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

Funding Opportunity Title: Fiscal Year (FY) 2024 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act Section 319

Announcement Type: Request for Applications (RFA)

Funding Opportunity Number: EPA-OW-OWOW-24-01

Assistance Listing: 66.460

Key Dates:

- **October 13, 2023:** To be eligible for *Clean Water Act* (CWA) Section (§) 319 grants under this RFA, applicants must have met the eligibility requirements described in Section III of this announcement as of **October 13, 2023**.[1]
- **January 4, 2024:** Questions about this RFA must be submitted in writing via e-mail and must be received by the EPA Headquarters Contact identified in Section VII by January 4, 2024. Written responses will be posted on the EPA's website at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. The EPA strongly recommends interested applicants review the FAQs on this webpage prior to submitting a question.
- **January 19, 2024:** Applications must be submitted electronically to the EPA through Grants.gov by 11:59 P.M. Eastern Time (ET), 10:59 P.M. Central Time (CT), 9:59 P.M. Mountain Time (MT), or 8:59 P.M. Pacific Time (PT), January 19, 2024 in order to be considered for funding. Late applications will not be considered for funding.

Note to Applicants: Following the EPA's evaluation of applications, all applicants will be notified regarding their status. If you intend to name sub-awardees/sub-grantees and/or contractor(s) including individual consultants in your application as partners to assist you with the proposed project, the EPA recommends that you carefully review and comply with the directions contained in the CONTRACTS AND SUBAWARDS provision found at https://www.epa.gov/grants/epa-solicitation-clauses.

[1] Per the EPA's *Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes*, Tribes and intertribal consortia must meet eligibility requirements in accordance with CWA Sections 319 and 518(e) as of the second Friday in October to be eligible for base and competitive nonpoint source grants for the applicable fiscal year.

TABLE OF CONTENTS

I. FUNDING OPPORTUNITY DESCRIPTION 3

A. Program Objectives 3

B. EPA's Strategic Plan and Anticipated Environmental Results 6

C. Statutory Authority 7

D. Additional Provisions for Applicants Incorporated Into The Solicitation 7

II. AWARD INFORMATION 7

A. Amount of Funding 7

B. Type of Funding 8

III. ELIGIBILITY INFORMATION 9

A. Eligible Applicants 9

B. Cost Sharing or Matching Requirements 9

C. No Required Tribal Cost Share Under a Performance Partnership Grant (PPG) 11

D. Threshold Evaluation Criteria 11

E. Funding Restrictions 13

F. Performance Partnership Grants (PPG) 14

IV. APPLICATION AND SUBMISSION INFORMATION 14

A. Form of Application Submission 14

1. Requirement to Submit Through Grants.gov and Limited Exception Procedures 14

2. Submission Instructions 15

3. Technical Issues with Submission 16

4. Application Materials 17

B. Content of Application Package Submission 18

1. Application Materials 18

2. Project Narrative 19

C. Submission Dates and Times 23

D. Communications with Applicants 23

E. Information Sessions 23

V. APPLICATION REVIEW INFORMATION 23

A. Ranking Criteria 23

B. Review and Selection Process 26

VI. AWARD ADMINISTRATION INFORMATION 27

A. Award Notices 27

B. Administrative and National Policy Requirements 28

C. Reporting 29

D. Debriefings 29

E. Disputes 30

VII. AGENCY CONTACTS: EPA HEADQUARTERS AND REGIONAL TRIBAL NPS COORDINATORS 30

VIII. OTHER INFORMATION 31
A. Quality Assurance/Quality Control (QA/QC) 31
B. Data Sharing 31
Appendix A: Nine Elements of a Watershed-Based Plan Developed by a Tribe 32
Appendix B: Categories and Subcategories of NPS Pollution 33

I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Objectives

This Request for Applications (RFA) is issued pursuant to *Clean Water Act* (CWA) §319(h), which authorizes the EPA to award grants to eligible Tribes and intertribal consortia to implement approved Nonpoint Source (NPS) management programs developed pursuant to CWA §319(b)(1) "for controlling pollution added from nonpoint sources to the navigable waters" and "improving the quality of such waters."[2] NPS management programs must identify "best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source" identified in the Tribe's NPS assessment report developed pursuant to CWA §319(a).

After allocating CWA §319 Tribal funds for Tribal base grant work plans, the EPA allocates the remaining CWA §319 Tribal funds to eligible entities according to the competitive procedures in this RFA.

NPS Projects Solicited Under This Announcement:
The funding available through this RFA will support Tribal projects primarily focused on implementing on-the-ground best management practices (BMPs) that will help protect or restore waters from sources of NPS pollution. All applications must include an on-the-ground project to implement NPS BMPs. As described below, applicants may also use up to 25 percent of requested federal funds to support other eligible project activities, including the development of a nine-element watershed-based plan (i.e., up to $31,250 of a $125,000 federal grant request). Tribal staff time supporting the implementation of NPS BMPs is not included in this 25 percent cap. Please note the narrow definition of a "nine element watershed-based plan" specific to the EPA's NPS Program, described below. See Appendix A for a list of the nine elements.

Examples of NPS BMPs and other project activities eligible to be funded under this RFA include, but are not limited to the following:

Examples of eligible NPS BMP implementation:

- Road stabilization/removal;
- Riparian planting;
- Streambank stabilization;
- Natural channel restoration;

[2] Note that "[w]ith respect to CWA §106 and §319 grant programs, the authorizing language and the range of programmatic activities are sufficiently broad that they have long addressed both jurisdictional and non-jurisdictional waters…." 85 Federal Register (FR) 22334. For example, "grants under CWA §319 may implement management programs which will carry out groundwater quality protection activities as part of a comprehensive nonpoint source pollution control program. 33 U.S.C. 1329(h)(5)(D)." 85 FR 22318.

- Low impact development/storm water management practices;
- Livestock exclusion fencing;
- Septic system rehabilitation; and
- Nutrient or grazing management practices.

Examples of other eligible project activities (up to 25% of requested federal funds):
- Development of a watershed-based plan;
- NPS ordinance development;
- Project monitoring (e.g., baseline monitoring and post-BMP implementation monitoring);
- Training which assists the applicant in developing NPS implementation projects; and
- NPS education and outreach relevant to successful implementation of NPS projects.

Watershed Approach:

CWA §319(b)(4) establishes that, to the maximum extent practicable, NPS management programs shall be developed and implemented "on a watershed-by-watershed basis." In general, the EPA believes that efforts to manage NPS pollution can be most effective when approached at the watershed scale. Approaching NPS problems at the watershed scale includes comprehensive analysis of the causes and sources of pollution and identifying critical areas (i.e., those that generate the most pollution) in which to prioritize NPS management efforts. Experience indicates that watershed-based plans containing the nine elements identified in the EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act* and in Appendix A of this announcement, provide an effective, integrated approach to address the diverse realities and needs of each watershed. For an example of a Tribal nine element watershed-based plan, please refer to: https://www.epa.gov/nps/tribal-nps-resources-and-training#other.

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

Activities Outside of the Reservation:
Activities upstream or downstream of reservation waters may be eligible for funding if they pertain to waters within a reservation and are consistent with the applicant's NPS assessment report and management program. The application must clearly demonstrate the impacts of the upstream or downstream project on Tribal lands and waters. Projects that may be eligible downstream of reservation waters include but are not limited to: control of invasive species, restoring a headcutting stream to prevent the headcut from reaching

Tribal waters, and salmon habitat restoration projects that promote salmon migration upstream into Tribal waters. Projects that may be eligible upstream of reservation waters include but are not limited to: stabilizing eroding streambanks to prevent sediment loading, repairing failing septic systems to prevent bacterial inputs and/or reduce nutrient loading, and implementing management measures on agricultural land to reduce nutrient loading into Tribal waters. Questions about eligibility of upstream or downstream projects should be raised to the EPA Headquarters Contact in Section VII before submitting an application. See Section IV.D for information on how to submit questions.

Technical Merit & Integrating Resilience in Project Design:
Increasingly, Tribal NPS program managers are considering future threats to water quality in addition to current sources of pollution when managing their resources, watersheds, and watershed processes. For example, integrating resilience into project design may include increasing stream buffer width to consider potential impacts of more frequent or intense storms on water flow, erosion and runoff. For information and ideas on how to integrate resiliency in your NPS program and into your application, see the following resources:

- Pages I-82 and I-83 in the EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act*
- Bureau of Indian Affairs - Tribal Climate Resilience Program
- Additional information on climate impacts on water resources can be found here: https://www.epa.gov/climate-change-water-sector

To ensure project success, all projects should demonstrate appropriateness of BMPs, climate considerations, and a plan for operations and maintenance to ensure they remain effective over their expected life span and will be scored accordingly in Section V.A.v. See Section IV.B.2.v for additional BMP Technical Merit information.

Supporting Environmental Justice and Equity in the Nonpoint Source Program:
It is a priority of the EPA to integrate environmental justice considerations into the EPA's programs, plans, and actions and to ensure equitable and fair access to the benefits from environmental programs for all individuals.[3] Consistent with the Justice40 initiative, the EPA is committed to ensuring that the benefits of cleaner water provided by the CWA §319 program reach disadvantaged communities. See the EPA's policy memo, *Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program*, for more information about the agency's plans to engage the NPS community in this work.

One of the challenges highlighted by Tribal 319 grantees during the EPA's NPS equity engagement effort is the limited number of Tribal programs that have received a grant under this solicitation in recent years. **To increase the number of Tribal NPS programs and Tribal communities benefiting from competitive grants**

[3] Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. Meaningful involvement means people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected. See https://www.epa.gov/environmentaljustice/learn-about-environmental-justice for more information.

awarded under this solicitation, the EPA will reserve a portion of available funds to make approximately five awards to eligible Tribal applicants that have not received a competitive grant under the CWA §319 Tribal NPS program in the last five years (FY2019 – FY2023). All applications received under this solicitation will be evaluated based on the threshold evaluation criteria (Section III.D) and ranking criteria (Section V.A) described in this announcement.

B. EPA's Strategic Plan and Anticipated Environmental Results

The activities to be funded under this announcement support EPA's Fiscal Year (FY) 2022-2026 Strategic Plan. Awards made under this announcement will support Goal 5 - Ensure Clean and Safe Water for All Communities: Provide clean and safe water for all communities and protect our nation's waterbodies from degradation, Objective 5.2: Protect and Restore Waterbodies and Watersheds: Address sources of water pollution and ensure water quality standards are protective of the health and needs of all people and ecosystems. All applications must be for projects that support the goals and objectives identified above.

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

Outputs: Environmental results are a way to gauge a project's performance and are described in terms of outputs and outcomes. Environmental outputs (or deliverables) refer to an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of environmental outputs anticipated as a result of the assistance agreements awarded under this RFA may include but are not limited to:

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

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

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

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

C. Statutory Authority

The statutory authorities for the assistance agreements to be awarded under this RFA are §319(h) and §518 of the *Clean Water Act* (CWA). CWA §319 (h) authorizes the EPA to award grants to eligible Tribes and intertribal consortia to implement approved NPS management programs developed pursuant to CWA §319 (b)(1) "for controlling pollution added from nonpoint sources to the navigable waters" and "improving the quality of such waters." NPS management programs must identify "best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source" identified in the Tribe's NPS assessment report developed pursuant to CWA §319 (a). CWA §518(e) authorizes the EPA Administrator "to treat an Indian Tribe as a State for purposes of title II and sections 104, 106, 303, 305, 308, 309, 314, *319*, 401, 402, 404, and 406" (emphasis added) of the Act, provided the requirements of §518(e)(1-3) are met.

D. Additional Provisions for Applicants Incorporated Into The Solicitation

Additional provisions that apply to sections III, IV, V, and VI of this solicitation and/or awards made under this solicitation, can be found at EPA Solicitation Clauses. These provisions are important for applying to this solicitation and applicants must review them when preparing applications for this solicitation. If you are unable to access these provisions electronically at the website above, please contact the EPA point of contact listed in this solicitation (See Section VII) to obtain the provisions.

II. AWARD INFORMATION

A. Amount of Funding

The total amount of federal funding expected to be available under this announcement is approximately $3.5 million, depending on Agency funding levels, the number of Tribes requesting CWA §319 base funding for FY 2024, the quality of applications, and other applicable considerations. A federal funding amount of $3.5 million equates to approximately 28 competitively funded grants at $125,000/project. In FY 2023, the EPA awarded approximately $3.54 million to 30 Tribes, including 6 that were considered new applicants, at approximately $125,000/project for specific watershed projects through a competitive process.

Eligible Tribes and intertribal consortia may submit an application for up to a maximum amount of **$125,000** of federal CWA §319 funding (plus the additional required non-federal cost share/match of the total project cost). See Section III.B for information on cost share/match requirements.

New or Not Recent Recipient Set-Aside: To increase the number of Tribal NPS programs benefiting from CWA §319 Tribal competitive grants, the EPA will reserve a portion of available funds for eligible Tribal applicants that have not received a competitive grant under the CWA §319 Tribal program in the last five years (FY 2019 – FY 2023). The EPA expects to select up to five recipients for these funds. The actual award amounts and number of projects awarded under the set-aside for applicants that have not received a competitive CWA §319 Tribal award in the last five years as described in Section I may differ from the estimated amounts for many reasons including the number of meritorious applications received, agency priorities, and funding availability. In addition, the EPA reserves the right to increase or decrease (including decreasing to zero) the total number and number of awards under the set-aside, or change the ratio of assistance agreements it awards among the set-aside.

The EPA reserves the right to reject all applications and make no awards as a result of this announcement, or to make fewer awards than anticipated. In addition, the EPA reserves the right to make additional awards under this announcement, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

Awards may be fully or incrementally funded, as appropriate, based on funding availability, satisfactory performance, and other applicable considerations.

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

B. Type of Funding

Successful applicant(s) will be issued a grant or cooperative agreement as appropriate. A cooperative agreement is an assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project. The EPA awards cooperative agreements for those projects in which it expects to have substantial interaction with the recipient throughout the recipient's performance of the project. The EPA will negotiate the precise terms and conditions of "substantial involvement" as part of the award process. Federal involvement may include close monitoring of the recipient's performance; collaboration during the performance of the scope of work; in accordance with 2 CFR 200.317 and 2 CFR 200.318, as appropriate, review of proposed procurements, reviewing qualifications of key personnel, and/or review and comment on the content of printed or electronic publications prepared. The EPA does not have the authority to select employees or contractors employed by the recipient. The final decision on the content of reports rests with the recipient.

III. ELIGIBILITY INFORMATION

Note: Additional provisions that apply to this section can be found at EPA Solicitation Clauses.

A. Eligible Applicants

To be eligible for a CWA §319 grant under this RFA, a Tribe or intertribal consortium must: (1) be federally recognized; (2) have an EPA-approved NPS assessment report in accordance with CWA §319 (a); (3) have an EPA-approved NPS management program in accordance with CWA §319(b); and (4) have "Treatment-in-a-manner-similar-to-a-State" (TAS) status in accordance with CWA §518(e). To be eligible for CWA §319 grants under this RFA, Tribes or intertribal consortium must have met these eligibility requirements as of October 14, 2023. For a complete list of Tribes eligible for CWA §319 FY 2024 funding, refer to the eligibility section of the Tribal §319 Website.

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

The intertribal consortium is eligible only if the consortium demonstrates that all of its members have met the eligibility requirements listed above for the CWA §319 program by October 14, 2023, and member Tribes authorize the consortium to apply for and receive assistance in accordance with 40 CFR 35.504 at the time of application submission. An intertribal consortium must submit with its application adequate documentation of the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant (see 40 CFR 35.504).

B. Cost Sharing or Matching Requirements

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

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

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

The following table demonstrates a 40 percent (CWA §319 minimum required non-federal cost share/match) and 10 percent (e.g., if undue hardship is demonstrated per 40 CFR 35.635) cost share/match on a CWA §319 maximum federal request of $125,000. **Applicants may request less than $125,000 of federal funding.** If applicants have additional questions regarding cost share/match calculations, please contact the EPA Headquarters Contact identified in Section VII.

Table 1. Example Cost Share/Match Calculation

Federal Share	Non-Federal Match	Federal Share	Non-Federal Match	Total Project Cost
$125,000	40%	60%	$83,333	$208,333
$125,000	10%	90%	$13,889	$138,889

Example Calculation:

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

   For example:
   If your total project cost = $208,333 (This is the total project cost for requesting the full amount of Federal match; i.e. $125,000) and you need 40% cost share/match, then $208,333 x .40 = $83,333 (Cost Share/Match).

OR

2. If you know the total federal funds requested (i.e., $125,000 for this RFA):
   (1) Divide the total federal funds requested by the maximum federal share allowed.
   (2) Subtract the federal funds requested from the amount derived in step 1.
   (3) The amount derived from step 2 is the non-federal cost share/match.

For example:
(1) If the federal funds requested = $125,000; and the recipient cost share/match is 10%, then the federal share = 90% or .90. $125,000 divided by .90 = $138,889 (total project cost) then,
(2) $138,889 - $125,000 = $13,889
(3) The non-federal cost share/match = $13,889

C. No Required Tribal Cost Share Under a Performance Partnership Grant (PPG)

If a Tribe or intertribal consortium includes the funds for a grant awarded under this solicitation in an approved Performance Partnership Grant (PPG), there is no cost-share requirement. Where the applicant's stated purpose is to include a grant awarded under this solicitation in a PPG, the applicant should prepare a budget and proposed work-plan based upon the assumption that the EPA will approve the budget and work plan without cost share included. If the applicant ultimately does not or cannot include a grant awarded under this solicitation as part of an approved PPG, or subsequently chooses to withdraw the competitively awarded grant from their PPG, the Tribe or intertribal consortium must then meet the applicable cost share/match requirements identified above in Section III.B and negotiate a new work-plan and budget with the EPA project officer based on the same total project cost and work initially proposed. Since the new budget will be based upon the initially proposed total project cost and the applicable cost share/match requirement will be increased, the federal award amount will be reduced accordingly. The purpose of this is to ensure that all work-plan activities for a competitively awarded project will be performed as initially proposed and in accordance with the adjusted budget reflecting the applicable cost share/match requirement and federal award amount.

D. Threshold Evaluation Criteria

In addition to applicant eligibility (discussed above in Section III.A), and cost share/match requirements (discussed above in Section III.B and III.C) all of the following threshold evaluation criteria must be met by the time of application submission in order for a Tribe's or intertribal consortium's application to be evaluated under the ranking criteria in Section V and be considered for award. If necessary, the EPA may contact applicants to clarify threshold eligibility questions prior to making an eligibility determination. Only applications that meet all of these criteria will be evaluated against the ranking criteria in Section V of the announcement. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified by the EPA Regional Contact in Section VII within 15 calendar days of the ineligibility determination.

1. All applications will be reviewed for eligibility and must meet the eligibility requirements described in Sections III.A, B, and D to be considered eligible. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

2. An individual Tribe (or intertribal consortium) may not submit more than one application under this RFA. If more than one application is submitted, the EPA Regional Contact will contact the applicant to determine which application to withdraw. Individual Tribes who are part of an intertribal consortium that submits an application for a CWA §319 competitive grant may not also submit an individual CWA §319 competitive application. In such cases the individual application will be considered ineligible.

3. An individual Tribe (or intertribal consortium) may submit an application requesting up to a maximum of $125,000 of federal CWA §319 funding. If an applicant submits an application that requests more than $125,000 of federal CWA §319 funding, it will be rejected from further consideration.

4. All applications must contain an on-the-ground project to implement NPS BMPs. The use of funding for otherwise eligible project activities, including development of a watershed-based plan, is limited to 25 percent of the federal portion of the competitive grant (i.e., up to $31,250 of a $125,000 federal grant request). Tribal staff time supporting the implementation of NPS BMPs is not included in this 25 percent cap.

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

    i. *Activities Related to Waters Within a Reservation*

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

    ii. *Activities Unrelated to Waters of a Reservation*

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

6. Section IV.B.2 establishes a 15-page, single-spaced project narrative page limit. Supporting materials, as described in Section IV.B.2, are not included within the page limit for the project narrative.

7. Applications must substantially comply with the application submission instructions and requirements set forth in Section IV of this solicitation or else they will be rejected. Where a page limit is expressed in Section IV.B.1 with respect to the Project Narrative, pages more than the page limitation will not be reviewed.

8. In addition, initial applications must be submitted through Grants.gov as stated in Section IV.A.1 of this solicitation (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Section IV) on or before the application submission deadline published in Section IV of this solicitation. Applicants are responsible for following the submission instructions in Section IV of this solicitation to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in Section IV, which include both the requirement to contact Grants.gov and email a full application to the EPA prior to the deadline.

9. Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to the EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An Applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov. Applicants should confirm receipt of their application with Margot Buckelew at tribal319grants@epa.gov within five business days after the submission deadline—failure to do so may result in your application not being reviewed.

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

E. Funding Restrictions

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

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

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

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

F. Performance Partnership Grants (PPG)

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

IV. APPLICATION AND SUBMISSION INFORMATION

Note: Additional provisions that apply to this section can be found at EPA Solicitation Clauses.

A. Form of Application Submission

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

Applicants must apply electronically through Grants.gov under this funding opportunity based on the Grants.gov instructions in this announcement. If your organization has no access to the internet or access is

very limited, you may request an exception for the remainder of this calendar year by following the procedures outlined here. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods. Issues with submissions with respect to this opportunity only are addressed in Section IV.A.3 Technical Issues with Submission below.

2. Submission Instructions

i. SAM.gov (System for Award Management) Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will create an account using login.gov to complete your SAM.gov registration. SAM.gov registration is FREE. The process for entity registrations includes obtaining Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the Entity Registration Checklist for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the Frequently Asked Question on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the Federal Service Desk for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday -Friday 8am - 8pm ET.

ii. Grants.gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the Grants.gov Applicant Registration instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR). Only person(s) with the AOR role can submit applications in Grants.gov. Please review the Intro to Grants.gov-Understanding User Roles and Learning Workspace - User Roles and Workspace Actions for details on this important process.

Please note that this process can take a month or more for new registrants. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact Grants.gov for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

iii. Application Submission Process

To begin the application process under this grant announcement, go to Grants.gov and click the red "Apply" button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this funding opportunity must be made by an official representative of your organization who is registered with Grants.gov and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization's EBiz point of contact or contact Grants.gov for assistance at 1-800-518-4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

iv. Application Submission Deadline

Your organization's AOR must submit your complete application package electronically to the EPA through Grants.gov no later than January 19, 2024 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not be considered.

3. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to resolve, follow these procedures **before** the application deadline date:

i. Contact Grants.gov Support Center **before** the application deadline date.

ii. Document the Grants.gov ticket/case number.

iii. Send an email with the Funding Opportunity Number "EPA-OW-OWOW-24-01" in the subject line to tribal319grants@epa.gov **before** the application deadline time and date and **must** include the following:

a. Grants.gov ticket/case number(s)
b. Description of the issue
c. The entire application package in PDF format.

Without this information, the EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline time and date deadline will be deemed ineligible and **not** be considered.

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

The EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. The EPA will only consider accepting applications that were unable to submit through Grants.gov due to Grants.gov or relevant SAM.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov.

4. Application Materials

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

Mandatory Documents:

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)
- EPA Key Contacts Form 5700-54
- EPA Form 4700-4 – Preaward Compliance Review Report
- Project Narrative (Project Narrative Attachment Form)-prepared as described in Section IV.B.2 of the announcement.

Optional Documents:

- Supporting Materials, as described in Section IV.B.1 (use Other Attachments Form)
- Negotiated Indirect Cost Rate Agreement, if applicable (use Other Attachments Form)

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

B. Content of Application Package Submission

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

1. Application Materials

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

Complete the form and have it signed. There are no attachments.

ii. **Budget Information for Non-Construction Programs, Standard Form 424A (SF-424A)**

Complete the form. There are no attachments. The total amount of federal funding requested for the project period should be shown on line 5I and on line 6(k) of SF-424A. The total amount of non-federal cost share/match should be shown on line 5(f) and in Section C of the SF-424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (personnel costs and fringe benefits), and the total amount of indirect cost should also be indicated on line 22. In Section B: Budget Categories column (1) should be filled out for federal funds, column (2) should be filled out for non-federal cost-share/match, and column (5) should be filled out for total project cost (federal funds and non-federal cost share/match).

iii. **EPA Key Contacts Form 5700-54**

Complete the form. Attach additional forms as needed.

iv. **EPA Form 4700-4, Preaward Compliance Review Report**

Complete the form. There are no attachments.

v. **Project Narrative (using Project Narrative Attachment Form)**

See Section IV.B.2 (Project Narrative) for details on specific information that must be included. When developing the Project Narrative, applicants should also refer to Section I.A of the announcement.

vi. **Supporting Materials (optional)**

Supporting materials include, for example, letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of the project location. Supporting material pages should be numbered. The review committee will only review the material you provide with the application and not outside material referenced in the Project Narrative or in a web link. Do not include documents such as watershed plans, assessment reports, or management program plans. Supporting materials are not included in the 15-page single-spaced Project Narrative page limit and should be submitted using the Other Attachments Form. Information under Section IV.B.2.viii, financial hardship waiver letter and quality assurance/quality control information, is considered supporting material.

vii. **Negotiated Indirect Cost Rate Agreement, if applicable**

The Indirect Cost Rate Agreement is not included in the 15-page single-spaced Project Narrative page limit. See Indirect Cost Guidance for Recipients of EPA Assistance Agreements for additional information about indirect cost rates.

2. Project Narrative

The Project Narrative must include a cover page and items i – vii below and address the corresponding evaluation criteria in Section V.A. It is recommended that you identify within your Project Narrative each individual ranking criterion in Section V.A. that you are addressing**. The Project Narrative (including the cover page and sections i – vii below) is limited to no more than fifteen (15) typewritten, single-spaced 8.5x11-inch pages (a page is one side of a piece of paper).** Pages should be consecutively numbered for ease of reading. It is recommended that applicants use a standard 12-point type with 1-inch margins. Readability is important, and applicants should consider this when selecting a font for use in the Project Narrative. **Additional pages beyond the 15-page limit will not be considered.** Supporting materials, such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of the project location are not included within the page limit. Financial hardship waiver letters and quality assurance/quality control information is not included in the page limit. Your Project Narrative should conform to the outline below.

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

Cover Page (**included in the 15-page Project Narrative limit and should not exceed 1 page**). Include the following information in the cover page:

- **Project Title**. The project title should reflect the main project outcome/objective and should be 15 words or less.
- **Name of Tribe or Intertribal Consortium Applying for Funding**
- **Key Personnel and Contact Information** (i.e., name, email address and phone number).
- **Waterbody name and HUC12 ID Number(s).** A useful tool for looking up this information can be found here: https://www.epa.gov/waterdata/hows-my-waterway
- **Abstract/Project Summary**. The abstract should begin with one or two sentences describing the main objective of the application. It should also include a description of the main tasks, including the specific BMPs and other activities, if applicable, to be implemented as part of the proposed project, as well as a description of the anticipated environmental outcomes. The entire abstract should be 250 words or less.
- **Pollution Category and Subcategory**. NPS pollution categories and subcategories can be found in Appendix B.
- **Anticipated Environmental Outputs and Outcomes**. Include a brief description of the anticipated pollutant reduction measures and results. Detailed explanations and information should be included in the Project Narrative and will be evaluated as described in Section V.A.iii.
- **Total Project Cost.** Specify the amount of CWA §319 federal funds requested and the non- federal cost share/match, if applicable, for the proposed project.

i. Project Location (see also evaluation factor V.A.i)

a) Describe the project site(s), including the location of the site(s) relative to the waterbody/waterbodies impacted by NPS pollution and any notable features relevant to the proposed NPS project (e.g., roads, project access points, proximity to other relevant locations).

b) Describe the waterbody, including waterbody type (i.e., pond, stream, etc.) and importance (i.e., designated uses), that will be protected or restored as a result of the proposed project.

c) Describe the watershed (HUC12 watershed or smaller, as appropriate) in which the proposed project will take place, including a description of watershed make-up (e.g., predominant land uses) as relevant to the proposed project, a description of how the proposed project addresses NPS issue(s) within the watershed and how the project connects with other ongoing or planned NPS management activities within the watershed.

The EPA recommends including maps of the reservation, waterbody to be targeted, and project location as supporting materials. Photos of project sites can also be included and should include a detailed description of what is in the photos and clearly link back to the proposed project. Site photos and maps, including descriptions, are considered supporting materials and are not included in the 15-page Project Narrative limit.

ii. **NPS Pollution Problem (see also evaluation factor V.A.ii)**

a) Identify and describe the NPS pollution sources at the NPS subcategory level that you will address through the proposed project. For additional information about categories and subcategories of NPS pollution, please see Appendix B and the EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act* and the EPA's "Types of Nonpoint Source Pollution" web pages, at https://www.epa.gov/nps/types-nonpoint-source-pollution.

b) Describe the water quality problem or threats caused by the NPS pollution source(s) identified and that you will address through the proposed project, as well as the information source(s) (e.g., water quality data and assessments, field observations, knowledge from community members) you relied on to determine the water quality problem/threat. Applicants should include specific descriptions of water quality problems or threats, for example, in relation to impairments to water quality standards or other parameters that indicate waterbody health (e.g., decreases in fish or macroinvertebrate counts).

The EPA recommends applicants include photos of the NPS issue(s) of concern. Photos should include a detailed description of what is in the photos and clearly link back to the proposed project (site photos and maps, including descriptions, are considered supporting materials and are not included in the 15-page Project Narrative limit).

iii. **Project Goals and Environmental Results (see also evaluation factor V.A.iii)**

a) Describe the goal(s) of the proposed project and describe how the proposed project addresses a priority in your Tribal NPS Management Program.

b) Identify the anticipated environmental outputs and outcomes of the proposed project, and describe how the outputs and outcomes are linked to EPA's FY2022-2026 Strategic Plan Goal 5, Objective 5.2.

c) Describe your plan for measuring and tracking progress toward achieving the expected outputs and outcomes.

iv. **Project Workplan (see also evaluation factor V.A.iv)**

a) Provide a project work plan that describes each individual component (i.e., discrete task or activity) to be completed during the project period. Include individual work plan components for NPS BMP implementation, as well as any other eligible project activities (e.g., watershed-based plan development, NPS monitoring) to be implemented through the proposed project.
b) Provide details of roles and responsibilities for each workplan component including responsible parties and lead contacts.
c) Provide a milestone schedule that covers each year of the total proposed project period (up to four years and see Section III.F for information about PPG-specific requirements). Provide a breakout of the project activities into phases with associated tasks and a timeframe (i.e., anticipated start and end date) for completion of each task. Provide interim milestone dates for achieving each project component. Include an approach, procedures, and controls to ensure that awarded funds will be expended in a timely and efficient manner.

v. **BMP Technical Merit (see also evaluation factor V.A.v)**

a) Provide a justification for why the proposed BMP(s) are best suited to address the NPS pollution source(s) and water quality problem/threat identified in your application.
b) Describe potential climate change impacts to the project site and how those future conditions will impact proposed BMPs and whether/how you considered these potential impacts in the design of this project.
c) Describe your plan for operating and maintaining (O&M) the proposed BMPs to ensure they remain effective over their expected life span.

vi. **Project Budget (see also evaluation factor V.A.vi)**

Provide a detailed budget and estimated funding amounts for each work plan component/task. Clearly explain how the EPA funds and non-federal cost-share/match will be used. Applicants must itemize costs related to personnel, fringe benefits, contractual costs, travel, equipment, supplies, other direct costs, indirect costs, and total costs. This section provides an opportunity for narrative description of the budget or aspects of the budget such as "other" and "contractual." Indicate the proportion of requested funds to be spent on BMP implementation (must be a minimum of 75 percent of the requested federal funds) and other eligible project activities. All subgrant funding should be located in the "other" cost category. Describe itemized costs in sufficient detail for the EPA to determine the reasonableness and allowability of costs for each work plan component/task, including the use of the non-federal cost share/match funds. Also indicate whether the applicant has requested a hardship waiver (the non-federal cost share/match may be reduced to 10 percent), or if the competitive funds will be added to a PPG (there is no required cost share/match under a PPG). Please see the EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance for more information about preparing a project budget. Additionally, see Section III.B and III.C of this RFA for additional information.

Note the following:

- Total costs must include both federal and non-federal cost-share/matching components.

- The use of funding for other eligible project activities not directly supporting the implementation of NPS BMPs will be limited to 25 percent of the federal portion of the competitive award.
- Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the assistance agreement shall not exceed 10 percent of the total grant award (federal share and Tribal cost share/match). The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration and implementation projects, and technology transfer are not subject to this limitation.
- Costs may include financial assistance to persons only to the extent that such assistance is related to the cost of demonstration projects.

vii. **Past Performance (see also evaluation factor V.A.vii)**

Submit a list of federally-funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts) that your organization performed within the last five years (no more than five agreements) for similar scopes of work to the proposed project (i.e. primarily BMP implementation). Describe how you documented and/or reported on whether you were making progress towards achieving the expected results (e.g., outputs and outcomes) under those agreements.

If you were not making progress, please indicate whether, and how, you documented why not. In evaluating applicants under this factor, the EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from the EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant).

If you do not have any relevant or available environmental results past performance information, you must indicate this in the application and you will receive a neutral score for this factor under Section V.A.vii. Failure to provide any environmental results past performance information, or failure to include a statement that you do not have any relevant or available environmental results past performance information, may result in a zero score for this factor.

viii. **Financial Hardship Waiver Letter and Quality Assurance/Quality Control (not included in the Project Narrative work plan page limit)**

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

Note: The applicant should also provide in the Project Narrative any additional information, to the extent not already addressed above, that addresses the evaluation criteria in Section V.A.

C. Submission Dates and Times

Applications submitted electronically through Grants.gov must be received by **11:59 PM ET / 10:59 PM CT / 9:59 PM MT/ 8:59 PM PT on January 19, 2024.** Late applications will not be considered for funding.

D. Communications with Applicants

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

Questions must be submitted in writing via email and must be received by the EPA Headquarters Contact, Margot Buckelew (tribal319grants@epa.gov) by **January 4, 2024**. Written responses will be posted on the EPA's website at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. The EPA strongly recommends interested applicants refer to the FAQs webpage (https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information) prior to submitting a question.

E. Information Sessions

The EPA will host two national Information Sessions regarding this announcement via webinar prior to the closing date of this RFA. These webinars will be held **December 5, 2023 at 2:30 pm EST** and **December 13, 2023 at 3pm EST**. Webinar registration is available at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information. The EPA will attempt to answer any appropriate questions in these public forums. Information about these webinars, including webinar recordings and Questions and Answers, will be posted at https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information.

V. APPLICATION REVIEW INFORMATION

Note: Additional provisions that apply to this section can be found at EPA Solicitation Clauses.

A. Ranking Criteria

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

Criteria	Description

i – **Project Location** **(15 points total)**	The application will be evaluated based on the extent and quality to which it clearly identifies and describes: a) The proposed project site(s), including the location of the site(s) relative to the waterbody/waterbodies impacted by NPS pollution and any notable features relevant to the proposed NPS project (e.g., roads, project access points, proximity to other relevant locations). **(5 points)** b) The waterbody, including water body type and importance, that will be protected or restored as a result of the proposed project. **(5 points)** c) The watershed (HUC12 watershed or smaller, as appropriate) in which the proposed project will take place, including a description of watershed make-up (e.g. predominant land uses) as relevant to the proposed project and how the proposed project addresses priority NPS issue(s) within the watershed and how the project connects with other ongoing or planned NPS management activities within the watershed. **(5 points)** See Section IV.B.2.i for more information.
ii – **NPS Pollution Problem** **(10 points total)**	The application will be evaluated based on the extent and quality to which it clearly identifies and describes: a) The NPS pollution sources at the subcategory level that you will address through the proposed project. **(5 points)** b) The water quality problem or threats caused by the NPS pollution source(s) to be addressed through the proposed project; including information sources and evidence. **(5 points)** See Section IV.B.2.ii for more information.
iii – **Project Goals and Environmental Results** **(15 points total)**	The application will be evaluated based on the extent and quality to which it clearly identifies and describes: a) Project goal(s) that link to the NPS pollution source(s) and water quality problem/threat described in the application, as well as a priority in the Tribal NPS management program. **(6 points)** b) Anticipated environmental outputs and outcomes (see Section I.B for examples of outputs and outcomes), and how

	the outputs and outcomes are linked to EPA's FY2022-2026 Strategic Plan. **(6 points)** c) A plan for measuring and tracking progress toward achieving the expected outputs and outcomes (**3 points)** See Section IV.B.2.iii for more information.
iv – **Project Workplan** **(25 points total)**	The application will be evaluated based on the extent and quality to which it clearly identifies and describes: a) Complete details for the project workplan, including a detailed breakdown of tasks to implement the proposed BMP(s), as well as other eligible project activities, where applicable. **(15 points)** b) The roles and responsibilities for each workplan component including responsible parties and lead contacts. **(5 points)** c) A milestone schedule that covers each year of the project period and includes a breakout of the project activities into phases with associated tasks and timeframe, interim milestone dates for each project component, and a clearly articulated approach, procedures, and controls to ensure that awarded funds will be expended in a timely and efficient manner. **(5 points)** See Section IV.B.2.iv for more information.
v – **BMP Technical Merit** **(20 points total)**	The application will be evaluated based upon the extent and quality to which it identifies and describes: a) A justification for why the proposed BMPs are best suited to address the NPS pollution source(s) and water quality problem/threat identified in the application. (**10 points)** b) Potential climate change impacts to the project site and how future conditions will impact the performance of proposed BMPs, and whether/how the applicant considered these potential impacts in the design of the proposed project. **(5 points)** c) The plan for operating and maintaining the proposed BMP(s) to ensure they remain effective for their expected lifespan. **(5 points)** See Section IV.B.2.v for more information.

vi – **Project Budget** **(10 points total)**	The application will be evaluated based upon the extent and quality to which it demonstrates the reasonableness of the budget and estimated funding amounts for each work plan component/task. Applications will be evaluated based on the adequacy and specificity of the information provided in the detailed budget and whether the proposed costs are reasonable and allowable. Total project costs must include both federal and the required non-federal cost share/match. The cost-effectiveness and reasonableness of all costs (federal and non-federal cost share/match will also be evaluated. **(10 points)** See Section IV.B.2.vi for more information.
vii – **Past Performance** **(5 points total)**	Applications will be evaluated on the extent and quality to which the applicant adequately documented and/or reported on its progress towards achieving the expected results (e.g., outputs and outcomes) under the federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) identified in the application performed within the last five years for similar scopes of work to the proposed project, and if such progress was not being made, whether the applicant adequately documented and/or reported why not. **(5 points)** Note: In evaluating applicants under this criterion, the EPA will consider the information provided by the applicant in its application and may also consider relevant programmatic information from other sources including Agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). Applicants who have no relevant or available past performance information must indicate that in the application and will receive a neutral score for this criterion (i.e., 2.5 points). Failure to provide any past performance information, or failure to include a statement in your application that you do not have any relevant or available past performance information, may result in a zero score for this criterion. See Section IV.B.2.vii for more information.

B. Review and Selection Process

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

Eligible applications that pass the threshold eligibility review will be reviewed and scored based on the ranking criteria listed in Section V.A by a review panel(s) comprised of EPA staff, and possibly staff from other federal agencies. The ranking list will be provided to the National Selection Official who makes the final funding decisions. In making the final funding decisions, the selection official will consider the application score/ranking and may also consider other program priorities. As described in Section II.A of this RFA, in FY 2024 the **EPA will reserve a portion of available funds to make approximately five awards to eligible Tribal applicants that have not received a competitive grant under this program in the last five years (FY2019 – FY2023).** All applications received under this solicitation will be evaluated based on the threshold evaluation criteria (Section III.D) and ranking criteria (Section V.A) described in this announcement.

VI. AWARD ADMINISTRATION INFORMATION

Note: Additional provisions that apply to this section can be found at EPA Solicitation Clauses.

A. Award Notices

Following the EPA's evaluation of applications, all applicants, including those who are not selected for funding, will be notified regarding their status. The notification will be made to the original signer of the Standard Form (SF) 424, Application for Federal Assistance or the project contact listed in the application. The notification, which informs the applicant that its application has been selected and is being recommended for award, is not an authorization to begin work. The official notification of award will be made by the Regional Award Official.

Applicants are cautioned that only an Award Official is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of the EPA to make an award to an applicant. The award notice, signed by an EPA Award Official, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by the EPA, before the grant or cooperative agreement can officially be awarded. The time between notification of selection and award can take up to 90 days or longer.

The EPA reserves the right to negotiate and/or adjust the final grant amount and workplan prior to award, as appropriate and consistent with Agency policy, including the EPA's Competition Policy (EPA Order 5700.5A1). An approvable final work plan is required to include:

1. Work plan components to be funded under the assistance agreement;
2. Estimated work years and the estimated funding amounts for each work plan component;
3. Work plan commitments for each work plan component and a timeframe for their accomplishment;
4. Performance evaluation process and reporting schedule; and
5. Roles and responsibilities of the recipient and the EPA (for cooperative agreements only) in carrying out the work plan commitments.

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

B. Administrative and National Policy Requirements

1. Grant Requirements

The general award and administration process for assistance agreements to be funded under this announcement are governed by the regulations at 2 CFR Parts 200 and 1500, as applicable. In addition, all applicable legal requirements including, but not limited to, the EPA's regulations on environmental program grants for Tribes (see 40 CFR Part 35, Subpart B), including the regulations specific to NPS grants for Tribes (see 40 CFR 35.630 to 35.638), apply to all CWA §319 grants. A description of the agency's substantial involvement in cooperative agreements will be included in the final agreement.

2. Satisfactory Progress

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

3. Operation and Maintenance

Each CWA §319 grant must contain an award condition requiring that the Tribe assure that any NPS management practices implemented for the project be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

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

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

federal funding programs, practices will typically be operated and maintained for a period of at least 5 to 10 years.

4. Grants to Intertribal Consortia

In making CWA §319 grant awards to Tribes who are part of an intertribal consortia, Regions must include a brief finding in the final funding package that the Tribe has demonstrated the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant.

5. Match Requirements

In making CWA §319 grant awards to Tribes that provide for a reduced match requirement, the Regional Administrator or delegee must include the hardship letter from the Tribe in the final funding package for categorical grants. If a Tribe or intertribal consortium includes the funds for a grant awarded under this solicitation in an approved PPG, there is no cost-share requirement.

C. Reporting

In general, recipients are responsible for managing the day-to-day operations and activities supported by the assistance funding, to assure compliance with applicable federal requirements, and for ensuring that established milestones and performance goals are being achieved. Recipients must submit performance reports and financial reports according to the established schedule (at least annually, but no more than quarterly). Performance reports and financial reports are due 30 days after the reporting period. The final report is due 120 days after the assistance agreement has expired. Recipients will be required to report direct and indirect environmental results from the work accomplished through the award. In negotiating assistance agreements, the EPA will work closely with the recipient to incorporate appropriate performance measures and reporting requirements in the work plan consistent with 2 CFR 180.335, 180.350, Part 200, Part 1500, and 40 CFR Part 45, as appropriate, as well as 40 CFR 35.507, 35.515, and 35.638. All CWA §319 grants must include a set of reporting requirements and a process for evaluating performance. Some of these requirements have been explicitly incorporated into the required work plan components that all Tribes must include in order to receive CWA §319 grant funding.

1. GRTS Project Information

Applicants selected for award under this announcement will be responsible for providing the EPA with project information due 90 days from award, which will be entered into the EPA's CWA §319 Grants Reporting and Tracking System (GRTS). Required project information includes a project description, NPS categories of pollution and pollutants to be addressed, proposed BMPs, anticipated environmental outputs and outcomes, project location, project budget information, and project partners contributing to project implementation.

D. Debriefings

Unsuccessful applicants interested in requesting a debriefing should refer to the procedures for debriefings in the Dispute Resolution Procedures, which can also be found at 70 FR 3629, 3630 (January 26, 2005). Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Please note that the FR notice referenced above refers to regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding this, the procedures for competition-related debriefings and disputes remains unchanged from the procedures described at 70 FR 3629 and 3630, as indicated in 2 CFR Part 1500, Subpart E.

E. Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR 3629, 3630 (January 26, 2005) which can be found at Grant Competition Dispute Resolution Procedures. Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remains unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

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

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

Region 1- *Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*
Bessie Wright, e-mail: wright.bessies@epa.gov

Region 2 - *New Jersey, New York, Puerto Rico, U.S. Virgin Islands*
Aimee Boucher, e-mail: boucher.aimee@epa.gov

Region 3 - *Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, DC*
N/A – there are currently no 319-eligible applicants in EPA Region 3.

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

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

Region 6 - *Arkansas, Louisiana, New Mexico, Oklahoma, Texas*
Samuel Reynolds, e-mail: reynolds.samuel@epa.gov

Region 7 - *Iowa, Kansas, Missouri, Nebraska*
Katrina Ferry, e-mail: ferry.katrina@epa.gov

Region 8 - *Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming*
Erika Larsen, e-mail: larsen.erika@epa.gov

Region 9 - *Arizona, California, Hawaii, Nevada, American Samoa, Mariana Islands, Guam*
Howard Kahan, e-mail: kahan.howard@epa.gov

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

VIII. OTHER INFORMATION

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

Quality Assurance/Quality Control (QA/QC) requirements are applicable to these assistance agreements (see 2 CFR 1500.12). QA/QC requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. Successful applicants should allow sufficient time and resources for this process.

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

Successful applicants must ensure all water quality data generated in accordance with an EPA approved Quality Assurance Project Plan, either directly or by subaward, are transmitted into the agency's Water Quality Exchange (WQX) data system (formerly known as STORET) annually or by project completion. When uploading data through WQX or WQXweb, data should be identified as CWA §319 grant-related by providing project ID **CWA319** in the data submission. More information about WQX and WQXweb, including tutorials, can be found at https://www.epa.gov/waterdata/storage-and-retrieval-and-water-quality-exchange.

B. Data Sharing

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

Appendix A: Nine Elements of a Watershed-Based Plan Developed by a Tribe
(as referenced in the EPA's *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under CWA §319 of the Clean Water Act*)

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

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

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

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

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

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

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

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

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

Appendix B: Categories and Subcategories of NPS Pollution

Agriculture:

- Irrigated Crop Production
- Non-Irrigated Crop Production
- Specialty Crop Production (e.g. horticulture/citrus/nuts/fruits)
- Grazing-Related Sources
- Pasture Grazing
- Range Grazing
- Aquaculture

Animal Feeding Operations

No subcategories

Silviculture:

- Harvesting/Residue Management
- Forest Management (e.g. pumped drainage/fertilization/pesticide application)
- Road Construction/Maintenance
- Reforestation

Construction:

- Highways/Roads/Bridges
- Land Development or Redevelopment

Urban Runoff/Stormwater:

- Commercial
- Municipal
- Residential (e.g. non-commercial automotive/pet waste/etc.)
- Salt Storage Sites
- Post-Development Erosion and Sedimentation
- Highway/Road/Bridge Runoff
- Dry Weather Flows
- Illicit Connections/Illegal Hook-ups

Resource Extraction:

- Surface Mining
- Subsurface Mining
- Open Pit Mining
- Placer Mining
- Sand/Gravel Mining
- Mine Tailings
- Mill Tailings
- Petroleum Activities
- Dredge Mining
- Abandoned Mine Drainage

Land Disposal/Storage/Treatment:

- Wastewater
- Landfills
- Inappropriate Waste Disposal
- Industrial Land Management
- On-site/Decentralized Wastewater Treatment
- Hazardous Waste
- Septage Disposal
- Waste Storage/Storage Tank Leaks (above ground)
- Waste Storage/Storage Tank Leaks (underground)

Hydromodification:

- Upstream Impoundment
- Dam Construction
- Dredging
- Channel Erosion/Incision
- Channelization
- Groundwater Withdrawal
- Other Habitat Modification
- Removal of Riparian Vegetation
- Streambank or Shoreline Modification/Destabilization
- Drainage/Filling of Wetlands
- Flow Regulations/Modification

Marinas and Recreational Boating:

- Boat Maintenance
- Boat Construction
- Other On-Vessel Discharges
- Sanitary On-Vessel Discharges
- Pumpouts
- Shoreline Erosion
- Dredging

- Fueling

Other NPS Pollution:

- Erosion From Derelict Land
- Atmospheric Deposition
- Spills
- Natural Sources
- Recreational and Tourism Activities (non-boating)
- Groundwater Loadings
- Wildfire-related Impacts
- Wildlife

Historical Pollutants:

- Clean Sediments
- Other Historical Pollutants
- Contaminated Sediments

Turf Management:

- Golf Courses
- Other Turf Management
- Yard Maintenance