclamation. These contributions may be in the form of labor, real property, equipment, supplies and other expendable property, as well as the value of goods and services directly benefiting and specifically identifiable to the project or program. The cost or value of in-kind contributions that have been or will be relied upon 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 qualify as a cost-share contribution for CVPCP or HRP financial assistance. In other words, the contribution cannot be credited twice.

C.3. Other

Reclamation conducts a review of the [SAM.gov Exclusions Database](#) for all applicant entities and their key personnel prior to award and ineligibility condition apply to this Federal program. If the SAM.gov Exclusions Database identifies any entities or key personnel 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

The program office will review all proposed projects to determine whether the application is an eligible activity under the NOFO and can proceed to merit review evaluation. The Reclamation Grants Officer and CVPCP and HRP Managers will determine whether a submitted application

Notice of Funding Opportunity No. R25AS00005

and its proposed project are eligible for a financial assistance award. Eligibility is determined by considering, at a minimum, the following:

The CVPCP and HRP fund a variety of actions to improve conditions for species and habitats impacted by the CVP, recognizing that a balanced set of actions is needed to meet program objectives. Emphasis is placed on certain kinds of activities considered critical to species' protection and recovery. Applications for land protection, habitat restoration, research, and captive propagation and/or reintroduction projects will be considered for funding.

1. Land Protection: Protection of species or existing habitats impacted by the CVP through the purchase of fee title acquisition, conservation easements, and potentially other forms of protection on lands where threats to these lands are significant. At least 50 percent of available funding will be targeted towards this category of activity. Neither the CVPCP nor the HRP can fund a protection project that would result in mitigation credits for the grant recipient or the landowner.
2. Habitat Restoration: Restoration of CVP impacted habitats where restoration actions would markedly improve conditions for impacted species. Neither the CVPCP nor the HRP can fund a restoration project that would result in mitigation credits for the grant recipient or the landowner.
3. Research: Research addressing status and habitat needs to facilitate listed species recovery.
4. Captive Propagation and/or Reintroduction: Captive propagation and/or reintroduction of listed species to increase numbers of individuals in a population.

C.5. Ineligible Projects

Applications for the following types of projects are not eligible for a financial assistance award through this NOFO:

- Projects targeted specifically toward benefiting fish.
- Projects that would result in mitigation credits for any party to the project.
- The project area falls outside the CVPCP and HRP Priority Project Area unless a clear nexus to the CVP is demonstrated.
- Applications for which the award recipient is not current on its award reporting and audit requirements for an existing federal award may not be eligible to enter into a new financial assistance agreement.

Section D. Application and Submission Information

This section informs potential applicants how to get application forms, kits, or other materials necessary for them to apply.

D.1. Access to Application Package

This NOFO includes all information, documents, and electronic addresses needed to submit an application through grants.gov. If the applicant is unable to access this information electronically, the Financial Assistance staff may provide paper copies of any documents referenced in this NOFO via an email request from the applicant. All required application forms are available on the “Packages” tab for this funding opportunity on grants.gov.

D.2. Content and Form of Application Submission

D.2.1. Mandatory Federal Forms

Failure to submit all mandatory forms will result in the elimination of the application from further consideration. All required forms can be found in the required documents of the grants.gov application package or for paper submissions can be found here; <https://www.grants.gov/forms/forms-repository/sf-424-family> (the note may be disregarded, all forms located at this site are active and can be utilized for submission purposes).

D.2.1.1. SF-424 Application for Federal Assistance.

Applicants must submit the Standard Form (SF)-424, *Application for Federal Assistance*. The SF-424 must be complete, signed and dated. Reclamation will consider any applications that fail to include an SF-424 with a valid unique entity identifier (UEI) number by the submission deadline as ineligible and will result in the elimination of the application from further consideration.

D.2.1.2. SF-424 (A) Budget Information Form.

Applicants must submit and complete the SF-424A, *Budget Information—Non-Construction Programs*.

D.2.1.3. SF-424 (B or D) Assurances Form.

A person legally authorized to commit the applicant to performance of the project must sign the SF-424B, *Assurances—Non-Construction Programs*.

D.2.1.4. Project Proposal

The project proposal must be no longer than 18 pages, with a typeface no smaller than 12-point, and have at least 1-inch margins on all sides. The 18-page total includes the cover page, project description, budget narrative, and budget table. Information to provide at the end of the proposal, which is not considered part of the 18-page limit, includes maps, figures, photographs, literature cited, SF-424s, resumes or curriculum vitae, landowner letters or emails of support, and other information such as appendices.

Application narrative requirements must include:

Title Page

The title page should provide a brief and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name, address, e-mail address, and telephone of the project manager.

Table of Contents

The table of contents should include all major sections of the project proposal, including page numbers.

Executive Summary

The executive summary should include:

- the date, applicant name, city, county, and State
- a one-paragraph project summary that briefly describes the work that will be carried out, 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. **Do not include detailed species benefits information in this section.**
- Example: *San Bernardino Valley Municipal Water District will implement the Hidden Valley Creek Riparian Habitat Restoration Project within the Upper Santa Ana River Watershed, a tributary of the Santa Ana River, in southern California. The project will restore and improve the condition of 21.7 acres of degraded aquatic and riparian habitat, including habitat for the threatened Santa Ana Sucker which has lost almost 95% of its historic habitat. The district will construct 4,200 linear-feet of new and restored stream channel, establish a 25-foot buffer of native riparian vegetation on each side of the stream, and enhance a 1.2-acre floodplain bench. The project will also include non-native plant removal and site revegetation efforts. This restoration will improve water quality, increase habitat connectivity, and provide crucial support for recovering endangered and sensitive species.*

Section D. Application and Submission Information

- the length of time and estimated completion date for the proposed project (month/year), and
- whether or not the proposed project efforts will benefit or otherwise involve Federal land.

Project Location

For land acquisition, habitat restoration captive propagation and/or reintroduction projects, and research projects where applicable, the project location should provide specific information on the area in which the applicant will work including a map showing the geographic location and a brief narrative. For example: the {project} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town} in {township, range, and section}. Provide at least one map with sufficient project details to understand the location of all elements of the proposal. Multiple maps may be necessary to accurately depict the proposal in its entirety. Recommended guidance on useful features to include on the project map(s) is included in Appendix A. If selected for funding, Reclamation may request additional detail regarding the applicant's project location.

- All project applications must include a clear, detailed, full-page color map indicating local reference points, a scale bar, and the location of the proposed project or project activities within the CVPCP and HRP project area (<https://www.usbr.gov/mp/cvpcp/map/index.html>).
- Include locations of documented species observations from surveys or other knowledge, if any.
- For land acquisition and habitat restoration projects, and for research and captive propagation and/or reintroduction projects when applicable, include photographs of the project site(s).

Research Work Plan and Schedule (for research proposals)

This section should provide the project's technical approach and project activities. The research work plan should include a schedule showing individual tasks with significant milestones for accomplishing the identified work. Clearly and concisely convey this schedule using a table, Gantt chart, project network diagram, or any other visual format. The pilot testing should include a minimum 1 full month of non-disrupted data collection.

Project Description

The technical project description should describe the work for which the funding will be used, including any specific activities the work will accomplish. This section is an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand. Include enough detail on the proposed project to permit a comprehensive evaluation of the proposal. Illustrative photographs may be useful in communicating aspects of the project.

Notice of Funding Opportunity No. R25AS00005

The technical description should also describe the technical approach and proposed research and testing activities the applicant plans to conduct under the project. Include enough detail on the proposed technology or approach to allow a comprehensive evaluation of the proposal. Reclamation will establish the applicant's understanding not only by the proposed approach, but also by identifying potential challenges that the project may face throughout the proposed testing, and the mitigation strategies for these potential challenges.

Describe in detail the project tasks, including the development of the final technical report. For each task, describe planned activities and expected outcomes and milestones.

Describe how project performance would be measured when assessing the progress made towards achieving predetermined performance goals (this criterion does not apply to Land Protection project proposals).

Describe the staff levels and expertise, the number of staff hours, and the schedule for completing each task. Provide the location of the proposed pilot testing, water type(s), and system flow rate.

As applicable, provide figures such a flow diagram, mass/energy balance, and/or similar ways to describe the proposed technology or approach, including process inputs and outputs.

If the project requires more than 1 year of work, the applicant should state this; list tasks for each phase; and separate tasks to be completed each year. Include milestones (markers in a project that signify a change or stage in development) and the final completion date for each objective. Note: No project may be funded that extends beyond 5 years.

The sole intention of this section is to provide an understanding of the technical aspects of the project. Please note: if the work for which the applicant is requesting funding is a phase of a larger project, please only describe the work reflected in the budget and exclude description of other activities or components of the overall project. Please do not duplicate information.

For Land Protection and Habitat Restoration project proposals only: Unless specifically required under another category of Priority Action. Proposals should state how the protected or restored habitats would be monitored and managed in the future to achieve the benefits to the CVP impacted species and habitats described in the proposal. Financial assistance recipients must submit a plan for monitoring and managing the project area for all habitat restoration and conservation easement land protection projects prior to close of financial assistance award agreements, and prior to close of purchase for all fee title land acquisition projects.

D.2.1.5. Budget Detail and Narrative (Attachment B-Suggested Format)

Budget Detail and Narrative

In the budget detail and narrative section, applicants should describe and justify requested budget items and costs. Applicants should provide details to support the SF-424A, "Object Class" categories or the SF-424C, "Cost Classification" categories. The budget narrative must clearly identify all items of cost (total estimated project cost), including those contributed as non-Federal

Section D. Application and Submission Information

cost share by the applicant (required and voluntary), third-party in-kind contributions, and those covered using the funding requested from Reclamation, and any requested pre-award costs.

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 necessary to complete the project. Applicants must include detailed descriptions of all cost justifications (see Reclamation's suggested format in Attachment B for more detail). Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in [2 CFR, §200](#).

Budget items must be reasonable, allowable, allocable, and necessary to the supported activity. Refer to [2 CFR §200](#), for applicable administrative requirements and cost principles. See [2 CFR §200.407](#), *Prior written approval (prior approval)*, for more information.

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

D.2.1.6. Environmental and Cultural Resources Compliance

Compliance with National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA) (as further detailed in Section H.2) will be required for all funded projects. Further, monitoring, measurement, or other field work may be required to complete environmental and cultural resources compliance, with some of the field work also requiring individual compliance. provided by the applicant.

D.2.1.7. Required Permits or Approvals

Federal, state, tribal, and/or county permits or approvals may be required to implement the proposed project. In the application, state whether the project will require any permits or approvals and explain the plan and schedule for obtaining these permits or approvals.

If a proposal includes improvements to Federal facilities, Reclamation may also require additional reviews and approvals prior to implementation to ensure the Bureau can approve any necessary easements, land use authorizations, or special permits consistent with the requirements of [43 CFR §429](#) and that the development will not impact or impair project operations or efficiency.

D.2.1.8. Overlap or Duplication of Effort Statement (optional, encouraged)

If providing an overlap or duplication of effort statement (highly encouraged), applicants should address 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, the applicant must provide a description of the overlap in the application for review.

Applicants must 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

Notice of Funding Opportunity No. R25AS00005

such a circumstance exists, the applicant must detail when the other duplicative proposal(s) were submitted, to what Agency or financial assistance program, and when funding decisions are expected to be announced. If at any time another Federal awarding agency awards funds to the applicant that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the program coordinator immediately.

D.2.1.9. Conflict of Interest Disclosure Statement

Per the Financial Assistance Interior Regulation, [2 CFR §1402.112](#), all applications must state if any actual or potential conflict of interest exists at the time of submission.

Applicability

(1) 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.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict-of-interest provisions in [2 CFR §200.318](#) applies.

Notification

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose, in writing, any conflict of interest to the Department of the Interior awarding agency or pass-through entity in accordance with [2 CFR §200.112](#).

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Reclamation financial assistance officer in writing of any conflicts of interest that may arise during the life of the award, including those reported by subrecipients.

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 U.S.C. §1352](#).

Review Procedures

The financial assistance officer will examine each conflict-of-interest disclosure based on its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

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

Section D. Application and Submission Information

described in [2 CFR §200.339, Remedies for noncompliance](#), including suspension or debarment (see also [2 CFR §180](#)).

D.2.1.10. 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 within an applicant's fiscal year, must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#) in accordance with [2 CFR §200 Subpart F](#). U.S. State and local governments, Federally recognized Indian Tribal governments, and non-profit applicants must state if their organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If the applicant's organization was required to submit a Single Audit report for the most recently closed fiscal year, the applicant must provide the Employer Identification Number associated with that report and state if the number is available through the [Federal Audit Clearinghouse](#) website.

D.2.1.11. Certification Regarding Lobbying

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43 CFR §18, Appendix A](#). If this application requests more than \$100,000 in Federal funds, the authorized official's signature on the appropriate SF-424 form also represents the applicant's certification of the statements in 43 CFR § 18, Appendix A.

D.2.1.12. Disclosure of Lobbying Activities (if applicable)

If the applicant has made, or agreed to make, payment to any lobbying entity in an attempt to influence, or attempt 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, Reclamation will require applicants to complete and sign an SF-LLL, *Disclosure of Lobbying Activities* form. Note— a contractor or other entity cannot submit this form on an applicant's behalf.

D.2.1.13. Official Resolution (optional)

If selected, the applicant must provide an official resolution adopted by the applicant'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 prior to award. This must include:

- 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, and
- that the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

An official resolution, meeting the requirements above, is mandatory before Reclamation will award funding.

D.2.1.14. Project Abstract Summary (optional)

The applicant may complete and submit the [Project Abstract Summary form](#) with the application package. This must include:

- funding opportunity number,
- goals and objectives of the proposed project,
- summary of project activities,
- performance goals including milestones and expected outcomes, and
- the intended beneficiaries, and any subrecipient activities, if known.

Reclamation will transmit this information to usaspending.gov and be viewable by the public.

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

Each applicant (unless the applicant is an individual or Federal awarding agency 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:

- register in SAM before submitting an application (instructions for registering are available at on the SAM.gov site),
- provide a valid UEI in the application, and
- maintain an active SAM registration with current information at all times during which an applicant 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

Applicants must register on the SAM.gov website. Click “Help” to find user guides and other information to assist with registration. The [Grants.gov “Register with SAM” page](#) also provides detailed instructions. Applicants can contact the supporting [Federal Service Desk](#) for help registering in SAM. Once registered, SAM.gov will assign the applicant a UEI. Applicants must renew and revalidate SAM.gov registration at least once every 12 months from the previous date of registration. Applicants are strongly encouraged to revalidate registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the Internal Revenue Service’s information.

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 applicants can register and request help for free.**

Section D. Application and Submission Information

NOTE: An applicant's SAM.gov registration process may take 6 weeks or more to complete, so please allow sufficient time to ensure applications are submitted before the closing date. Failure to submit on time because an applicant did not complete registration in SAM.gov or Grants.gov will result in the application submission being found ineligible.

D.3.2. Obtain a UEI Number

Applicants must provide a valid unique entity identifier as part of the application. Applicants are required to register in SAM.gov prior to submitting a Federal award application and obtain a UEI. A UEI will be assigned to entities upon registering with SAM.

D.3.3. Maintain an Active SAM Registration and UEI Number

Applicants must continue to maintain an active SAM registration with current information at all times during which applicants have an active Federal award, application, or plan under consideration by Reclamation. Reclamation may not make a Federal award until the applicant has complied with all applicable UEI and SAM requirements and, if the applicants has not fully complied with the requirements by the time Reclamation is ready to make a Federal award, Reclamation may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

D.3.4. Current Responsibilities/Qualifications Information

Before awarding a grant in excess of the simplified acquisition threshold, Reclamation is required to review the SAM.gov database and consider all information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. §2313).

Optionally, applicants may review information in the designated integrity and performance systems accessible through SAM and comment on any information that a Federal awarding agency previously entered and that is currently in the designated integrity and performance system. Reclamation will consider any comments in making a judgement about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk as described in 2 CFR §200.206, "Federal awarding agency review of risk posed by applicants."

D.4. Submission Date and Time

Application submission deadline: December 10, 2024, at 3:00 Pacific Daylight Time.

Applications must be submitted to Grants.gov no later than this due date and time. Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *Note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM.gov registration are not considered technical issues with the Grants.gov system.* To document a delay

Notice of Funding Opportunity No. R25AS00005

due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to shadro-fafoa@usbr.gov that validates the delay prior to the submission deadline.

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

D.4.1. Instructions for Submission of Project Application

Applications should be either (1) submitted electronically through www.grants.gov; (2) mailed to include three paper copies; or (3) hand-delivered to include three paper copies. In order to safeguard the security of electronic information, www.grants.gov utilizes E-Authentication, the federal program that ensures secure transactions. If you are filing electronically on www.grants.gov, you may submit your application any time after you receive your E-Authentication credentials. Those submitting an application through [grants.gov](http://www.grants.gov) also need to be registered with the System for Award Management (SAM) before being able to submit an application through www.grants.gov. For more information see:

<http://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html> for more information. Personalized support is available through the grants.gov Contact Center at <https://www.grants.gov/web/grants/support.html>. Applicants accepted to receive an award must enroll in the Department of the Treasury's Automated Standard Application for Payments (ASAP) to receive payment. ASAP is the only allowable method for request and receipt of award payments.

Applicants choosing to submit an application through the mail should submit the full application package to the following person and address:

Bureau of Reclamation
Attn: Pete Arp, CGB-3800
2800 Cottage Way, Room E-1815
Sacramento, CA 95825-1898
(916) 978-5693

Applicants are not limited to one application submission. Any number of applications may be submitted by each applicant.

Applications selected for funding may be reviewed by an agency Cost Analyst. Applicants should be prepared to provide written documentation of market research conducted to support the basis of all project costs in accordance with 2 Code of Federal Regulations (CFR) 200. When preparing project budget estimates, applicants may include as part of their project budget up to 10 percent for labor cost to collect and prepare the requested cost documentation.

Applications must be submitted as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being considered ineligible. Mailing materials, package, or packing envelopes containing the application should reference NOFO number R25AS00005. Faxed and emailed copies of applications will not be accepted.

Section D. Application and Submission Information

Applicants must submit a fully completed and signed SF-424, Application for Federal Assistance. Applications must also include an SF-424A, Budget Information – Non-construction Programs, and a completed and signed SF-424B – Assurances – Non-Construction Programs or SF-424D – Construction Programs. The forms must be signed by a person legally authorized to commit the organization to performance of the activity and who will be the official administrative point of contact during the application process. Inclusion of a properly signed and dated SF-424 is a mandatory requirement. Failure to include the form with the application will result in the elimination of the application from further consideration. The SF-424 and its related forms may be downloaded from www.grants.gov.

For applications that include a State and/or local funding contribution, the SF-424 is subject to review by the State, reference Executive Order 12372, “Intergovernmental Review of Federal Programs”. If applicable, a copy of the SF-424 should be mailed to the State Clearinghouse, Governor’s Office of Planning and Research, P.O. Box 3044, Sacramento, CA 95812-3044. The State also accepts fax copies of the SF-424 at (916) 558-3164. Applicants should not send or fax the full application package or any other supplemental information to the State Clearinghouse. Be sure to mark the SF-424 correctly; check the box and indicate the date that the SF-424 was faxed or mailed to the State Clearinghouse on Section 19 of the SF-424.

D.4.2. Due Date for Applications

Electronically submitted applications must be submitted **no later than:**

Tuesday, December 10, 2024, 3:00 p.m. Pacific Standard Time (PST)

D.5. Intergovernmental Review (if applicable)

Prior to application submission, if the applicant is a U.S. State and/or local government organization, visit the White House Office of Management and Budget (OMB) Office of Federal Financial Management website and view the [State Point of Contact \(SPOC\) List](#) to determine whether the application is subject to the State intergovernmental review process under Executive Order 12372, “Intergovernmental Review of Federal Programs.” States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If located within a State that does not have a SPOC, the applicant may send application materials directly to a Federal awarding agency. If the applicant’s State is on the list, contact the designated SPOC for more information on the State’s prior review requirements for Federal assistance applications.

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 and are necessary for the 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.

Pre-award costs are related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting. If the proposed project is selected, Reclamation will review the pre-award costs to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR §200 and all other requirements of this funding opportunity. **Incurrence of pre-award costs is not authorized without prior written approval** of the awarding Grants Officer. Per 2 CFR §200.458, pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

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

D.6.2. Project Cost Restrictions

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

D.6.3. Environmental and Regulatory Compliance Costs

Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). When applicable, every project funded under this program will have environmental compliance activities undertaken by the applicant and Reclamation, should the application be successful (see section E.2.5.1 and H).

Environmental and regulatory costs may be incurred by both Reclamation and the successful applicant. Depending on the type and complexity of the project and level of potential environmental and cultural 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). Reclamation will identify any costs to the applicant associated with compliance during

Section D. Application and Submission Information

the process of developing a final project budget for inclusion in the financial assistance agreement. Provision of a clear, detailed project description (Section D.2.1.2) will better enable *Reclamation to understand the level of effort and estimate the cost required for environmental compliance. A portion of Reclamation's estimated cost to complete environmental compliance activities may be withheld from the initial obligation of Federal funding. After compliance activities are completed, any remaining Federal funding will be obligated to the agreement.

Note that mitigation may be required to lessen environmental impacts, and monitoring may be required following completion of project construction to measure effectiveness of the mitigation. Costs for mitigation and monitoring should be considered in the project budget and may be the responsibility of the applicant. Flexibility in design of project elements could minimize potential impacts and subsequent mitigation.

D.6.4. Indirect Costs

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

If the applicant has never received a Federal negotiated indirect cost rate, the project budget may include a de minimis rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to [2 CFR 200.1](#).

If the applicant does not have a Federally approved indirect cost rate agreement and are proposing a rate greater than the de minimis 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on Preparing and Submitting Indirect Cost Proposals is available from the Department's Interior Business Center, Office of Indirect Cost Services.

If Reclamation does select the proposed project for award, applicant must submit an indirect cost rate proposal with their cognizant agency within 9 months of award. The Federal awarding agency that provides the largest amount of direct funding to the applicant's organization is the cognizant agency for indirect costs, unless otherwise assigned by OMB. If the Department of the Interior is the applicant's organization's cognizant agency, the Interior Business Center will negotiate the indirect cost rate. Contact the Interior Business Center by phone at 916-930-3803 or email at ICS@ibc.doi.gov. Visit the IBC website, for information regarding email submission forms.

Applicants must have an active Federal award before submitting 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. Technical Proposal: Evaluation Criteria

Evaluation Criteria Scoring Summary	Points
A. Priority Action	9
B. Federally Listed Species Benefits	6
C. State Listed Species Benefits	3
D. Benefits to Special Status Designated Species	3
E. Cumulative Benefit	3
F. Long-term Benefit	3
G. Level of CVP Impacts	6
H. Project Site Connectivity	3
I. Partners	6
J. Project Urgency	9
K. Technical Merit	6
L. Scientific Merit	9
M. Presidential and Department of the Interior Priorities	6
Total	72

E.1.1. Evaluation Criteria A. Program Priority Action (9-Points)

Proposals must state the Priority Action and its corresponding number under the project category (Land Protection, Habitat Restoration, Research, or Captive Propagation and/or Reintroduction) under which the proposal is to be considered. Priority Actions follow on page 31. Only one Priority Action should be named for each proposal. Do not include any other wording in this section other than to identify the specific Priority Action.

Geographic area

CVPCP and HRP managers have established a Priority Project Area map that delineates the specific area of California within which projects will be considered through this application. Applications for projects will not be considered that fall outside the boundaries of the program project area unless a clear “nexus” (relationship or connection) to the CVP is demonstrated in the application. The Priority Project Area map can be seen at:
<https://www.usbr.gov/mp/cvpcp/map/index.html>.

E.1.2. Evaluation Criteria B. Federally Listed Species Benefits (6-Points)

The proposal should indicate in as much detail as possible how the project would benefit federally endangered or threatened species, including species proposed for listing, and which species would benefit. Describe whether any of the species have been documented on, or in the vicinity of, the project site as indicated by California Natural Diversity Database (CNDDB)

Section F. Federal Award Administration Information

occurrences or other sources. Include species information in a Species Benefits Table (Attachment A).

- Eligible applications will focus on species with a “High” or “Very High” rating. Applications that focus only on species with a “Low” or “Medium” rating will not be eligible for consideration unless otherwise specifically called for in a Priority Action.

0 = No benefits to federally listed/proposed species
1-2 = Minimal benefits to federally listed/proposed species
3-4 = Moderate benefits to federally listed/proposed species
5-6 = Major benefits to federally listed/proposed species

E.1.3. Evaluation Criteria C. State Listed Species Benefits (3-Points)

The proposal should indicate how State Endangered, Threatened, and Fully Protected species may benefit from the proposed project. Describe whether any of the species have been documented on, or in the vicinity of, the project site as indicated by CNDDDB occurrences or other sources.

0 = No benefits to State listed species
1 = Minimal benefits to State listed species
2 = Moderate benefits to State listed species
3 = Major benefits to State listed species

E.1.4. Evaluation Criteria D. Benefits to Special Status Designated Species (3-Points)

The proposal should describe how other special status CVP-impacted species that are not listed, or proposed for federal or state listing, may benefit from the proposed project. Describe whether any of the species have been documented on, or in the vicinity of, the project site as indicated by CNDDDB occurrences or other sources. For an application to be eligible, the proposed project must provide significant habitat benefits to at least one CVP-impacted federally listed endangered or threatened species, excluding fish.

0 = No benefits to other designated species
1 = Minimal benefits to other designated species
2 = Moderate benefits to other designated species
3 = Major benefits to other designated species

E.1.5. Evaluation Criteria E. Cumulative Benefit (3-Points)

Indicate how the project would contribute to conservation efforts being undertaken by other agencies or partners related to the same species or habitats in the region or within the range of the species, including past CVPCP/HRP projects.

0 = None

Notice of Funding Opportunity No. R25AS00005

- 1 = Minimal
- 2 = Moderate
- 3 = Major

E.1.6. Evaluation Criterion F. Long-term Benefit (3-Points)

Address how project benefits might persist or increase over time, i.e., describe future benefits to species and habitats that are expected to result from the proposed project.

- 0 = None
- 1 = Minimal
- 2 = Moderate
- 3 = Major

E.1.7. Evaluation Criterion G. Level of CVP Impacts (6-Points)

Indicate the proposed project's relationship to the CVP. How has the habitat or species of interest been impacted by delivery of CVP water? Proposals should adequately define this relationship to be considered for evaluation. The proposal should address to what extent a species or habitat that would benefit from the proposed project has been impacted by the CVP.

- 0 = None
- 2 = Minimal
- 4 = Moderate
- 6 = Major

E.1.8. Evaluation Criteria H – Project Site Connectivity: (3-Points)

(Applicable to Land Protection and Habitat Restoration project proposals only)

- 0 = Nearest protected habitat is greater than 5 miles away
- 1 = Nearest protected habitat is between 2 and 5 miles away
- 2 = Nearest protected habitat is within 2 miles
- 3 = Protected habitat is adjacent to the project site

E.1.9. Evaluation Criteria I – Partners (6-Points)

This criterion gives consideration to financial contributions of cash and/or the equivalent in-kind services obtained from one or more sources to facilitate completion of the proposed project. The contribution is expressed as a percentage of the total cost of the project that would offset costs otherwise paid by the CVPCP and HRP. Information on the amount and nature of each partner contribution should be provided in order for partnering levels to be ascertained and credited. When addressing this criterion, the proposal should include a complete description of partner contributions consistent with the content of the Budget Narrative, Budget Table, and SF-424 forms. For the purposes of this criterion, the CVPCP and HRP is not considered a “partner.” **This criterion does not apply to research project proposals.** To get credit for a partner contribution the applicant should adhere to the following guidelines and parameters:

Section F. Federal Award Administration Information

- Provide the name of each partner contributing cash or in-kind contributions toward the total cost of the project. Describe the extent of the applicant's discussions with, and financial commitment from, the partners named in the proposal. For example, to receive scoring points under this criterion it is not sufficient to merely name as a partner "a State grant program." It is not expected that all partner contributions be committed at the time of the submission of the application, but CVPCP and HRP Managers and the Application Review Committee need to know the partner contribution is real.
- Provide a description of how each partner contribution has a direct link to the proposed project.
- Provide evidence that the partnership contribution is genuinely and wholly committed by substantiating the contribution through a letter or email message of confirmation from the partnering entity(ies) named in the proposal, i.e., this means that not only should the funding partners be identified, but the financial commitment should be supported through documentation in the application in order to receive credit under the "Partners" scoring criterion. If appropriate documentation is not included with the application, the Partners criterion will receive zero (0) points during scoring. The determination of "appropriate" documentation is at the discretion of CVPCP and HRP Managers.
- Provide the amount to be contributed by each partner in cash or equivalent dollars, as well as a percentage of the total project cost.
- Equate in-kind services to dollars. If this is not done, those services will not be considered when partnering points are tallied.
- Use the format shown in Attachment B, Sample Budget Table, to indicate partner contributions to the proposed project.

Additionally, please note the following limitations:

- Partners to the project who are not providing a financial contribution, either directly or in-kind, will not be considered in the proposal scoring or project selection.
- Partner cost sharing will only be considered for components of the proposed project.
- Funds expended on the proposed project prior to receiving the financial assistance award will not be considered when awarding scoring points.
- Failure to secure partner funds from sources specified in the proposal may jeopardize the delivery of funds under a financial assistance agreement.
- Per 2 CFR 200.306, regarding federal research proposals, voluntary committed cost sharing is not expected. Therefore, partner cost sharing cannot be used as a selection factor during the review of applications or proposals under the Research category.

E.1.9.1. Sub-Criterion D.1 – Evidence of willing seller and/or landowner support

Applications submitted for Land Protection, Habitat Restoration, Captive Propagation and/or Reintroduction projects, and Research projects that would be conducted in the field should include evidence of willing sellers or landowner support.

For Land Protection projects, the parcel(s) to be acquired and the willing seller(s) of the parcel(s) should be identified. The fact that a parcel to be acquired has a willing seller(s) should be supported through written confirmation submitted with the proposal. The confirmation does not have to be a formal letter, but it does need to be a type of statement in a format that will convince those evaluating the application that the property has a willing seller(s). Funds to be awarded through this NOFO are for the specific parcel(s) identified in the proposal. No replacement lands will be considered should the land identified in the proposal no longer be available for purchase. For a conservation easement, successful applicants must submit a draft conservation easement to the CVPCP or HRP Manager for review and concurrence prior to conducting the property appraisal.

For Habitat Restoration, Research, and Captive Propagation and/or Reintroduction proposals, the parcels to be restored or selected for research or captive propagation and/or reintroduction should be identified in the application, and the willing landowner(s) of the parcel(s) identified. A written confirmation that the landowner(s) is willing to allow project activities to take place on their property should be submitted with the application.

E.1.10. Evaluation Criterion J. Project Urgency (9-Points)

The proposal should assign a level of urgency, i.e., major, moderate, or minimal, to the project based on the endangerment of a species, the level of threat to a habitat area, and/or the consequence to the species should the project not be carried out. A complete explanation of the rationale for the statement of urgency should be provided.

- 0 = None
- 3 = Minimal
- 6 = Moderate
- 9 = Major

E.1.11. Evaluation Criterion K. Technical Merit (6-Points)

Technical merit and completeness of the technical proposal will be evaluated. Failure to consider these elements could result in a low technical merit score. Elements to be considered when evaluating the technical merit of a proposal include adherence to the required guidelines and format of the NOFO; use of correct Species Benefits Table and Budget Table templates; clear and complete descriptions of the research methodology, when applicable; adherence to the page limit; use of correct grammar, punctuation, and spelling; ease of reading, i.e., clear and concise wording; success in addressing the scoring criteria; inclusion of a thorough budget narrative that corresponds with the costs and amounts shown in the budget table; provision of clear and concise maps, figures, tables, and photographs; correct assignment of species status designations (i.e.,

Section F. Federal Award Administration Information

threatened or endangered; federal or state listed; special status species); clear and concise timeline/milestones for proposed objectives and tasks.

0 = None

1-2 = Minimal

3-4 = Moderate

5-6 = Major

E.1.12. Evaluation Criterion L. Scientific Merit (9-Points)

This NOFO seeks to fund research in which a methodical scientific study is performed on a hypothesis relating to a specific information need concerning one or more federally listed CVP impacted species, experimentation to demonstrate the truth or falseness of the hypothesis, and a conclusion that validates or modifies the hypothesis. The scientific merit of proposed research will be evaluated on how these considerations are addressed. At a minimum, proposals submitted under a research Priority Action must adhere to the following:

- Include a clear and detailed study methodology.
- Include a clear hypothesis(es) as applicable (see above).
- Describe how deliverables would increase current and future protection and/or restoration of species or habitats impacted by the CVP.
- Describe how the research findings would benefit federally listed species.

0 = None

1-3 = Minimal

4-6 = Moderate

7-9 = Major

E.1.13. Evaluation Criterion M. Presidential and Department of the Interior Priorities (3-Points)

Up to **3 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: Tackling the Climate Crisis at Home and Abroad and the President's memorandum, Tribal Consultation and Strengthening Nation-to-Nation Relationships.

E.1.13.1. Sub-criterion No. E1— Combating the Climate Crisis

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

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

E.1.13.2. Sub-criterion No. E2—Benefits to Disadvantaged or Tribal Communities

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

Disadvantaged Community Benefits:

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

E.1.13.3. Sub-criterion No. E.3—Tribal Benefits

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

E.2. Review and Selection Process

E.2.1. First Level Threshold Screening

The Grants Officer will screen applications to ensure they meet basic eligibility requirements.

The Grants Officer will screen all application packages to ensure that:

- the application meets the completeness, eligibility, and timeliness requirements stated in this NOFO,
- the applicant meets the UEI 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, and
- the application contains executed mandatory forms SF-424, *Application for Financial Assistance* and SF-424B or D, *Assurances Form*, and a completed SF-424A, *Budget Information Form*.

Section F. Federal Award Administration Information

A complete application must include all requirements described in the above bullets. Applications must satisfy basic eligibility screening requirements to be considered for further review. The Grants Officer 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 appropriate SF-424 forms, does not include a technical proposal, or does not include a budget narrative. In that event, the Grants Officer will send a notification of elimination to the applicant. If an application is missing other information, Reclamation may reach out to request that information within a specified timeframe.

E.2.2. Application Review Committee

An Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation, will review the technical merit of the application. Evaluation criteria will comprise the total evaluation weight as stated in the paragraph E.1., “Technical Proposal: Evaluation Criteria,” of this NOFO.

Reclamation will score applications 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. Additionally, the Red-Flag Review will address several of the determinations listed in paragraph A.4., “Program Requirements” of this NOFO.

Reclamation may consider any positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation, including whether the applicant is making significant progress toward the completion of any 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

Notice of Funding Opportunity No. R25AS00005

review, Reclamation will notify applicants whose proposals have been selected for award consideration.

E.2.5. Pre-Award Clearances and Approvals

The applicant must obtain the following pre-award clearances and approvals before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, Reclamation will make an award of funding once the agreement is finalized (approximately 1 to 3 months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, Reclamation may withdraw consideration of funding for the project.

E.2.5.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation regional or area office for completion of environmental compliance, if applicable. The financial assistance agreement will describe how Reclamation will carry out environmental compliance. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality surveys and monitoring, excavation or other construction activities, etc.) may not occur until environmental compliance is complete and the awarding Reclamation Grants Officer issues a Notice to Proceed.

E.2.5.2. Budget Analysis and Business Evaluation

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

- allowability, allocability, and reasonableness of proposed costs,
- financial strength and stability of the applicant,
- past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance, and
- 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 in February of 2025, subject to the timing and amount of final appropriations. Reclamation will award financial assistance agreements to applicants that successfully pass all pre-award reviews and clearances. Reclamation will contact any award recipients individually to discuss the time frame for the completion of their agreement.

E.4. Program Priority Actions

The CVPCP and HRP have established “Priority Actions” related to CVP impacted federally listed species, their habitats, and corresponding geographic areas. Priority Actions reflect the most current evaluation of species recovery needs and habitat trends, and are complementary to other on-going conservation actions within the Central Valley. They also take into account future threats to CVP impacted ecosystems of priority importance for listed species recovery. Priority Actions have been developed for land protection, habitat restoration, research, and captive propagation and/or reintroduction projects. The Priority Actions are listed in order of importance within each activity category. The number of scoring points assigned to each Priority Action within each project category is indicated in parentheses with the Priority Action.

E.4.1. Land Protection Priority Actions

1. ***Permanently protect San Joaquin Valley floor and rangeland habitat.*** Protection through fee title or conservation easement of both aquatic and upland habitat supporting listed species in alkali sink, alkali scrub, remnant historical sand dunes, and valley native grassland habitat on the San Joaquin Valley floor, including the Panoche Valley and Carrizo Plains. (9 points)
2. ***Permanently protect vernal pool habitat in Butte, Fresno, Madera, Merced, western Placer, San Joaquin, Shasta, Stanislaus, Sacramento, Tehama, and Tulare Counties.*** Protection through fee title or conservation easement of both aquatic and upland habitat in natural vernal pool complexes supporting listed vernal pool species in Butte, Fresno, Madera, Merced, western Placer, San Joaquin, Shasta, Stanislaus, Sacramento, Tehama, and Tulare Counties. (9 points)
3. ***Permanently protect habitat supporting the California red-legged frog in Contra Costa County and the Sierra Nevada.*** Protection through fee title or conservation easement of both aquatic and upland habitat supporting existing populations of California red-legged frog in Contra Costa County and in Sierra Nevada foothill habitats in Amador, Calaveras, El Dorado, and San Joaquin Counties. (6 points)
4. ***Permanently protect habitat supporting the California tiger salamander in Contra Costa and Yolo Counties.*** Protection through fee title or conservation easement of both aquatic and upland habitat supporting existing populations of California tiger salamander in Contra Costa and Yolo Counties. (6 points)
5. ***Permanently protect grassland habitat supporting existing populations of large-flowered fiddleneck in Alameda, Contra Costa, and San Joaquin Counties.*** Protection through fee title or conservation easement of existing populations of large-flowered fiddleneck and of other areas of suitable habitat for reintroduction in Alameda, Contra Costa, and San Joaquin Counties. (3 points)
6. ***Permanently protect habitat supporting listed plants in the Sierra Nevada foothills.*** Protection through fee title or conservation easement of habitat supporting existing populations of listed plants in Sierra Nevada foothill grassland habitat in

Notice of Funding Opportunity No. R25AS00005

Amador, Calaveras, El Dorado, Fresno, Kern, Madera, Mariposa, Placer, Sutter, Tulare, Tuolumne, and Yuba Counties. Proposed land acquisitions should benefit at least one species of Medium, High, or Very High priority on the CVPCP and HRP Priority Species List. (3 points)

7. ***Permanently protect serpentine soil habitat supporting listed species, such as the Bay checkerspot butterfly and serpentine plants, in Santa Clara County.*** Protection through fee title or conservation easement of serpentine habitat occupied by Bay checkerspot butterfly and listed plants, and unoccupied habitat that acts as corridors or stepping stones between populations of Bay checkerspot butterfly, in Santa Clara County. (3 points)

8. ***Other fee title or conservation easement acquisitions that address CVPCP and HRP goals of protecting, enhancing, and restoring CVP impacted federally listed species, their populations, and their habitats within the CVPCP and HRP Priority Project Area map boundary.*** (0 points)

E.4.2. Habitat Restoration Priority Actions

1. ***Restoration of sand dune habitat supporting listed plants in the San Joaquin Valley.*** Restoration, removal of invasive plants, and management of remnant dune habitats that support Bakersfield cactus and San Joaquin woolly-threads in the San Joaquin Valley. (9 points)

2. ***Restoration of scrub and grassland habitat supporting blunt-nosed leopard lizard in the San Joaquin Valley.*** Restoration, removal of invasive plants, and management of habitat supporting blunt-nosed leopard lizard or unoccupied adjacent habitat where the species is likely to disperse to after restoration in the San Joaquin Valley. (9 points)

3. ***Restoration of San Joaquin Valley ecosystems that results in alkali sink, alkali scrub, and valley native grassland habitat.*** Restoration of alkali sink, alkali scrub, and valley native grassland habitat located in the San Joaquin Valley that supports or increases habitat connectivity for the following species: San Joaquin kit fox, blunt-nosed leopard lizard, Tipton kangaroo rat, giant kangaroo rat, Buena Vista Lake ornate shrew, California jewelflower, palmate-bracted bird's beak, Kern mallow, San Joaquin woolly-threads, Hartweg's golden sunburst, or Bakersfield cactus. (6 points)

4. ***Restoration of gabbro soil habitat supporting listed plants in El Dorado County.*** Restoration, removal of invasive plants, and management on gabbro soil habitat in chaparral and woodland vegetation communities that support Stebbins' morning glory, Pine Hill ceanothus, Pine Hill flannelbush, El Dorado bedstraw, and Layne's butterweed in El Dorado County. (6 points)

Section F. Federal Award Administration Information

5. ***Restoration of habitat that supports Buena Vista Lake ornate shrew in the Tulare Basin.*** Restoration of riparian and wetland habitat that supports or increases habitat connectivity for Buena Vista Lake ornate shrew in the Tulare Basin. (6 points)
6. ***Restoration of vernal pool habitat and associated native grasslands in Butte, Fresno, Madera, Merced, western Placer, San Joaquin, Shasta, Stanislaus, Sacramento, Tehama, and Tulare Counties.*** Restoration of natural vernal pool complexes and associated native grasslands supporting listed vernal pool species in Butte, Fresno, Madera, Merced, western Placer, San Joaquin, Shasta, Stanislaus, Sacramento, Tehama, and Tulare Counties. (6 points)
7. ***Restoration of riparian habitat and natural river processes that support existing occurrences of yellow-billed cuckoo in the Sacramento Valley.*** Restoration of suitable habitat for yellow-billed cuckoos and the hydrological processes that maintain these habitats, including the periodic replacement of older riparian habitat with newer riparian habitat through disturbance, such as through clearing of vegetation. (3 points)
8. ***Restoration of serpentine soil and associated habitats supporting endemic species, such as the Bay checkerspot butterfly and serpentine plants, throughout their historical range.*** Restoration of occupied habitats as well as unoccupied serpentine grasslands that act as corridors or stepping stones between known populations of Bay checkerspot butterfly and other listed serpentine species. (3 points)
9. ***Restoration of habitat supporting California tiger salamander and California red-legged frog in Alameda, Contra Costa, and Santa Clara Counties.*** Restoration of seasonal wetlands and ponds and associated uplands that support existing occurrences of California tiger salamander and California red-legged frog in Alameda, Contra Costa, and Santa Clara Counties. (3 points)
10. ***Other habitat restoration or enhancement that addresses CVPCP and HRP goals of protecting, enhancing, and restoring CVP impacted federally listed species populations and their habitats within the CVPCP and HRP project area map boundary.*** (0 points)

E.4.3. Research Priority Actions

1. ***Investigations of disease dynamics, population level effects, and potential control strategies in San Joaquin kit fox populations.*** For investigations into the effects of sarcoptic mange, proposals should focus on: 1) how cases of mange can be managed or eliminated; 2) where cases are occurring elsewhere outside of Bakersfield and have not been detected (e.g., through camera surveys and fecal assays which noninvasively detect mange mites); 3) the impact of mange on kit fox populations and reproduction (e.g., population viability analysis explicitly incorporating effects of mange and spatial spread); and 4) development and testing of treatments for control of mange. For investigations into canine distemper, proposals should focus on the extent of known occurrences in kit fox and whether current reports represent a significant new disease outbreak. (9 points)

Notice of Funding Opportunity No. R25AS00005

2. ***Investigations into the impact of flooding on riparian brush rabbit.*** Proposals should focus on: 1) riparian brush rabbit response to flooding and use of habitat features such as levees and refugia mounds; 2) flood modeling for occupied riparian brush rabbit habitat; and 3) other research that will help inform a management plan for riparian brush rabbits during flood events. (9 points)
3. ***Investigations of the ecology and life history of Buena Vista Lake ornate shrew.*** Proposals may focus on population dynamics, habitat use before and after inundation periods, and other research that will contribute to the management of Buena Vista Lake ornate shrew. (6 points)
4. ***Investigations of functioning and management of vernal pool complexes and associated uplands supporting listed species in the Sacramento Valley.*** Proposals should focus on the hydrology underpinning vernal pool complexes, such as: 1A) how impacts to the hardpan soil layer surrounding vernal pools affect pool hydrology; 1B) determining an adequate avoidance buffer distance to avoid impacts of construction and other activities to the hardpan and upland portions of vernal pools; and 1C) determining which environmental factors (e.g., depth of hardpan, type of hardpan) influence the appropriate buffer distance. Proposals may also focus on individual species responses to upland habitat management through long-term grazing and prescribed burning, such as: 2A) the effects of timing of grazing and burning when listed plant species are blooming (or present); 2B) whether general best management practices need to be altered when listed plant species are present; and 2C) long-term benefits versus negative impacts of these treatments. (6 points)
5. ***Investigations of population dynamics and genetics of Sacramento Valley, Central Valley, and San Joaquin Valley species.*** Proposals should focus on: 1) collecting population genetic and range-wide phylogeographic genetic information for one or more vernal pool species, including fleshy owl's clover, hairy Orcutt grass, Hoover's spurge, Sacramento Orcutt grass, and longhorn fairy shrimp; 2) resolving the genetic distinctiveness of valley elderberry longhorn beetle and its closely related, unlisted sister taxon, the California elderberry longhorn beetle (*Desmocerus californicus californicus*) through whole genome sequencing and sampling individuals from known areas of overlap between the two species to determine reliable methods for differentiating the species; 3) resolving the population dynamics and genetics of the San Joaquin kangaroo rats (*Dipodomys nitratooides* subsp.), including the listed Tipton and Fresno kangaroo rats; 4) population genetics, genetic diversity, and historical connectivity of Kern primrose sphinx moth; or 5) genetic or morphological differences between Kern mallow and Perry's mallow. (3 points)
6. ***Other research that addresses CVPCP and HRP goals of protecting, enhancing, and restoring CVP impacted federally listed species populations and their habitats within the CVPCP and HRP project area map boundary.*** (0 points)

E.4.4. Captive Propagation and Reintroduction Priority Actions

Section F. Federal Award Administration Information

The focus of this category is on projects for which a critical component to the recovery of a federally listed CVP impacted species is the capture, propagation, and reintroduction of the species into its native habitat, particularly as identified in USFWS recovery plans for the species. If the proposal includes implementation of reintroductions in addition to a reintroduction plan, then specific reintroduction site(s) should be identified by location in the proposal; the landowner should be identified; and written approval for the reintroduction from the landowner of the proposed reintroduction site(s) as well as from the landowner of the species' donor site should be included with the application (i.e., landowner letter or email message of support). As a general rule, only reintroductions taking place on permanently protected land will be considered for funding unless a compelling reason exists for reintroductions to occur on unprotected lands.

1. ***Captive propagation and reintroduction efforts for Bay checkerspot butterfly throughout the range of the species.*** Captive propagation of Bay checkerspot butterfly and reintroduction throughout the range of the species. (9 points)
2. ***Feasibility study for captive propagation of longhorn fairy shrimp.*** Feasibility study for captive propagation of longhorn fairy shrimp and potential reintroduction to suitable rock pools in Alameda and Contra Costa Counties. (6 points)
3. ***Captive propagation and reintroduction efforts for large-flowered fiddleneck in Contra Costa, Alameda, and San Joaquin Counties.*** Captive propagation of large-flowered fiddleneck and out planting into suitable habitat in Contra Costa, Alameda, and San Joaquin Counties. (3 points)
4. ***Other captive propagation efforts that address CVPCP and HRP goals of protecting, enhancing, and restoring CVP impacted federally listed species populations and their habitats within the CVPCP and HRP project area map boundary.*** (0 points)

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Awards are based on the application submitted to, and approved by, Reclamation and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to the following: Federal regulations, program legislation or regulation, and special award terms and conditions. *The duration of an agreement is based on the period of performance as stated on the project proposal.*

The certifying Grants Management Officer will notify the recipient via email with a fully executed and signed Notice of Award with the required terms and conditions. Recipient acceptance of a Federal award from Reclamation carries with it the responsibility to be aware of and compliance with all terms and conditions applicable to the award. Recipients indicate their

Notice of Funding Opportunity No. R25AS00005

acceptance of the Federal award by starting work, drawing down funds, or accepting the award via electronic means. Awards cannot be finalized, until the recipient completes enrollment in the Department of the Treasury, [Automated Standard Application for Payments \(ASAP\) System](#).

F.2. Administrative and National Policy Requirements

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

F.2.1. Automated Standard Application for Payments Registration

The ASAP staff will send the information on the enrollment process for recipients, including the enrollment initiation form, to the recipient if selected for an award. All applicants must be willing to process payments through the system. Completion of registration is mandatory before recipients can receive payments. All recipients with active financial assistance agreements with Reclamation must be enrolled in the ASAP system under the appropriate Agency Location Code(s) and 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 bureau.

Note that if the applicant's entity is currently enrolled in the ASAP system with a bureau *other* than Reclamation, they must enroll specifically with Reclamation in order to process payments. If the applicant's organization is not enrolled in ASAP, contact the Grants Officer in the Federal Awarding Agency Contacts of this NOFO.

F.2.1.1. Environmental and Cultural Resources Compliance

All projects that Reclamation considers for award funding will require compliance with the NEPA, ESA, and NHPA before any ground-disturbing activity may begin. The Federal Government requires the applicant to comply with all applicable Federal, State, and local environmental, cultural, and paleontological resource laws and regulations. See section H for further details on NEPA, ESA, and NHPA.

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, excavation, and other preliminary or construction 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 authorization for activities once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

Reclamation will be responsible for evaluating technical information and ensuring that the project appropriately addresses natural resources, cultural concerns, and socioeconomic concerns. Where multiple federal agencies are involved, designation of the lead Federal agency

Section F. Federal Award Administration Information

for NEPA compliance will be made; otherwise, Reclamation will be the lead. The lead Federal agency for NEPA compliance will determine the appropriate level of NEPA compliance. Reclamation will be responsible for ensuring that findings under NEPA, and consultations pursuant to ESA and NHPA and their implementing regulations, as appropriate, will support Reclamation's decision on whether to fund the project.

Environmental and cultural compliance activities will be completed for the proposed project activities, with costs incurred by Reclamation and/or the recipient, as outlined in Section D.6.1. Note that data collection is often required to complete the compliance (such as wildlife or cultural surveys). These surveys can be completed by a qualified contractor hired by the recipient under direction of Reclamation. Further, be aware that in some instances (such as cultural resource surveys), separate compliance is required for those activities.

Approvals and Permits

Applicants will adhere to Federal, State, Tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Note that field surveys may be required to obtain such approvals or permits. Applicants will also coordinate and obtain approvals from site owners and operators.

F.2.2. Geospatial Data and Data Tools

All geospatial data collected for or produced through a Departmental financial assistance agreement is required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. Reclamation requires all geospatial data collected for or produced through a Departmental financial assistance agreement to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. The Department requires fully compliant metadata on all geographic information systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

F.2.3. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see 2 CFR §200.59, *Intangible Property*). 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 2 CFR §200.313(e), *Equipment*.

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

Notice of Funding Opportunity No. R25AS00005

reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

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

The Federal government has the right to:

- obtain, reproduce, publish, or otherwise use the data produced under a Federal award, and
- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.2.4. Real Property (2 CFR §200.311)

Real property, equipment, and intangible property that is acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved, per [2 CFR §200.316](#). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. As required by [2 CFR §200.330](#), Reporting on real property, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.5. Wage Rate Requirements (Davis-Bacon Act)

Section 41101 of the Infrastructure Investment and Jobs Act, otherwise known as the Bipartisan Infrastructure Law (BIL) requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the BIL shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

F.2.6. Buy America Domestic Procurement Preference

Reclamation must include the requirements of this section in all subawards, including all contracts and purchase orders for work or products under this program. As required by Section 70914 of the BIL, PL 117-58, on or after May 14, 2022,

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

Section F. Federal Award Administration Information

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

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

For further information on the Buy America preference, please visit the [Department's Buy America website](#). Additional information can also be found at the [White House's Made in America Office website](#).

Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from the requirements in the preceding paragraph, subject to review by the Made in America Office. The Department may waive the application of the domestic content procurement preference in any case in which one of the below circumstances apply.

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

There may be instances where an award qualifies, in whole or in part, for an existing Department general applicability waiver as described on the [Department's Applicability Waivers Page](#). If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the defined limitations defined, the recipient is not required to request a separate waiver for non-domestic materials.

Notice of Funding Opportunity No. R25AS00005

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, the recipient may submit a request to waive the application of the domestic content procurement preference to the financial assistance awarding officer, in writing. The waiver request shall not include any Privacy Act information, sensitive data, or proprietary information. The Department will post all waiver requests to the Department's Buy America Grants webpage and are subject to public comment periods of no less than 15 days. The Made in America Office will also review all waiver requests. Waiver requests must include the below information:

1. type of waiver requested (non-availability, unreasonable cost, or public interest),
2. requesting entity and UEI submitting the request,
3. Department bureau or office who issued the award,
4. Federal financial assistance listing name and number (reference block 2 on the Department's Notice of Award),
5. financial assistance title of project (reference block 8 on the Department's Notice of Award),
6. Federal Award Identification Number,
7. Federal funding amount (reference block 11.m. on the Department's Notice of Award),
8. total cost of infrastructure expenditures (includes Federal and non-Federal funds to the extent known),
9. infrastructure project description(s) and location(s) (to the extent known),
10. list of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements (include the name; cost; countries of origin, if known; and relevant Professional Services Council or North American Industry Classification System code for each,
11. certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor,
12. statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver (such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation), and
13. the anticipated impact if no waiver is issued.

The Department will post all approved waivers will be posted on the [Buy America Approved Waiver webpage](#). An awarding officer will notify recipients requesting a waiver of their waiver request determination.

Please direct any questions pertaining to waivers to the financial assistance awarding officer.

Definitions

Construction materials: articles, materials, or supplies that are, or consist primarily of: non-ferrous metals,

- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),
- glass (including optic glass),

Section F. Federal Award Administration Information

- lumber, or
- drywall.

Construction Materials: do not include cement and cementitious materials, aggregates such as stone, sand, gravel, or aggregate binding agents or additives. **Domestic content procurement preference:** all iron and steel used in the project are produced in the United States, the manufactured products used in the project are produced in the United States, or the construction materials used in the project are produced in the United States.

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

Project: the construction, alteration, maintenance, or repair of infrastructure in the United States. **Reporting Requirements and Distribution**

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

F.3.1. Financial Reports

All recipients must use the [SF-425, Federal Financial Report](#), form for financial reporting. Recipients must submit a fully completed SF-425 form on a regular schedule as determined by Reclamation and indicated in the grant agreement document; this schedule is typically semi-annually or quarterly. A person legally authorized to obligate the recipient must sign the SF-425.

F.3.2. Interim Performance Reports

The financial assistance agreement will include specific terms and conditions pertaining to reporting requirements.

Recipients will submit interim performance reports on a schedule determined by Reclamation (typically semi-annually or quarterly, listed in the grant agreement document). While the recipient may provide additional detail, these reports must—at a minimum—include the following information:

- a comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period,
- the reasons why the project did not meet established milestones, if applicable,
- the status of milestones not met from the previous reporting period, 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, and

Notice of Funding Opportunity No. R25AS00005

- photographs documenting the project (appreciated, although not required). Note: Reclamation may print photos with appropriate credit to the applicant.

F.3.3. Final Performance Report

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

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 if 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, and
- any other pertinent issues involving the project.

Please note that final reports are public documents and may be made available on Reclamation's website. Reclamation may print photos with appropriate credit to the applicant.

F.3.4. Sufficiency Report (if applicable)

Reclamation will only make a portion of funding available when the financial assistance agreement is initially signed. As required by §6002 of the Cooperative Watershed Management Act (see Section A.1., "Authority" for the full citation), for each year of the grant, Reclamation must determine whether a recipient has made sufficient progress on its project during the year to justify any additional funding. If the applicant is awarded an agreement resulting from this NOFO, the recipient must provide a sufficiency report that describes the progress made on the project since the effective date of the agreement. If Reclamation determines that the progress during the year justifies additional funding, grant funds will be made available for the second year.

F.3.5. Real Property Reports

Recipients must submit reports at least annually on the status of real property in which the Federal Government retains an interest. For instances where the Federal interest extends for a period beyond 15 years, the reporting frequency may be lessened per the guidelines in [2 CFR §200.330](#). Disclosures

F.3.6. Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including

Section F. Federal Award Administration Information

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. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See [U.S. Office of Government Ethics website](#) for more information on these restrictions. Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in [2 CFR §200.338, Remedies](#), for noncompliance, including termination of the award.

Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in [2 CFR §200.339](#) for noncompliance, including termination of the award.

F.3.7. Other Mandatory Disclosures

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

F.4. 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 availability in a manner 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

Notice of Funding Opportunity No. R25AS00005

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.4.1. Freedom of Information Act (FOIA)

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\(a\)\(4\)\(A\)](#)).

Definitions

Published research findings:

- 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: 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 held as 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.

F.5. Recipient Service Delivery Option

2 CFR Part 200 does not prohibit recipients of Federal financial assistance from imposing uninterrupted service delivery requirements on subrecipients. Under 2 CFR§200.319(b)(1) it is reasonable for a recipient or subrecipient, acting in accordance with its own sound business judgment, to include uninterrupted service delivery requirements in its contracts under Federal financial assistance awards, as necessary, and when otherwise consistent with Federal law. This

Section F. Federal Award Administration Information

is a case-by-case determination made by the recipient or subrecipient based on the particular project or services in question.

Section G. Federal Awarding Agency Contact(s)

G.1. Reclamation Financial Assistance Contact

Please submit any questions regarding application and submission information and award administration to the attention of Pete Arp, at Parp@usbr.gov

Please note that staff availability on the day of the NOFO closing will be limited. Reclamation advises prospective applicants to start the application process early and reach out with any questions at least a week prior to the deadline.

G.2. Reclamation Program Coordinator Contact

Interested organizations or individuals with questions pertaining to this NOFO, having difficulties accessing forms/electronic addresses, or having questions pertaining to the SF-424, Application for Federal Assistance, may contact Reclamation's Grants Management Specialist:

Pete Arp
Grants Management Officer
Bureau of Reclamation, CGB-3800
2800 Cottage Way, Room E-1815
Sacramento, CA 95825-1898
(916) 978-5693
Email: parp@usbr.gov

Applicants with questions about grant program project selection, program priorities, post-award land management responsibilities, etc., are encouraged to contact the following USFWS and Reclamation program managers. The contact information is:

David Brick
Natural Resources Specialist
Bureau of Reclamation, CGB-152
2800 Cottage Way
Sacramento, CA 95825
(916)978-5041
Email: dbrick@usbr.gov

Dan Cox
U.S. Fish and Wildlife Service
Pacific Southwest Region, Sacramento Field Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
(916) 414-6539
Email: dan_cox@fws.gov

Section H. Other Information

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 address 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 address:

- 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, as well as any other past, present, or reasonably foreseeable future developments that you are aware of that will affect these same resources in the surrounding area.
- 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 project area 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 an adverse and disproportionate effect on communities with environmental justice concerns (as discussed in Executive Order 14096)?
- 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.2. Environmental Statutes

This section provides background and context for the NEPA, ESA, and NHPA compliance requirements, as described in Sections D.2.1.4, D.6.1, E.2.5.1, and F.2.2. Reclamation's Regional or area offices will work with you to determine the appropriate level of compliance for your project. The ability to adapt and have flexibility in project elements or methods to minimize potential impacts is encouraged, and sometimes required, through these environmental and cultural compliance processes.

H.2.1. National Environmental Policy Act

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

Depending upon the degree and significance of environmental impacts associated with the proposal:

- Some projects may fit within a **Categorical Exclusion (CE)** (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, Reclamation will assess whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. Use of a CE can involve simple identification of an applicable **Department CE** and assessment for extraordinary circumstances, or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. *That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.*
- If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. *The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.*

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

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? Or 95 percent?). The best source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

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

H.2.2. National Historic Preservation Act (NHPA)

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the **potential to cause adverse 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 initially selected for a potential award, the 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, Tribal Historic Preservation Officers, 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.

Notice of Funding Opportunity No. R25AS00005

- 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, archaeological sites, and sites of religious and cultural significance to Federally recognized Tribes**. 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, nearby Federally recognized Tribes, 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.1.3 Endangered Species Act (ESA)

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.*

Section H. Other Information

- 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 for ESA compliance in a particular project area is the local Reclamation environmental staff. They can help determine the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. In addition, you can contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.