



— BUREAU OF —
RECLAMATION



Notice of Funding Opportunity No. R24AS00447

Central Valley Project Habitat & Facility Improvements FY 2024



Mission Statements

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

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

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Interior Region 10, California Great Basin
Funding Opportunity Title:	Central Valley Project Habitat & Facility Improvements
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R24AS00447
Catalog of Federal Domestic Assistance Listing:	USBR Assistance Listing Number: 15.512 USFWS Assistance Listing Number: 15.648
Dates: (See NOFO Sec. D.3)	Application due date: This NOFO covers three application submittal periods – FY2022, FY2023 and FY2024. CLOSED - Year 1 – NOFO posted Sep 2, 2021. Application due date for Fiscal Year (FY) 2022 funding: Nov 30, 2021 at 5:00 p.m. Pacific Standard Time CLOSED - Year 2 – NOFO posted Aug. 17, 2022. Application due date for Fiscal Year (FY) 2023 funding: Nov. 14, 2022 at 5:00 p.m. Pacific Standard Time OPEN - Year 3 – NOFO posted on Grants.gov for 90 days beginning on December 15, 2023. Application due date for Fiscal Year (FY) 2024 funding is Monday, March 18, 2024 at 5:00 p.m. Pacific Standard Time. Reclamation reserves the right to alter the due dates for Fiscal Year 2024. Please contact the Agency Contact (Section G-2 Program Coordinator Contact) for updates on due dates. Funding available for applications submitted under the submittal period is contingent on available appropriations.
Eligible Applicants: (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: The State of California or an agency or subdivision thereof ¹ , an Indian tribe, or a non-profit ² entity concerned with restoration, protection or enhancement of fish, wildlife, habitat, or environmental values. Title 34, Public Law 102-575 – Section 3407(e) - Funding to Non-Federal Entities.
Recipient Cost-Share: (See NOFO Sec. C.2)	A 50% or greater non-Federal cost share is required for small pumps/screening applications or projects (Infrastructure Improvement). [P.L. 102-575 Title 3406(b)(19)]. There is no cost-share for projects/applications using other CVPIA authorities.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$10,000,000 per agreement for an application containing project(s) that can be completed within five years. Not to exceed total value of \$40M in each of the three fiscal years (2022, 2023, 2024). Overall total not to exceed \$120M.

¹ Includes state funded universities.

² Does NOT have to be a 501(c)(3) to qualify as a ‘non-profit’.

Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Not to exceed total value of \$40M in any funding year – a combination of applications that cumulatively do not exceed \$40M in funding.
Intergovernmental Review: (See NOFO Sec. D.4)	This NOFO is subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.” A list of states that have elected to participate in the intergovernmental review process is at https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf .

Application Checklist

The following table contains a summary of the information that you are required to submit with your application.

	Mandatory Application Components:	Required Content	Page
	Mandatory Federal Forms: • SF-424: Application for Federal Assistance (Office of Management and Budget [OMB]) • SF-424C: Budget Information - Construction Programs (OMB) • SF-424D: Assurances - Construction Programs (OMB) • OMB Form 4040-0013: Certification Regarding Lobbying; OMB Form 4040-0019: Project Abstract Summary (recommended)	See Sec. D.1.2.1	10
	Project Narrative Attachment Form (Technical Proposal and Evaluation Criteria) including Area & Project location maps.	See Sec. D.1.2.2 & E.1	11 & 23
	Budget Narrative Attachment Form (Project Budget): - Budget proposal - Funding plan (requested funding by year/project phase) - Budget narrative	See Sec D.1.2.3	14
	Unique Entity Identifier and System for Award Management	See Sec. D.2	18
	Environmental and cultural resources compliance	See Sec. H.1	45
	Required Permits or Approvals	See Sec. D.1.2.6	16
	Overlap Or Duplication of Effort Statement	See Sec. D.1.2.7	17
	Conflict Of Interest Disclosure Statement	See Sec. D.1.2.8	17
	Uniform Audit Reporting Statement	See Sec. D.1.2.9	18
	Letters of Support	See Sec. D.1.2.10	18
	Official Resolution	See Sec. D.1.2.11	18

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BACI	Before-After-Control-Impact design
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
Department	U.S. Department of the Interior
DSM	Decision Support Model (Fall Run; Spring Run; Winter Run)
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FEMA	Federal Emergency Management Agency
FOIA	Freedom of Information Act
FWS	United States Fish & Wildlife Service
FY	Fiscal Year
GSA	Government Services Administration
NHPA	National Historic Preservation Act
NOFO	Notice of Funding Opportunity
NTRS	Near Term Restoration Strategy
OMB	Office of Management and Budget
P.L.	Public Law
PMT	Project Management Team
Reclamation	United States Bureau of Reclamation
ROD	2020 Record of Decision for the Long Term Operation of the CVP
SAM	System for Award Management
Service	United States Fish & Wildlife Service
SF	Standard Form
SHPO	State Historic Preservation Officer
SIT	CVPIA Science Integration Team
SOW	Statement of Work
SPOC	Single Point of Contact
U.S.C.	United States Code
UEI	Unique Entity Identifier
USACE	United States Army Corps of Engineers

Contents

	Page
Section A: Program Description	1
A.1. Authority.....	1
A.2. Background and Program Requirements	1
A.3. Notice of Funding Opportunity Purpose and Objectives.....	2
Section B. Federal Award Information	1
B.1. Total Funding	1
B.2. Expected Award Amount.....	1
B.3. Expected Award Funding and Anticipated Dates	1
B.4. Type of Award.....	1
B.5. Technical Assistance	2
Section C. Eligibility Information	3
C.1. Eligible Applicants	3
C.2. Cost Sharing or Matching	3
C.3. Other	4
C.4. Eligible Projects.....	4
C.5. Ineligible Projects	7
Section D. Application and Submission Information.....	9
D.1. Address to Request Application Package	9
D.2. Unique Entity Identifier and System for Award Management (SAM)	18
D.3. Submission Date and Time.....	19
D.4. Intergovernmental Review.....	20
D.5. Funding Restrictions	21
D.7. Other Submission Requirements.....	22
Project/Program Milestone Plan/Work Schedule	22
Section E. Application Review Information	23
E.1. Technical Proposal: Evaluation Criteria	23
E.2. Review and Selection Process	31
E.3. Federal Award Performance Integrity.....	33
Section F. Federal Award Administration Information.....	35
F.1. Federal Award Notices	35
F.2. Administrative and National Policy Requirements	35
F.3. Reporting Requirements and Distribution.....	39
F.4. Disclosures.....	40
F.5. Data Availability (2 CFR §1402.315)	41
Section G. Federal Awarding Agency Contact(s).....	43
G.1. Reclamation Financial Assistance Contact	43
G.2. Reclamation Program Coordinator Contact.....	43
G.3. Service Program Coordinator Contact	43
Section H. Other Information	45
H.1. Environmental and Cultural Resource Considerations	45
H.2. Endangered Species Act.....	47

Section A: Program Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of P.L. 102-575, Title XXXIV of the Central Valley Project Improvement Act, Sections 3406(b) and 3407(e).

A.2. Background and Program Requirements

The rivers of the Central Valley of California support populations of Fall Run Chinook, Spring Run Chinook, and Winter Run Chinook salmon (*Oncorhynchus tshawytscha*) and Steelhead Trout (*O. Mykiss*). Water resources development, stream channel manipulations, and other anthropogenic actions have reduced and modified historical salmonid habitats. Gravel is regularly transported from spawning sites on the river and there is less utilizable rearing habitat. Infrastructure entrains juveniles, impairs passage, and increases susceptibility to predation.

Relevant purposes of the Central Valley Project Improvement Act (CVPIA) include:

- To protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;
- To address impacts of the Central Valley Project (CVP) on fish, wildlife and associated habitats;
- To improve the operational flexibility of the CVP;
- To achieve a reasonable balance among competing demands for use of CVP water, including the requirements of fish and wildlife, agricultural, municipal and industrial, and power contractors.

Moreover, the program seeks to implement the Biden-Harris administration's priorities through the following Executive Orders:

Executive Order 14008: Tackling the Climate Crisis at Home and Abroad - Directs the Department and other Federal agencies to prioritize efforts to support land conservation and biodiversity efforts.

Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities through the Federal Government – Federally recognized tribes are eligible to apply under this NOFO.

Executive Order 14005 – Ensuring the Future is Made in All of America by All of America's Workers – This NOFO relies on US-based non-profits, tribes, and California state agencies. Through this action Reclamation and the Service will also ensure that Tribes and Tribal organizations are eligible to participate, consistent with underlying law (*P.L. 102-575, Title XXXIV, Central Valley Project Improvement Act, Section 3407(e)*), and receive appropriate technical assistance if required.

Through this Notice of Funding Opportunity, Reclamation and the Service may provide funding for projects that enhance Chinook salmon and Steelhead trout production and associated habitats in the Central Valley, consistent with *Public Law (P.L.) 102-575, Title XXXIV, Central Valley Project Improvement Act, Section 3406(b), and 3407(e)* and the 2020 Record of Decision (ROD) implementing the 2019 Proposed Action and Incidental Take Statements for the Long Term Operation of the CVP and SWP (Coordinated Long-Term Operation of the Central Valley Project and State Water Project).

A.3. Notice of Funding Opportunity Purpose and Objectives

The objective of this NOFO is to execute the CVPIA Near-Term Restoration Strategy (NTRS) Science Integration Team (SIT) Recommended Restoration Actions (NTRS, Table 8) and the Collaborative Planning efforts (2019 Biological Assessment Table 4-7) for salmon in the ROD supporting implementation of the Fish Resource Area of the CVPIA. The SIT Fundamental Objectives for the CVPIA Fish Resource Area are:

1. Increasing the total salmonid juvenile biomass at Chipps Island
2. Increasing the natural adult production of salmonids, and
3. Increasing spatial diversity of target salmonid species

Reclamation and the Service define these objectives as benefits to Chinook salmon (fall-run, spring-run, and winter-run) and Steelhead trout. Actions that increase juvenile biomass production at Chipps Island and/or increase natural adult production, or maintain/increase spatial diversity, have a positive benefit.

Actions are types of Projects. Applicants propose Projects containing one or more actions. Applicants may submit multiple project proposal applications, or multiple actions within an individual project proposal. Actions can include:

- Create new side channels and modify existing side channels to create and/or improve rearing habitats for the juvenile life stages of anadromous salmonids in the Central Valley rivers and tributaries;
- Place woody material, boulders, and other structures as appropriate, to provide habitat for salmonids;
- Create/enhance incrementally inundating floodplain habitat;
- Provide spawning habitat/coarse (spawning sized) substrate;
- Provide passage to and from disconnected habitats;
- Improve facilities by reducing their impact on fish survival and growth rates, such as inclusion of fish screens on diversions, modifications to allow for broader range of operation, increased frequency of operation, or to reduce the incidence of predation at a facility;
- Other actions that show a clear indication of improving growth & survival of Fall Run, Spring Run, or Winter Run Chinook salmon, and Steelhead trout;
- Conduct pre-and post-project site surveys, per the CVPIA SIT Tier 1 (<http://cvpia.scienceintegrationteam.com/about/>) Monitoring guidance, and monitoring to document the effectiveness of projects at improving salmonid habitat; and
- Coordinate activities with a local watershed restoration group or an interagency restoration group consisting of agencies and local stakeholders.

See Section C.4. Eligible Projects for a complete list of eligible actions.

Applications will be selected through a competitive process that will focus on achieving the objectives stated above in this NOFO. That process is described in Section E, Application Review Information.

Section B. Federal Award Information

B.1. Total Funding

Up to \$120 million, to be awarded at a maximum of \$40 million in each of the three fiscal years 2022, 2023, and 2024, is available for award under this NOFO. Applications will be solicited in each of the three fiscal years.

B.2. Expected Award Amount

Up to \$40 million in Federal funds could be available in fiscal year (FY) 2024. No single application estimated to cost more than \$10 million in Federal funds will be funded in any year of this NOFO. Funds are limited to eligible applicants. See Section C.1 Eligible Applicants for more information on eligibility.

B.3. Expected Award Funding and Anticipated Dates

Anticipated Award Date: August 30, 2024

Reclamation and/or the Service expects to contact potential award recipients and unsuccessful applicants in Spring 2024 (or later if necessary), subject to the timing of final FY 2024 appropriations.

Anticipated Project Completion Date: September 30, 2029. Projects funded under this NOFO should be completed within five years of signing of Financial Assistance (Cooperative Agreement) agreement.

If you anticipate your project will require more than four years to complete, contact the program coordinators identified in Section G. Agency Contacts.

B.4. Type of Award

Awards will be made through financial assistance agreements, primarily cooperative agreements or grants. A grant does not include substantial involvement by Reclamation and/or the Service. Applicants should plan in their application for Reclamation and/or the Service if they anticipate substantial involvement. Substantial involvement by Reclamation and/or the Service may include:

- Participation on the Project Management Team (PMT)
- Providing concurrence on study plans for Tier 1 monitoring, designs, permit applications, deliverable production, and project closeout.
- Providing survey, design, and biological services as requested by the PMT.
- Coordination with the recipient on biological and engineering support for project planning, design, and implementation to ensure projects are implemented effectively.

- Participation in local watershed groups or interagency teams dedicated to restoration of anadromous species in the Central Valley, and in the decisions as needed on project implementation.
- Working with the recipient to obtain permits, hold permits, and serve as Federal lead(s) for the project.
- Providing technical information, including habitat criteria, permitting information, and construction guidance for projects.
- Providing access to Reclamation-owned or Service-owned facilities and/or properties.
- Reclamation and/or the Service overseeing project implementation in coordination with the recipient.

If there is substantial involvement on the part of either Reclamation or the Service, then Reclamation and/or the Service and the Recipient will enter into a Cooperative Agreement rather than a Grant.

B.5. Technical Assistance

At your request, Reclamation and/or the Service can provide technical assistance (constituting substantial involvement) after award of the project as part of the Project Management Team. If you plan to receive Reclamation and/or the Service's technical assistance as part of the implementation of your proposed project, you must account for these costs in your budget. In part, you must describe the work assigned to the federal agency(s) in a scope of work, you must include a cost estimate provided by the federal agency based on that scope of work, and you must integrate that cost estimate into your overall budget request.

To discuss available assistance and these costs, contact the program coordinators identified in *Section G. Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

As specified in CVPIA Section 3407(e), an eligible applicant is the State of California or an agency or subdivision thereof¹, an Indian tribe, or a non-profit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values. The Secretary is authorized to provide funding to such an entity on such terms and conditions as is deemed necessary to assist in implementing the identified actions.

C.2. Cost Sharing or Matching

Under this NOFO there is no cost-share requirement for projects/applications using any CVPIA authority [P.L. 102-575 Title 3406], except for 3406(b)(19). For 3406(b)(19) there is a 50% or greater non-Federal² cost share requirement. The (b)(19) authority applies to projects for the screening portion of pumps at diversions (Infrastructure Improvement). Non-federal costs to be paid by the State of California are addressed by a separate agreement between Reclamation and the State.

See *Section D.1.2.3 Project Budget* for information on reporting cost share funding in your application. All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200.

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions, available at www.ecfr.gov.

¹ Including state funded universities.

² Non-federal means Non-Federal, not just non-DOI. Non-Federal cost match must be at least 50% of project cost, including cost-overruns. Applicant can represent either non-Federal \$ in hand, or in application. The status refers to the certainty of the funding. In-hand means 100% certainty. In-Application means substantially less than 100% certainty. The applicant must state their estimate of the certainty of Non-Federal matching funds for a (b)(19) project.

C.3. Other

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. Reclamation and/or the Service cannot and will not award funds to entities or key project personnel identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits.

C.4. Eligible Projects

Applications should seek to restore and maintain the production of anadromous salmonids and their habitats in the Central Valley of California. Applications should result in quantifiable and reliable benefit to these fish species.

Projects must clearly address either:

1. One or more of the Recommended Actions identified in the Near-Term Restoration Strategy (NTRS) (Table 8) for the Central Valley Project (<http://cvpia.scienceintegrationteam.com/about/>) Improvement Act Fish Resource Area (see below); and/or
2. One or more of the non-flow actions using a collaborative process (Habitat or Facilities Improvement category) listed in the Selected Alternative of the 2020 Record of Decision (and related documentation) for the Re-initiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project and State Water Project.¹

Tier 2 & Tier 3 monitoring projects, per the SIT Monitoring Guidance, are not eligible.

Applicants should refer to previous obligation plans and technical memos on the CVPIA website (<https://www.usbr.gov/mp/cvpia>) to coordinate new projects and avoid duplicative efforts. For assistance with work planning and coordination, contact the program coordinator identified in Section G - Agency Contacts.

Applications must include any single, or combination, of the types of actions described below. In general, if an applicant is seeking funding for multiple actions and those actions are interrelated or closely related, they should be combined a single project proposal in one application. Conversely, if the actions can be completed independently and are easily separated or phased, they should be applied for separately.

Cover is defined as physical elements added to a habitat project to provide velocity and predation refugia to target aquatic species. Examples include Large Wood, Boulder Clusters, or Rockwads.

For the purposes of this NOFO, Cover DOES NOT include revegetating a floodplain or seasonally inundated surface.

¹ Table 4-7 of the 2019 Proposed Action, adopted as the Selected Alternative in the 2020 ROD (Record of Decision for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project)(<https://www.usbr.gov/mp/bdo/lto>), lists all actions proposed under the reconsultation. Actions in Table 4-7 of the Proposed Action (<https://www.usbr.gov/mp/bdo/docs/ba-chapter-4-proposed-action.pdf>) with an “Implementation Approach” of “Collaborative Planning”, and falling within the Habitat and Facility Improvement category, are eligible.

Section C. Eligibility Information

Eligible actions in the Sacramento River and tributaries, and in the San Joaquin River below Mendota Pool and mainstem tributaries, in suitable locations can include:

- Create new side channels and modify existing side channels to create and/or improve rearing habitats for the juvenile life stages of anadromous salmonids in the Central Valley rivers and tributaries;
- Place cover in the form of large woody material, boulders, and other discrete structures as appropriate, to provide cover habitat for juvenile salmonids. This does **not** include revegetation of seasonally inundated surfaces;
- Create/enhance incrementally inundating floodplain habitat;
- Provide spawning habitat/coarse (spawning sized) substrate;
- Provide passage to and from disconnected habitats;
- Improve facilities by reducing their impact on fish survival and growth rates, such as inclusion of fish screens on diversions, modifications to allow for broader range of operation, increased frequency of operation, or to reduce the incidence of predation at a facility.
- Other actions that show a clear indication of improving growth & survival of Fall Run, Spring Run, or Winter Run Chinook salmon, and Steelhead trout.

These actions should include the following tasks:

- Conduct pre-and post-project site surveys and monitoring to document the effectiveness of projects at improving salmonid habitat, per the SIT Tier 1 Monitoring guideline; and
- Coordinate activities with a local watershed restoration group or an interagency restoration group consisting of agencies and local stakeholders.

Note: The ARC (see *Section E.2.2. Application Review Committee*) has the discretion to determine whether a specific education/outreach activity, training, or conference is eligible.

Priorities for Eligible Projects: The following are edited Restoration Actions (from Table 8, NTRS) in the Central Valley of California. Tier 2 & Tier 3 monitoring as part of habitat projects is not eligible.

The applicant must state which of these Actions their application is intended to address.

NTRS Restoration Action	Runs Primarily Benefiting
Action 1: Juvenile habitat restoration in mainstem Sacramento River above the American River confluence.	All
Action 2: Reconnect ephemeral non-natal tributaries below Keswick Dam to the mainstem Sacramento River.	Winter
Action 3: Juvenile habitat restoration in Battle Creek in winter-run juvenile rearing locations.	Winter
Action 4: Juvenile habitat restoration in American River.	Fall
Action 5: Juvenile habitat restoration in the Stanislaus River downstream through the San Joaquin River at Vernalis.	Fall
Action 6: Juvenile habitat restoration in Clear Creek.	Spring, Fall
Action 7: Improve survival in Butte Creek in downstream areas.	Spring, Fall

NTRS Restoration Action	Runs Primarily Benefiting
Action 8: Juvenile habitat restoration in the lower Feather River below the confluence of the Yuba River.	Fall, Spring
Action 9: Maintain existing spawning habitats in Upper Sacramento, American, and Stanislaus Rivers; Clear and Butte Creeks.	All

Identified Un-Funded Projects: Reclamation and the Service also seek applications to accomplish non-flow projects that are part of the Proposed Action of the Biological Assessment and the 2019 Biological Opinions of the Long Term Operation of the Central Valley Project. These include:

- Predator Hot Spot Removal (Partial CVPIA Efforts)
- Tidal Habitat Restoration (Established State Programs)
- Lower San Joaquin River (below Mendota Pool) Habitat
- Small Screen Program

Specific projects prioritized by the Sacramento River Restoration Technical Team and not yet funded are the following listed by project name and Sacramento River river-mile. The tiers represent priorities of the group with Tier 1 being highest priority and Tier 3 being lowest priority. Other project sites not listed below and otherwise meeting the criteria could also be funded. *The authority covering each project site follows each site name.*

Tier 1:

- Mooney Unit RM235 (b)(1)

Tier 2:

- Wyndham RM293.8 (b)(13)
- I-5 RM280.4 (b)(13)
- La Barranta RM239.7 (b)(1)
- Oklahoma Island RM238 (b)(1)
- Foster Island RM211 (b)(1)

Tier 3:

- Cow Creek RM280.6 (b)(13)
- China Garden RM279.2 (b)(13)
- Jellys Ferry RM268 (b)(13)
- Altube Island RM242.5 (b)(1)
- Flynn Unit RM231 (b)(1)

SIT Monitoring Guidelines & Data Guidance: All on-the-ground projects should include Implementation, or Tier 1, monitoring tasks and associated costs, described in the SIT Monitoring Guidelines are found at <http://cvpia.scienceintegrationteam.com/about/>

The Monitoring Study Design section of the application must contain the PMT's plan for accomplishing the Tier 1 monitoring appropriate for the project. The CVPIA SIT Monitoring Guidelines contain specifics on all levels of monitoring. Tier 2 & Tier 3 monitoring as part of projects is not eligible.

SIT Data Guidance: Moreover, a key aspect of the study design are details of the data management plan and compliance with the CVPIA Data Guidance. The SIT Data Guidance is available at <http://cvpia.scienceintegrationteam.com/about/>.

The application must contain a section describing how the Project Management Team plans to comply with the CVPIA Data Management policy described in the SIT Data Guidance.

The PMT Data Steward will coordinate with internal and external partners and biannually with the CVPIA Data Manager on the transmission of long-term monitoring and other pertinent data defined by the SIT and the PMT per the 2020 CVPIA Data Guidance (as amended).

Recipients shall provide all design, permitting, and all other relevant project information (as determined by Reclamation and/or the Service), regardless of format or medium, to CVPIA per the 2020 CVPIA Data Guidance (as amended). This requirement will be written into any and all external agreements, sub-agreements, as well as Interagency Agreements, stemming from this NOFO, or partially or wholly funded by the US government.

C.5. Ineligible Projects

Projects specifically not identified in *C.4 Eligible Projects*, nor meeting one of the NTRS Recommended Actions or listed as a non-flow project within the 2019 Proposed Action of the CVP BA, will not be eligible for funding consideration. Proposals that are non-responsive or incomplete will not be eligible for funding consideration. Tier 2 & Tier 3 monitoring as part of projects is not eligible.

Please contact the Agency Contacts listed in Section G.2. for information related to the eligibility of your proposed project.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required to submit an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by contacting:

Steven Larson
Financial Assistance Branch
By email: snlarson@usbr.gov
By phone: (916) 978-5693

D.1.1. Application Format and Length

The technical proposal and criteria section (defined below) should be limited to a maximum of **30** consecutively numbered pages. If this section of the application exceeds **30** pages, only the first 30 pages will be evaluated. The font should be at least 11 points in size and easily readable. Page size should be 8½ by 11 inches. Charts, maps, and drawings page size may be as large as 11 by 17 inches. Margins should be standard 1-inch margins.

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and not considered in the evaluation of the proposed project.

D.1.2. Application Content

The application must include the following elements to be considered complete:

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424B that is signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html

- Mandatory Federal Forms, which must include:
 - SF-424 Application for Federal Assistance with a Unique Entity Identifier
 - SF-424C Budget Information for Construction Projects
 - SF-424D Assurances for Construction Activities
 - OMB Form 4040-0013: Certification Regarding Lobbying (SF-LLL) – if applicable

These forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html.

- Technical proposal and evaluation criteria (required; limited to (limited to ~**30** pages), which should include:
 - Title Page (recommended; not counted toward page limit)
 - Table of Contents (recommended; not counted toward page limit)
 - Executive summary
 - Project location

- Technical project description
- Responses to evaluation criteria
- Project budget (required):
 - Funding plan (by FY) and
 - Budget proposal
 - Budget narrative
- Required Permits or Approvals
- Project Parameters Table 3 (Sec. E.1) Copy the Project Parameter table from this document and paste into the application. Fill out the relevant sections of Table 3 as part of completing your application. **Please do not double or triple count areas, e.g. cover, floodplain, etc.** Distinguish between the types of habitat. If your application contains more than one action, please sum the individual action areas by type and list the totals in the appropriate row in Table 3.
- OMB Form 4040-0019 Project Abstract Summary Form (recommended)

To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified above.

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete or noncompliant applications, or applications not meeting the formatting criteria or not including required materials will be eliminated from competition.

D.1.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms for an application to be considered complete. Incomplete applications will be screened as ineligible and will not proceed to a merit evaluation by the Application Review Committee. Questions regarding forms should be referred to the Financial Assistance Point of Contact under *Section G. Agency Contacts*.

SF-424 Application for Federal Assistance.

A fully completed SF-424, Application for Federal Assistance signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. The SF-424 must contain a valid Unique Entity Identifier (UEI). See Section D.2 for additional information. Applications that fail to include an SF-424 with a valid UEI will be considered ineligible and will not pass initial screening.

SF-424C Budget Information Form.

A fully completed SF-424C Budget Information must be submitted with the application.

SF-424D Assurances Form.

A SF-424D Assurances for Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included.

OMB 4040-0013 Certification Regarding Lobbying (SF-LLL) – if applicable

A fully completed and signed Certification Regarding Lobbying is required if you request more than \$100,000 in Federal funding. In signing this form, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official's signature represents the entity's certification of the statements in 43 CFR Part 18, Appendix A. Note—this form cannot be submitted by a contractor or other entity on behalf of an applicant.

D.1.2.2. Technical Proposal Content

Submission of a technical proposal is mandatory. Applications that fail to fully disclose this information will be considered ineligible and will not pass initial screening.

The technical proposal and evaluation criteria (limited to 30 pages) should include the following sections:

Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, e-mail address, and telephone of the Project Manager.

Table of Contents

List all major sections of the proposal in the table of contents.

Technical Proposal and Evaluation Criteria

Submission of a technical proposal is mandatory. Applications that fail to fully submit a technical proposal will be considered ineligible and will not pass initial screening. The technical proposal and evaluation criteria must be submitted, and it should (limited to ~30 pages maximum) include:

- (1) Executive summary
- (2) Background data
- (3) Project location
- (4) Technical project description
- (5) Evaluation criteria – Parameters/Values

Executive Summary

The executive summary should include:

- Which NTRS Recommended Action(s) this application addresses.
- Location of proposed action.
- How much (area – acres) of what type of habitat is going to be built/achieved by this project.
- Cost summary (Federal, non-federal, IKS) by fiscal year (FY).
- The applicants name, city, county, and state.
- State the length of time and estimated completion date for the proposed project and project components.
- Whether or not the project is located on Federal lands. If so, provide details.

Background Data

Provide a map of the area showing the location of the proposed projects. The map should easily identify the project area and major geographic features including roads, streams, reservoirs, towns, and canals.

Identify known landowners, easements, and utility rights of way. Include description of relevant parcel boundaries. You must include a statement on the status of Landowner access permission – in hand, in negotiation, not yet solicited, etc.

Describe habitat conditions in the area regarding carrying capacity for the target fish species and include the expected limiting factors to salmonid productivity within the project reach and through the rest of the lifecycle from the project area through the Bay Delta and the ocean.

Describe the applicant's relationship to habitats of either the Sacramento River, San Joaquin River below Mendota Pool, Bay Delta, and tributaries.

Identify any past working relationships with Reclamation and/or the Service. This should include the date(s), description of the relationship(s) with Reclamation and/or the Service, and a description of the project(s).

Describe any other relevant background information.

Project Location

Provide specific information on the proposed planning area (e.g., watershed, basin, county). Please also provide location information for the planning area (i.e., outline of the area) in one of the following formats:

1. Shapefile (.shp)
2. KMZ/KML (.kmz or .kml) aka Google Earth File
3. PDF map (.pdf)

Technical Project Description

The project description should describe the work in detail, including specific activities that will be accomplished. This description should have enough detail to allow a comprehensive evaluation of the proposal.

Provide an estimated project schedule demonstrating the stages and duration of the proposed work, including major milestones and dates.

Briefly describe and summarize any engineering plans, designs, and analyses to be prepared in connection with the proposed project.

Describe working closely with Reclamation and/or the Service to implement salmonid habitat restoration projects and coordinating with agencies and other appropriate entities in selecting project sites, conducting site surveys, obtaining permits for projects and monitoring effects of projects on the environment. Typical objectives and tasks involved in completing an aquatic habitat improvement project are shown below.

Objective: Restore side channels, floodplain, riverbank, spawning and other important salmonid habitats to improve spawning, rearing, holding, and migratory habitats for freshwater life stages of anadromous salmonids in Central Valley rivers and their tributaries.

- Conduct site investigations
- Contact and arrange agreements with landowners
- Conduct site surveys and investigations as needed for project permitting and design
- Obtain approval to implement identified projects through environmental compliance and permitting. Potentially needed permits include National Environmental Policy Act required analysis (potentially California Environmental Quality Act) and documentation on environmental effects. Obtain permits as needed for the project such as the Clean Water Act Section 401 and 404 permits, Endangered Species Act (ESA) coverage through National Oceanic and Atmospheric Administration Fisheries and the US Fish and Wildlife Service, State Lands Commission lease and flood risk assessments
- Complete project designs and model design performance (biological and physical) through an interactive process with input from the interagency coordination group

Section D. Application and Submission Information

- Conduct topographic site surveys before, during and following projects to assess the change in conditions from the project

Objective: Implement project designs for salmonid habitat restoration projects.

- Implement in-channel rearing habitat, side channel habitat, spawning habitat, floodplain habitat, and fish passage projects. Include habitat structure using woody material, planting, and rock as needed to optimize habitat value.

Objective: Conduct pre and post biological and physical monitoring, per the SIT Tier 1 Monitoring guidance, to evaluate the effectiveness of the projects at meeting the needs of the targeted species.

- Survey for and document juvenile and adult salmonid habitat use, timing, sizes, and intensity of use. Include macroinvertebrate and water quality monitoring as needed to document project effectiveness. Compare habitat project sites to other control sites in the river before and after implementation. Document and report monitoring results. Ensure monitoring meets Science Integration Team monitoring guidelines.

Objective: Coordinate activities within the Interagency Restoration group.

- Prioritize activities with the group and maintain a public website for dissemination of activities to the group members and the public.

Demonstrated Results

Explain how this project will benefit the salmonid populations in the Central Valley Rivers and tributaries. Be specific by including measurable outcomes. Describe how objectives will be addressed.

Provide the following information regarding project benefits:

- (a) The benefit to the species should be expressed as an increase in the area of available habitat to the species (ESA and non-ESA listed) due to the proposed actions. Exceptions may be considered, but the benefit must be expressed as habitat area (per Section E.1 Evaluation Criteria).
- (b) Provide documentation and support for how estimates of direct project benefits and any indirect project benefits were made (i.e., calculations, measurements, and references) (per Section E.1 Evaluation Criteria).

Need for the Project and Community Involvement

Explain the need for the proposed project to include:

- The urgency of the project.
- The negative consequences or potential impacts if not implemented.
- Other information relevant to the need of the proposed project.

Describe any public outreach that the applicant has provided to groups or individuals that may be affected by the project. Include how other local agencies might be involved in the project, third party impacts, and any opposition to the proposed project.

This section is solely intended to provide an understanding of the technical aspects of the project. Please note, if the work for which you are requesting funding is a phase of a larger project, please only describe the work that is reflected in the budget and exclude description of other activities or components of the overall project. Please do not duplicate information.

Evaluation Criteria

Section E.1. Technical Proposal: Evaluation Criteria provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

Copying and pasting the evaluation relevant project parameters in Section E.1. Table 3. (Project Parameters) into your application is required to ensure that all necessary information is adequately provided for evaluation by the ARC.

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

D.1.2.3. Project Budget

The project budget must be submitted, and it should include:

- (1) Funding Plan and Letter of Commitment (if applicable)
- (2) Budget proposal
- (3) Budget narrative

Funding Plan and Letter of Commitment

Describe how the non-Federal cost share (if any) of project will be obtained. Reclamation will use this information when making a determination of financial capability. Project funding provided by a source other than the applicant should be supported with letters of commitment from these additional sources and should identify the following elements:

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

Commitment letters from third-party funding sources should be submitted with your project application. If commitment letters are not available at the time of the application submission, provide a timeline for submitting all commitment letters. Cost-share funding from sources outside the applicant's organization (e.g., loans or State grants) should be secured and available to the applicant prior to award.

Reclamation will not make funds available for an award utilizing the CVPIA Authority 3406(b)(19) under this NOFO until the recipient has secured a non-Federal cost-share. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that non-Federal funds will be available to the applicant after executing the agreement.

Section D. Application and Submission Information

Budget Proposal

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

Table 1. Summary of Non-Federal and Federal Funding Sources.

FUNDING SOURCES	AMOUNT	FISCAL YEAR
Non-Federal Entities		
1.		
2.		
3.		
Non-Federal Subtotal		
REQUESTED FEDERAL FUNDING		
FY 1 of project (202?)		
FY 2 of project (202?)		
FY 3 of project (202?)		
FY 4 of project (202?)		
FY 5 of project (202?)		

The budget proposal should include detailed information on the categories listed below and must clearly identify *all* items of cost, *including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation and/or the Service*, and any requested pre-award costs (Table 2).

Table 2. Total Project Cost Table.

SOURCE	AMOUNT
Costs to be reimbursed with the requested Federal funding	\$
Costs to be paid by the applicant	\$
Value of third-party contributions	\$
TOTAL PROJECT COST	\$

Budget Narrative

The budget narrative provides a discussion of, or explanation for, items included in the SF-424C. The types of information to describe in the narrative include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO. Applicants may elect to use the Budget Detail and

Narrative spreadsheet for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part §200, available at the Electronic CFR (www.ecfr.gov).

In addition, please identify whether the budget proposal includes any project costs that may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the project

D.1.2.4. Pre-Award Costs

Incurrence of pre-award costs is not authorized without prior written approval of the awarding Grants Officer. Per 2 CFR 200.458, pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

If the proposed project is selected, the awarding Reclamation and/or the Service Grants Officer will review the proposed pre-award costs to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this NOFO. **In no case will costs incurred prior to December 15, 2023 be considered for inclusion in the proposed project budget.**

Please note that the costs for preparing and submitting an application in response to this NOFO, including the development of data necessary to support the proposal, are not eligible project costs under this NOFO and must not be included in the project budget.

In addition, please ensure that the budget proposal includes any project costs that may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the project

D.1.2.5. Environmental and Cultural Resources Compliance

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

D.1.2.6. Required Permits or Approvals

You **MUST** state in the application whether any permits or approvals are required and **PROVIDE A WRITTEN** plan for obtaining such permits or approvals. You must also include in your Risk Assessment the impacts on project schedule and project budget of timing and receipt of said permits.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B).

Reclamation and/or the Service may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR Section 429 and that the development will not impact or impair project operations or efficiency.

D.1.2.7. Overlap or Duplication of Effort Statement

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants must also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation and/or the Service, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.1.2.8. Conflict of Interest Disclosure Statement

Conflict of Interest Disclosure Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.112, you should state in your application if any actual or potential conflict of interest exists at the time of submission.

Applicability

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

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

Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

Restrictions on Lobbying

Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR §18 and 31 U.S.C §1352.

Review Procedures

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

Enforcement

Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.1.2.9. Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 in U.S. dollars or more in Federal award funds in your organization's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#) in accordance with 2 CFR §200 subpart F. . U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.1.2.10. Letters of Support

Please include letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support/partnership letters as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project. These letters do not count within the 30 page maximum for the technical proposal.

D.1.2.11. Official Resolution

Include an official resolution adopted by your organization's board of directors or governing body, or, for state government entities, an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO, verifying:

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- That your organization will work with Reclamation and/or the Service to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory. If you are unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to sha-dro-fafoa@usbr.gov up to sixty (60) days after the application deadline. This resolution does not count within the 75 page maximum.

D.2. Unique Entity Identifier and System for Award Management (SAM)

Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110 (b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110 (d) is required to:

Section D. Application and Submission Information

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.2.1. Register with the System for Award Management

Each applicant must be registered in SAM before submitting an application.

Register on the [SAM.gov](https://sam.gov) website. “Help” tab on the website contains User Guides and other information to assist you with registration. The [Grants.gov Register with SAM page](#) also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity’s IRS information.

See the “Submission Requirements” section of this document below for more information on SAM.gov registration.

There is no cost to register with SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.**

D.2.2. Obtain a UEI Number

Provide a valid unique entity identifier in its application. You are required to register in SAM.gov prior to submitting a Federal award application and obtain a [Unique Entity Identifier](#) (UEI). A UEI will be assigned to entities upon registering with SAM.

D.2.3. Maintain an Active SAM Registration and UEI Number

Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

D.3. Submission Date and Time

Notice of Funding Opportunity posted for 90 days beginning on December 15, 2023. Application due date for Fiscal Year (FY) 2024 funding is Monday, March 18, 2024 at 5:00 p.m. Pacific Standard Time

Applications must be submitted to Grants.gov no later than this due date and time.

Applications received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation mishandling or technical issues with the [Grants.gov](#) application system. Please note that difficulties related to an applicant’s Grants.gov profile (e.g., incorrect

organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 United States Code (U.S.C.) Section 552 as amended by P.L. No. 110-175), and as a result, may be made publicly available.

D.3.1. Application Delivery Instructions

Applications must be submitted electronically through Grants.gov (www.grants.gov). Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

D.3.2. Instructions for Submitting the Project Application

Each applicant must submit an application in accordance with the instructions contained in this section.

D.3.2.1. Applications Submission

Applications must be submitted through Grants.gov (www.grants.gov/applicants/apply-for-grants.html.) Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available at www.grants.gov/applicants/apply-for-grants.html. In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.

Applicants have experienced significant delays when attempting to submit applications through Grants.gov. Applicants are encouraged to submit applications several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

D.3.2.2. Acknowledgement of Application Receipt

If an application is submitted through Grants.gov, you will receive an email acknowledging receipt of the application from Grants.gov. In addition, Reclamation will notify you in writing whether your application was successfully retrieved from Grants.gov.

D.4. Intergovernmental Review

This NOFO is subject to E.O. 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process are listed on the Office of

Management and Budget's website, <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are also listed on the Office of Management and Budget's website, <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

D.5. Funding Restrictions

D.5.1. Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation and/or the Service must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). Every project funded under this program will have environmental compliance activities undertaken by Reclamation and/or the Service and the successful applicant.

Depending on the potential impacts of the project, Reclamation and/or the Service may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation and/or the Service, Reclamation and/or the Service will add a line item for costs incurred by Reclamation and/or the Service to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. ***In no case will pre-award costs incurred prior to a recipient's notification of selection be considered for reimbursement or non-Federal cost-share purposes.***

D.5.2. Indirect Costs

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

If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.1.

If you do not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website <https://ibc.doi.gov/ICS/icrna>, for information regarding email submission forms.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

D.7. Other Submission Requirements

Project/Program Milestone Plan/Work Schedule

The intent of the work schedule is to provide a realistic appraisal of the time and components required to complete the project.

- Describe each of the major work elements and milestones.
- State the total timeframe anticipated for each of the work elements.
- State the total timeframe anticipated to complete the project.
- Work schedule must mirror statement of work (SOW), budget:
- Provide the work schedule in GANTT chart form as supplemental documentation in the work schedule section.

This schedule is provided as an example only, it is *not* a template.

WORK SCHEDULE EXAMPLE		
#	DESCRIPTION	TIMEFRAME
1.	Kick-off, 90% design meetings	3 months
2.	Final contract drawing development	5 months
3.	Open bids and award contract	4 months
4.	Construction – Mobilization	5 months
5.	Construction – Demolition	4 months
6.	Construction – Concrete and conduit work	2 months
7.	Construction – Trenching	2 weeks
8.	Construction – Utility relocation	4 months
9.	Construction – Electrical Installation	1 month
10.	Construction – Site Restoration	1 week
11.	Construction – Complete punch list	2 months
12.	Construction – Demobilization	1 week
13.	Project Close-out and record drawings	2 months
14.	Grant Close out	3 months
TOTAL MONTHS:		36 months

The applicant should provide their unique milestone schedule per their set of tasks.

Section E. Application Review Information

E.1. Technical Proposal: Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget—not the larger project.

Evaluation Criteria Scoring Summary		Points:
A. Species Benefit & Cost Effectiveness (fall-run, spring-run, winter-run Chinook salmon, and steelhead)		40
B. Project Feasibility		30
C. Collaboration and Coordination		20
D. Habitat Utility		10
	Total	100

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

Process Narrative

Applicants will prepare and submit an application for a project or projects (Section D) that meets eligibility criteria (Sections A, B, & C) and is responsive to these evaluation criteria (Section E). Reclamation will receive and process the applications via Grants.gov pursuant to Section D. Following an Initial Screening for administrative compliance, Reclamation will forward the applications to an ARC with members from Reclamation, the Service, other federal and state agencies, and potentially a subcommittee under the Collaborative Science and Adaptive Management Program (CSAMP), if approved by CSAMP in a manner acceptable to Reclamation and the Service.

Prior to forwarding the applications to the ARC, Reclamation & the Service will bin the proposals in the manner described and illustrated in the following figure:

1. Central Valley Project Facilities and Watersheds¹
 - a. ESA & Multi-Species Benefits
 - b. Other Species
2. Non-Project² Facilities & Watersheds

¹ San Joaquin River below Mendota Pool is the CVP portion of the watershed. Battle Creek, Butte Creek, and the Feather River below the Yuba River confluence are Non-Project watersheds.

² The Central Valley Project streams are: 1. Sacramento River below Keswick; 2. Clear Creek below Whiskeytown Dam; 3. American River below Folsom Dam; 4. Stanislaus River below Goodwin Dam. All other Central Valley streams are 'non-project'.

- a. ESA & Multi-Species Benefits
 - b. Other Species
3. Policy Priorities not identified in the NTRS, e.g. those identified in the 2020 ROD



Proposals in each bin will be scored by the ARC using the Evaluation Criteria. This will result in rankings by bin as shown in the next figure. Consequently, applications will compete directly only within watersheds.

	Clear Creek	Sacramento	American	Stanislaus	San Joaquin	Delta	Non-Project
Funding	• 1 • 2	• 1 • 2 • 3	• 1 • 2 • 3 • 4	• 1		• 1 • 2 • 3 • 4	• 1 • 2 • 3 • 4
ESA							
Other	• 3 • 4 • 5	• 4 • 5 • 6 • 7	• 5 • 6	• 2 • 3	• 1 • 2 • 3	• 5 • 6 • 7 • 8 • 9	• 5 • 6 • 7
	Funded by Policy			Other Unfunded Proposals			

The ARC will produce a funding recommendation to Reclamation & the Service following these three priorities:

1. Recommend funding the top, ESA-relevant, application in each of the Sacramento, Clear Creek, Lower American, Stanislaus, and Delta watersheds.
2. If funding remains, select applications that most effectively meet priorities on CVP rivers and streams, for ESA species, based on the NTRS. For example, if the need for habitat or facility improvements in the lower American River are greatest amongst the unfunded applications, recommend an application in the lower American River watershed.
3. Use the composite score to identify and fund a particularly high value proposal (irrespective of the adaptive management objective) in a non-CVP watershed, regardless of the utility for ESA listed species, e.g. passage on Mill or Deer Creeks.

General Scoring Philosophy

The ARC will be instructed to use the following general guidelines in their scoring and ranking of the applications:

Zero pts – Incomplete or Non-responsive

Low range – Minimally meets the criteria – below average – The project ranks in the lower range of evaluated applications.

Medium range – Meets the criteria – average – Project meets priorities and provides measurable benefits and ranks in the middle of the evaluated applications.

High range – Exceeds criteria – above average – The project ranks in the upper range of evaluated applications, exceeds priorities and produces measurable and substantial benefits.

Cost estimates should include all aspects of the project, including those by either the Service or Reclamation if either or both of those agencies provide substantial involvement to the project. A total project cost should be developed and presented. Funding sources should be split into two types: 1.) Federal (any branch of the Federal Gov't); and 2.) Non-Federal funds.

Specific Evaluation Criteria

The ARC will receive instructions to use the following guidelines to specifically score each criterion. Some of the criteria result in a numerical score ordered from highest to lowest to compare competing applications within a watershed.

Measures of Benefits

Fundamentally, the benefit to the species should be expressed as an increase in the area of available habitat to the species due to the proposed action. Types of habitat are:

1. In-channel perennially inundated rearing habitat
2. In-channel perennially inundated spawning habitat
3. Seasonally inundated (floodplain) rearing habitat

An exception is screening diversions where the benefit is a conversion of the diversion capacity (cfs) to an equivalent amount of in-channel rearing habitat, at a rate of 20 cfs diversion is equivalent to 1 acre of in-channel rearing habitat. Other exceptions may be considered, but the benefit must be expressed as habitat area. Consult with the Program Coordinator (See Section G.2. Federal Awarding Agency Contacts) for guidance on meeting this requirement.

Along with the estimated magnitude of the area of habitat (all types specified) proposed in the application, the applicant must provide an estimate of the certainty of utilization as opposed to availability. For example, if an applicant proposes adding 5 acres of in-channel rearing habitat, calculations may show that 2 acres of that amount is available at the median discharge. Thus the certainty of this action would be 2/5 or 40%. Similarly for a proposed 5-acre spawning habitat addition, the utilized area might be 4 of 5 acres (4/5 or 80%) but does not promise to be utilized for many redds, whereby the applicant may use judgment to reduce the 80% certainty to something less, say for example, 40%. This is a subjective judgment estimate on the part of the applicant and should be explained and supported in the narrative.

The Applicant must provide estimates of as many as eighteen (18) parameters (dependent on the type of projects proposed in the application) for the ARC to use in its evaluation. Only parameters relevant to the proposed action need be estimated by the applicant. Note that many actions have collateral benefits that may gain additional credit to the application if the relevant parameters are estimated and included in the application. The applicant must copy the following Table 3 and use it as a checklist in their application.

Any application without this table, in this format, is both incomplete and non-responsive, and will be removed from further consideration by the ARC.

The specific parameters and units are:

Table 3. Project Parameters.

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
Seasonally Inundated (Floodplain) Rearing: Wetted Area	Acres	Amount of wetted area when inundated (–.2 m - 1.5 m depth; velocity less than 0.15 m/s). Include incipient inundation elevation and flow.		
Floodplain Utilization	% Utilized	The percentage of the floodplain wetted area estimated to be utilized by salmonids. In lieu of modeled estimates of utilization, the SIT uses 27% utilization of wetted area. If you provide a different estimate, you must provide detailed justification and citation(s).		
Flood Duration (5-year average months/year)	Months/yr	5-year average of flood duration, that is the period of inundation (applicant selects typical 5-year period)		
Emigration Duration (5-year average)	Months/yr	5-year average of juvenile (target species) outmigration period in floodplain reach (applicant selects typical 5-year period)		
In-Channel Rearing Area	Acres	Wetted area of perennially inundated channel created or rehabilitated (or combination)		
In-Channel Rearing Certainty	% Suitable	The percentage of the new perennially inundated channel rearing area that is suitable and available.		
Maintain Spawning Area	Acres	Estimate the acreage of existing degraded spawning habitat that the gravel addition is maintaining or rehabilitating. Does NOT include new spawning area created by gravel hydraulically transported from placement at original site.		

Section E. Application Review Information

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
Maintain Spawning Area Certainty	%	Certainty that the gravel can be mechanically delivered or hydraulically transported to the target location and will have the intended outcome. Past performance (number of redds) of existing spawning habitat in this location should be discussed in the narrative.		
New Spawning Area	Acres	New spawning area created by gravel placement or augmentation.		
New Spawning Area Certainty	%	Certainty that the gravel can be mechanically delivered or hydraulically transported to the target location and will have the intended outcome. Expected performance of new spawning habitat (utilization by spawners) in this location should be discussed in the narrative.		
Cover Added (Cover DOES NOT include revegetating a floodplain or seasonally inundated surface.)	Acres	Area of cover created by addition of, large wood, boulder clusters, rockwads, or other means. Please provide rationale for equivalencing numbers of cover elements with the effective cover area provided by said elements.		
Cover Added Certainty	%	Certainty that the cover can be delivered to the target location and will have the intended outcome, and that salmonids will utilize the additional cover to avoid predation.		

Parameter	Unit	Description	Do You Propose this Action?	Proposed Value
Predator Hotspot Removal	Acres	Areal extent of predation hotspot effect removed or mitigated by the proposed action or as a collateral effect of the proposed action. In the case of adding perennial or seasonally inundated habitat, you CANNOT claim multiple benefits, such as adding cover or removing predator hotspots unless you can document the amount of each type of area. We will expect to see subsets of the total habitat area defined as either added cover or predator hotspot removal.		
Predator Hotspot Removal Certainty	%	Certainty that the hotspot can be reduced or removed in the target location and areal extents. Includes certainty of the area estimated to be a hotspot.		
Screen	cfs	Maximum amount of diversion capacity (cfs) screened by the action. Converted to equivalent in-channel rearing habitat at the rate of 20 cfs/1-acre perennially inundated rearing habitat.		
Diversion Capacity Certainty	%	Certainty that the screen can be built in the target location and will have the full effect of preventing diversion of fishes without creating a predation hotspot.		
Cost Estimate	\$	Amount of funding estimated necessary to accomplish the proposed scope of work within the proposed timeframe.		
Cost Certainty	%	Certainty of cost estimate (based on level of design), or inverse of likelihood that final total cost exceeds cost estimate.		

For the purposes of this NOFO, Cover DOES NOT include revegetating a floodplain or seasonally inundated surface.

Please do not double or triple count areas, e.g. cover, floodplain, etc. Distinguish between the types of habitat. If your application contains multiple projects, please sum the individual areas and list the totals in Table 3.

Double (or triple) counting means including the same area as having multiple benefits. For example, if you are creating floodplain habitat, do not count it again as either cover added or predator hotspot removed. If your project includes adding cover or removing predator hotspots within either floodplain or perennially inundated areas, deduct the cover and hotspot areas from the floodplain or perennially inundated areas. You should not count the same area in more than one way.

E.1.1. Evaluation Criterion A. Species Benefit & Cost Effectiveness (fall-run, spring-run, winter-run Chinook salmon, steelhead trout): 0-40 points

The SIT Fundamental Objectives for the CVPIA Fish Resource Area are:

- Increase in total juvenile biomass at Chipps Island
- Increase in natural adult production, and
- Spatial diversity

We define these objectives as benefits to Chinook salmon (fall-run, spring-run, and winter-run) and Steelhead trout. Actions that increase juvenile biomass production at Chipps Island and/or increase natural adult production have a positive benefit.

Up to **40** points may be awarded based on a benefit/cost ratio, calculated as the estimated benefit (habitat added or maintained, or diversion screened) to the species divided by the estimated cost of the action. The ARC will sort the scores into four tiers (high, medium, low, and/or non-responsive - incomplete), and distribute 40 points accordingly.

Cover added, whether in-stream or on floodplains, should be designed in accordance with the (<https://www.usbr.gov/research/projects/detail.cfm?id=2754>) Large Wood Design Guidelines - National Manual, produced by Reclamation and the US Army Corps of Engineers. Project aspects that add cover elements designed and implemented according to the National Manual will be scored higher than those that do not.

Costs include all project components requiring funding in the proposal, including construction, planning, design, environmental compliance, maintenance and pre- & post-project monitoring per the SIT Tier 1 guidelines. This includes any portion of the project assisted by Reclamation and/or the Service, per section B.4 Type of Award. Cost estimates should include all aspects of the project.

A total project cost developed and presented. Funding sources should be split into two types: 1.) Federal (any branch of the Federal Gov't); and 2.) Non-Federal funds.

All on-the-ground projects should include Implementation, or Tier 1, monitoring tasks and associated costs. The SIT Monitoring Guidelines <http://cvpia.scienceintegrationteam.com/about/> contain specifics on all levels of monitoring.

Cost Effectiveness, expressed as a Benefit/Cost ratio, is the quotient of:

Magnitude of Estimated Benefit (acres) times the Utilization or Certainty of the Wetted Area (%)

and

Estimated Costs (\$M) divided by the Certainty in the Cost Estimate (%)

Example 1 – Clear Creek Rearing Habitat Restoration – Phase 3C (completed in 2020)

2 acres rearing + 2 acres spawning + maintain 2 acres spawning = 6 acres * 59% certainty = 3.54

\$1 million cost / 80% certainty = 1.25

Combined score of 3.54/1.25 = 2.83 B/C

Example 2 – Screened Diversion

100 cfs diversion = 100 cfs/20 cfs/acre Benefit * 100% certainty = 5.0

\$1 million cost / 80% certainty = 1.25

Benefit/Cost ratio of 5.0/1.25 = 4.0 B/C

DO NOT include calculations of Cost Effectiveness in your application. The Application Review Committee will make those calculations based on the information you provide. Please ensure that you provide the information in Section D.1.2 Table 2, the Project Cost information, and Section E.1 Table 3, the project parameters.

Please consult with the Agency Contact listed in Section G.2. if you desire assistance with the inputs to the Benefit/Cost ratio.

E.1.2. Evaluation Criterion B. Project Feasibility: 0-30 points

Up to **30** points may be awarded based on the scientific merit of the proposal and constraints to implementation. Are the task descriptions clear, detailed, timely, and reasonable given the project goals? What are the constraints of the project, including permitting requirements, river flows, construction timing windows, landowner permission, and engineering simplicity? Applications with a clearer scientific basis and fewer constraints will be given a higher score.

(0,1,3,5–pts) - Are the task descriptions clear, detailed, timely, and reasonable given the project goals? Is there a clear statement of the purpose of the project in context of the NTRS Recommended Actions or the ROD? Clear descriptions score higher than poorly described tasks.

What are the constraints of the project? (HML – High Medium Low)

(0,1,5,10) Landowner Permission Status? – Likelihood? (0, HML) – Permission in hand scores 10; No contact with landowner scores 0; The higher the likelihood of gaining permission the higher the score.

(0,1,3,5) Permitting / Approval Status/Schedule (0, HML) – Anticipated ease of obtaining permits in a timely fashion. Easy scores high; Difficult scores low.

(0,1,3,5) Engineering & Logistical simplicity (0, HML) – The more complex the project the lower the score. The more straight forward the project the higher the score.

(0,1,3,5) Construction Window vs Construction Duration (multiple seasons?) (0, HML) – High means construction duration likely to fall within available construction window. Low means construction duration unlikely to fall within available construction window, requiring multiple seasons to complete.

E.1.3. Evaluation Criterion C. Collaboration & Team Qualifications: 0-20 points

Up to **20** points may be awarded based on the extent the proposal addresses partnerships or interactions with collaborative workgroups such as the Clear Creek Technical Team or the Sacramento River Water Forum, or science initiatives such as the Project Work Teams or SIT. Multiple entities working together can increase public support and enhance the success of a project by involving a wide range of expertise. The ARC will judge this criterion on the potential integration of your application relative to other ongoing

work in the basin. Does the proposal include a complete description of the project team, and to what extent does the project team have the relevant experience and qualifications from similar completed projects relative to the proposed tasks?

- Collaboration (0,1,3,5 pts) (0, HML). Affirmative answers to the following points results in higher score.
 - The proposal leverages existing data and ongoing restoration or monitoring efforts
 - Is the Project Management Team participating in collaborative workgroups, a local watershed group, and/or related science initiatives?
 - Value relative to other ongoing work or science in the basin is significant and coordinated.
- Team Qualifications (0,5,10,15 pts) (0, HML). Higher qualifications and experience in these types of restoration projects results in higher scores.
 - Description of the project team members
 - Project team has the relevant experience and qualifications/capabilities
 - Permits/NEPA
 - Design/Technical (on the ground or science/monitoring)
 - Implementation (timeliness) (monitoring and construction)
 - Outreach
 - Data management (<http://cvpia.scienceintegrationteam.com/about/>)

E.1.4. Evaluation Criterion C. Habitat Utility: 0-10 points

- Describe how action meets NTRS Recommended Actions or LTO Collaborative Planning Actions for increasing target species production populations:
 - Does the action resolve spawning habitat deficit?
 - Does the action resolve rearing habitat deficit?
 - Does the action increase survival of target life stage?
- In the Near-Term - Which is the greater deficit need in the action watershed - Spawning, Rearing, or Survival?

Up to **10** points will be awarded based on the narrative produced in response to these questions.

E.2. Review and Selection Process

The Federal government reserves the right to reject any and all applications that do not meet the requirements or objectives of this NOFO. Awards will be made for projects most advantageous to the Federal Government. Award selection may be made to maintain balance among the eligible projects listed in this NOFO. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the completeness and eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO.
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, responses to the evaluation criteria, budget proposal, and budget narrative.

- The application contains properly executed mandatory forms SF-424, Application for Financial Assistance and SF-424D, Assurances Form, a completed SF-424C, Budget Information Form, and Certification Regarding Lobbying.

Reclamation and/or the Service reserves the right to remove an application from funding consideration if it does not pass all Initial Screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner, if possible.

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Technical Proposal: Evaluation Criteria*.

Applications will be scored against the evaluation criteria by an Application Review Committee. Reclamation will form an ARC with members from Reclamation, the Service, other federal and state agencies, and potentially a subcommittee under the Collaborative Science and Adaptive Management Program (CSAMP), if approved by CSAMP in a manner acceptable to Reclamation and the Service. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO.

During ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

In addition, during this review, Reclamation will address any specific concerns or questions raised by members of the ARC, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share as required.

E.2.4. Managerial Review

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration.

E.2.5. Pre-Award Clearances and Approvals

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately one to three months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

E.2.5.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. To the extent possible, environmental compliance will be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

E.2.5.2. Budget Analysis and Business Evaluation

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

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

E.3. Federal Award Performance Integrity

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Successful applicants will receive by electronic mail, a notice of selection signed by a Reclamation Grants Officer. This notice is not an authorization to begin performance.

F.2. Administrative and National Policy Requirements

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

F.2.1. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the UEI Number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

Note that if your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

F.2.2. Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, Clean Water Act (CWA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is responsible to ensure that findings under NEPA, and consultations, as appropriate, will support Reclamation’s decision on whether to fund a project. Environmental and cultural resources compliance costs are considered project costs. These costs will be considered in the ranking of applications.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add costs anticipated to

be incurred by Reclamation as a line item to the budget during development of the financial assistance agreement and cost shared accordingly. Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

Note: If mitigation is required to lessen environmental impacts, the applicant may, at Reclamation's discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly.

Under no circumstances may an applicant begin any monitoring, measurement, or other ground-disturbing activities before environmental and cultural resources compliance is complete and Reclamation provides written notification that all such clearances have been obtained. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3. Approvals and Permits

Recipients shall adhere to Federal, State, territorial, Tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Recipients shall also coordinate and obtain approvals from site owners and operators.

F.2.4. Geospatial Data and Data Tools

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

Any spatially explicit data or tools developed in the performance of an award made under this NOFO must be developed in industry standard formats that are compatible with geographic information system (GIS) platforms.

F.2.5. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.1 Intangible Property). The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. However, per 2 CFR 200.315 (b) the Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

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

F.2.6. Real Property, 2 CFR §200.311

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

F.2.7. Wage Rate Requirements (Davis-Bacon Act) (if applicable)

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

F.2.8. Buy America Domestic Procurement Preference

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

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

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

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

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

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

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days.

Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant [PSC](#) or [NAICS](#) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

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

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

F.2.9. Cost Share/Match Waiver for Insular Areas

In accordance with provisions of Public Law 95-134, Title V, § 501 (1977) (codified at 48 U.S.C. 1469a), as amended by Public Law 96-205, Title V, § 601, DOI has determined that any requirement for local matching funds to be provided by insular governmental entities shall be waived, notwithstanding any other provision of law. Any matching funds otherwise required by law to be provided by government entities of an insular area are waived.

The areas defined by Public Law 95-134, Title V, § 501 (1977), as amended (48 U.S.C. § 1469a), include the Virgin Islands, Guam, American Samoa, and the islands formerly referred to as the “Trust Territory of the Pacific Islands”: the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

F.3. Reporting Requirements and Distribution

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

F.3.1. Financial Reports

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report on at least a semiannual basis and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least semiannually, which include:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period
- The reasons why established milestones were not met, if applicable
- The status of milestones from the previous reporting period that were not met, if applicable
- Whether the project is on schedule and within the original cost estimate
- Any additional pertinent information or issues related to the status of the project

F.3.3. Final Performance Report

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

- Whether the project objectives and goals were met.
- If applicable, a copy of the completed Watershed Restoration Plan.
- Photographs documenting the project are also appreciated.

F.3.4. Sufficiency Report

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

F.3.5. Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

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

Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.2 Other Mandatory Disclosures

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

F.5. Data Availability (2 CFR §1402.315)

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

F.5.1. Freedom of Information Act

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available.

In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This

“recorded” material excludes physical objects (e.g., laboratory samples). Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

Section G. Federal Awarding Agency Contact(s)

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of Mr. Steven Larson, Grants Officer, as follows:

By email: snlarson@usbr.gov
By phone: (916) 978-5693

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

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Dr. Rod Wittler, CVPIA Fish Resource Area Coordinator, as follows:

By email: rjwittler@usbr.gov
By phone: 530-262-3670

G.3. Service Program Coordinator Contact

Questions regarding this NOFO and project – related services provided by the US Fish & Wildlife Service may be submitted to the attention of Mr. Steve Whiteman, CVPIA Co-Administrator, as follows:

By email: steve_whiteman@fws.gov
By phone: 916-978-6190

If you anticipate your project will require more than four years to complete, please contact the Reclamation Program Coordinator prior to submission of your application.

Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals that include measurement, monitoring and field work. While these statutes are not the only environmental laws that may apply, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your projects.

H.1. Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants should consider the following list of questions focusing on the NEPA, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. National Environmental Policy Act

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

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

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

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

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

H.1.2. National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the **potential to cause effects to historic properties**, before it can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

If a proposal is selected for initial award, the successful applicant will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways, depending on how complex the issues are, including:

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other

entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:

- A determination as to whether additional information is necessary.
 - Evaluation of the significance of identified cultural resources.
 - Assessment of the effect of the project on historic properties
 - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.
 - A Memorandum of Agreement is then used to record and implement any necessary measures.
- At a minimum, completion of the multi-step Section 106 process takes about two months.

- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See www.usbr.gov/cultural/crmstaff.html for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance it is possible that a cultural resources survey has already been completed.

H.2. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the USFWS or the NOAA Fisheries Service to ensure any action it authorizes, funds, or carries out is not likely to **jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat**.

Before Reclamation can approve funding for the implementation of a proposed project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. A rough overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action is **not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project is **likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the

ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.