

RECLAMATION

Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	BOR-MP-18-N019
Project Title	PLPT AIS Program
Recipient	Pyramid Lake Paiute Tribe
Principal Investigator / Program Manager	Donna Noel, Natural Resource Director
Anticipated Federal Amount	\$199,976.00
Anticipated Non-Federal Amount	\$0.00
New Award or Continuation?	New Award
Anticipated Period of Performance	Approximately 2 years from date of execution
Award Instrument	Grant
Statutory Authority	Fish and Wildlife Coordination Act of 1934, Public Law 85-624, 16 U.S.C. 661 et seq., as amended, and Section 7(a) of the Fish and Wildlife Coordination Act (FWCA) (70 Stat 1122; 16 U.S.C. 742f(a)); as limited and delegated by the Secretary of the Interior delegation of authority to the Bureau of Reclamation at 255 DM 1.1B
CFDA # and Title	15.517 – Fish and Wildlife Coordination Act
Single Source Justification Criteria Cited	(4) Unique Qualifications
Reclamation Point of Contact	Amanda Brinnand / Crystal Oliver

OVERVIEW

The Pyramid Lake Indian Reservation is located in northwest Nevada, approximately 35 miles northeast of Reno. It is the largest Native American reservation in the state, in both size (approximately 475,000 acres) and tribal population (approximately 2,300). Most of the Tribal population is concentrated in the three Tribal communities of Wadsworth, Nixon, and Sutcliffe, Nevada with scattered ranches along the Truckee River. The Paiutes have successfully thrived in this location utilizing the fish populations in Pyramid Lake as the mainstay of their diet and economy. Pyramid Lake is one of the most valuable historic, cultural, and economic assets of the Tribe. Pyramid Lake is a large terminal lake whose waters originate at Lake Tahoe and flow northeastward as the Truckee River for approximately 140 miles to its terminus at Pyramid Lake.

The river is vital spawning habitat for two fish species: the endangered Cui-ui (*Chasmistes cujus*), and the threatened Lahontan cutthroat trout (LCT) (*Oncorhynchus clarkii henshawi*), as well as other species such as Sacramento perch (*Archoplites interruptus*), Tahoe sucker (*Catostomus tahoensis*) and Tui chub (*Gila bicolor*). The leopard frog (*Lithobates pipiens*): once flourished in the lower reaches of the Truckee River. As wetland and riparian vegetation receded and was replaced by non-native plants, the leopard frog habitat was compromised, opening the door for the American bullfrog (*Lithobates catesbeianus*) to invade their natural habitat. In an effort to protect the leopard frog, the Tribal Council declared by resolution to name the leopard frog a Tribally Sensitive Species. The American bullfrog dominates an area by competing for food, and preying on leopard frog eggs and tadpoles.

The purpose of the project is for the Recipient to monitor, prevent, and control aquatic invasive species in the lower Truckee River and Pyramid Lake to provide a healthy ecosystem to support sustainable populations of the endangered Cui-ui, the threatened LCT, as well as Sacramento Perch, Tahoe Sucker and Tui Chub. This Aquatic Invasive Species (AIS) project will develop and implement a management plan to monitor existing species and gather existing data from other sources. This plan requires for the inspection of incoming vessels for aquatic species and monitoring of the river habitats to prevent the introduction of new invasive species to the Reservation waters. To address existing species found on the Reservation, the plan will develop strategies on control methods and the removal of AIS in the riverine and Lake Ecosystem. The project's end product is primarily the conservation of plant, fish and wildlife resources since there is no known safe method of eradication once certain AIS invade.

RECIPIENT INVOLVEMENT

The Recipient will continue ongoing efforts to minimize the introductions of AIS into Pyramid Lake and protect plant, fish and wildlife resources since there is no known safe method of eradication once certain AIS invade.

This project will:

- 1) Document existing AIS locations and any new infestations
- 2) Protection of the aquatic ecosystem by preventing new AIS from entering into Pyramid Lake and the lower Truckee River

- 3) Prevent or slow the spread of AIS through inspection and decontamination of watercraft
- 4) Educate the public on AIS

RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives to be funded by this award. It is anticipated that Reclamation's involvement will consist of standard federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.
In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria: (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives; (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity; (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose; (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications; (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for

adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

The applicant, Pyramid Lake Paiute Tribe, is uniquely qualified to perform the activities described based upon a variety of demonstrable factors such as location, property ownership, technical expertise, and extensive history managing aquatic invasive species on the Pyramid Lake Reservation. The location of this project is on the lower Truckee River and Pyramid Lake, which are within the Pyramid Lake Indian Reservation. Reservation lands are unique in that the land is held in trust by the Bureau of Indian Affairs and individual tribal members hold land assignments. There are also individual fee lands that are held by non-Tribal members under the jurisdiction of the state of Nevada. The Natural Resources Department and staff are familiar with the land status on the reservation and fee lands. Staff on certain assignments sample on the lower-river and lake and are familiar with the status of the lands surrounding the river and lake.

The Natural Resources Department work with the Tribal Administration and Council to perform water sampling on the river and Pyramid Lake. The Tribe has Law and Order codes, ordinances and policies that are specific for performing any sampling, walking, boating, or other activities on the reservation. Outside entities must have permission to sample anything on the reservation. Since the monitoring and sampling of AIS is on the reservation, the land is held in trust by the Bureau of Indian Affairs, and are familiar with the codes, ordinances and policies; the Natural Resources Department is uniquely qualified to perform this work. The Natural Resources Department has a Water technical expertise in monitoring the Tribal Water Quality Standards as they have “treatment as a state”. This monitoring requires extensive sampling on the river and lake. All sampling is covered by the Sampling and Analysis Plan and Quality Assurance Project Plan. All sampling is reproducible, representative, defensible, precise, and accurate by following the Quality Assurance Project plans developed for each type of sampling. All sampling locations have been previously recorded using global positioning system equipment. Water samples are taken immediately to the Tribe’s laboratory and/or WetLab for preservation after collection. The water quality monitoring program provide the expertise in sampling and monitoring water on the reservation which is unique to the Natural Resources Department.

Monitoring AIS in the lake and river is currently being completed on a very small or indirect way, for instance, lake sampling currently includes net sampling for mussel veliger around the boat ramps. This is completed twice a year and requires expertise of the lake and ability to identify when conditions are good for sampling and boating. The bio-assessment sampling from the bottom on the river and requires expertise of knowing where and how to sample these macro-invertebrates. The Tribal river sampling includes several riffle locations, which are preferred spawning areas, in the Truckee River are sampled to perform bio-assessments. This data will be used and the sampling expanded to identify the spread of mudsnail and introduction of other species. The river corridor is closed to the public, but the Natural Resources staff has access to the river to complete bio-assessments currently that will include AIS with this project.

STATUTORY AUTHORITY

The Fish and Wildlife Coordination Act of 1934 (March 10, 1934; Public Law 85-624; 16 U.S.C. 661 et seq.), as amended, was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [16 U.S.C. 661] For the purpose of recognizing the vital contribution of our wildlife resources to the nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resources development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses from the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including elements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act.

The Fish and Wildlife Act of 1956 (August 8, 1956; 16 U.S.C. 742f; 70 Stat. 1122), as amended, establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry but also with a direction to administer the Act with regard to the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and to maintain and increase public opportunities for recreational use of fish and wildlife resources. Section 7(a) of the Act requires the Secretary of the Interior to:

- 1) develop measures for "maximum sustainable production of fish";*
- 2) make economic studies of the industry and recommend measures to insure stability of the domestic fisheries;*
- 3) undertake promotional and information activities to stimulate consumption of fishery products; and*
- 4) take steps "required for the development, advancement, management, conservation, and protection of the fisheries resources," and take steps "required for the development, management, advancement, conservation, and protection of fish and wildlife resources" through research, acquisition of land and water or interests therein, development of existing facilities, and other means.*

Departmental Manual Part 255 DM 1, Chapter 1 authorizes the Commissioner of Reclamation:

1.1 Delegation. Subject to the exceptions in Section 1.2, the Commissioner of Reclamation (Commissioner) is delegated the authority of the Assistant Secretary – Water and Science to:

B. Take the following actions, either directly or by providing financial assistance to non-Federal parties, pursuant to the Conservation of Wild Life, Fish and Game Act of March 10, 1934 (Pub. L. 73-121; 48 Stat. 401) as amended by the Fish and Wildlife Coordination Act of August 14, 1946 (Pub. L. 85-624; 72 Stat. 563; 16 U.S.C. 661-666c); Section 5 of the Endangered Species Act of 1973, December 28, 1973 (Pub. L. 93-205; 87 Stat. 884; 16 U.S.C. 1534); and Section 7(a) of the Fish and Wildlife Coordination Act of 1956, August 8, 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)), regarding the construction and/or continued operation and maintenance of any Federal reclamation project:

- (1) plan, design, and construct, including acquiring lands or interest therein as needed for:
 - (a) fish passage and screening facilities at any non-Federal water diversion or storage project; or*
 - (b) projects to create or improve instream habitat.**
- (2) acquire or lease water or water rights from willing sellers or lessors; or*
- (3) monitor and evaluate the effect of Reclamation actions on Endangered Species Act-listed species.*