



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00252

Region 8: Lower Colorado Basin Region

Water Conservation Field Services Program Financial Assistance for Fiscal Year 2024



Mission Statements

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

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

Synopsis

Federal Agency Name	U.S. Department of the Interior, Bureau of Reclamation, Region 8: Lower Colorado Basin Region
Notice of Funding Opportunity Title	Water Conservation Field Services Program Financial Assistance for Fiscal Year 2024
Announcement Type	Notice of Funding Opportunity (NOFO)
Notice of Funding Opportunity Number	R24AS00252
Assistance Listings No.	15.530
Application Due Date (See NOFO Sec. D.4)	This NOFO will have one application submission due date: June 3, 2024, at 4:00 p.m. Pacific Daylight Time (PDT) The tentative selection and announcement timeframe will be approximately 60 days after closing date.
Eligible Applicants (See NOFO Sec. C.1)	States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority located in the Lower Colorado Basin or Hawaii, American Samoa, Guam, and the Northern Mariana Islands.
Recipient Cost-Share (See NOFO Sec. C.2)	50 percent or more of total project cost is required for recipient cost-share.
Federal Funding Amount (See NOFO Sec. B.2)	Up to \$100,000 per entity for fiscal year 2024. Multiple applications may be submitted for consideration; however, no more than \$100,000 will be awarded to any one entity in any given FY.
Estimated Number of Awards (See NOFO Sec. B.4)	Up to 12 awards may be considered depending on submittals and authorized budget.
Intergovernmental Review (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

Application Checklist

The following table contains a summary of the information that you are required to submit with your application using the Workspace platform in Grants.gov.

✓	Mandatory Application Components	Required Content	Page
	Mandatory Federal forms: - SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) - SF-424A: Budget Information – Non-Construction Programs (OMB) - SF-424B: Assurances – Non-Construction Programs (OMB)	See section D.2.1.1	p.14
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See section D.3	p.20
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	See section D.2.1.2	p.14
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	See section D.2.1.3	p.16
✓	Recommended Application Components	Required Content	Page
	Environmental and cultural resources compliance	See section D.2.1.4	p.17
	Required permits or approvals	See section D.2.1.5	p.17
	Overlap or duplication of effort statement	See section D.2.1.6	p.17
	Conflict of interest disclosure statement	See section D.2.1.7	p.17
	Uniform audit reporting statement	See section D.2.1.8	p.18
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable)	See section D.2.1.9	p.19
	Letters of Support	See section D.2.1.10	p.19

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
DOI	U.S. Department of the Interior
ESA	Endangered Species Act
FY	Fiscal year (Federal FY is from October 1-September 30)
GIS	Geographic Information System
LCB	Lower Colorado Basin Region
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOFO	Notice of Funding Opportunity
OM&R	Operation, Maintenance and Repair
P.L.	Public Law
PDT	Pacific Daylight Time
PST	Pacific Standard Time
Reclamation	Bureau of Reclamation
RRA	Reclamation Reform Act of 1982
SAM	System for Award Management
SCADA	Supervisory Control and Data Acquisition
SF	Standard Form
SPOC	Single Point of Contact
SOR	System Optimization Review
SHPO	State Historic Preservation Office
SWEP	Small-Scale Water Efficiency Projects
UEI	Unique Entity Identifier
U.S.C.	United States Code
U.S.	United States
WCFSP	Water Conservation Field Services Program

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Section A. Funding Opportunity Description

A.1 Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law [P.L.] 111-11 (42 United States Code [U.S.C.] 10364).

1. **AUTHORITY OF SECRETARY.** —The Secretary may provide any grant to, or enter into, an agreement with any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement:
 - A. to conserve water;
 - B. to increase water use efficiency;
 - C. to facilitate water markets;
 - D. to enhance water management, including increasing the use of renewable energy in the management and delivery of water;
 - E. to accelerate the adoption and use of advanced water treatment technologies to increase water supply;
 - F. to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);
 - G. to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
 - H. to carry out any other activity
 - i. to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or
 - ii. to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

A.2 Background and Program Requirements

The Department of the Interior's (DOI's) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of DOI priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts.

Drought conditions across the Western United States (U.S.) impact a wide range of communities and sectors, including agriculture, cities, tribes, the environment, recreation, hydropower producers, and others. Reclamation established the Water Conservation Field Services Program (WCFSP) in 1996 to encourage beneficiaries of Federal water projects to conserve water, and to assist agricultural and urban water districts in preparing and implementing water conservation plans in accordance with the Reclamation Reform Act (RRA) of 1982. Through the WCFSP, Reclamation makes cost-shared financial assistance available for developing water conservation plans, identifying water management improvements through System Optimization Reviews (SORs), designing water management improvements, and improving the understanding of water conservation techniques through demonstration activities.

The WCFSP provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad and aligns with other priorities, such as those identified in E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. WaterSMART also supports Reclamation's priorities to increase water reliability and resilience, support racial and economic equity, modernize infrastructure, and enhance water conservation, ecosystem, and climate resilience.

Through this NOFO, Reclamation's Lower Colorado Basin Region (LCB) is requesting proposals to fund activities in support of the WCFSP within the LCB (see map on p.3), and within the State of Hawaii, American Samoa, Guam, and the Northern Mariana Islands.

A.3 Purpose and Objectives

This NOFO provides funding for the planning, prioritizing, demonstrating, and design of technology / projects that conserve and use water efficiently; mitigate risk in areas with a potential for future water conflict; and accomplish other benefits that contribute to water supply sustainability in the Western U.S.

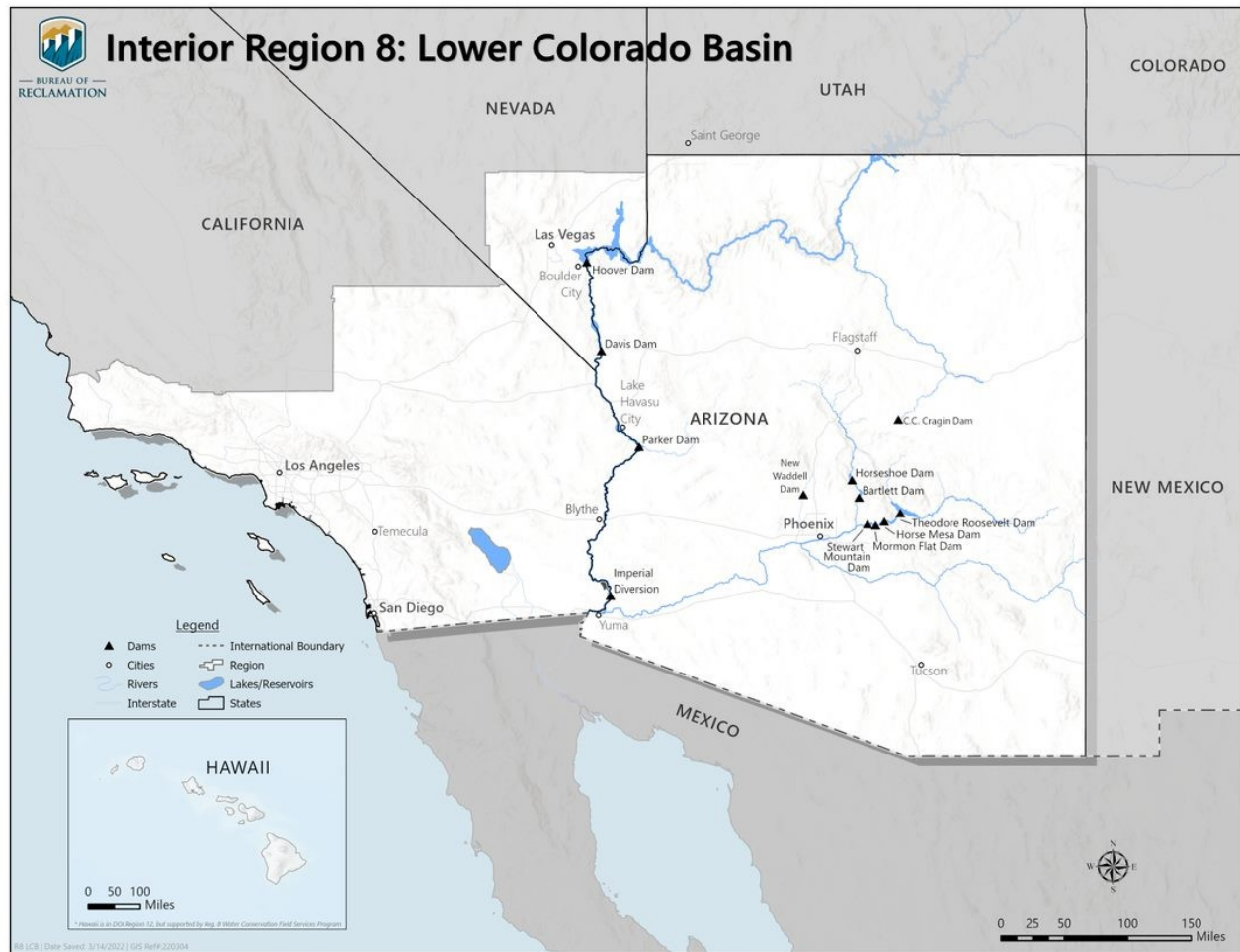


Figure 1 - Area of Consideration for Lower Colorado Basin WCFSP NOFO FY24

A.4 Other Related Funding Opportunities

- WaterSMART Small-Scale Water Efficiency Projects** provides 50/50 cost-share funding to irrigation and water districts, tribes, states and other entities with water or power delivery authority for small water efficiency improvements that have been identified through previous planning efforts. Projects eligible for funding include installation of flow measurement or automation in a specific part of a water delivery system, lining of a section of a canal to address seepage, or other similar projects that are limited in scope.
- WaterSMART Water and Energy Efficiency Grants** provides 50/50 cost-share funding to irrigation and water districts, tribes, states and other entities with water or power delivery authority. Projects conserve and use water more efficiently; increase the production of hydropower; mitigate conflict risk in areas at a high risk for future water conflict; and accomplish other benefits that contribute to water supply reliability in the western United States. Projects are selected through a competitive process and the focus is on projects that can be completed within two or three years.

- **WaterSMART Environmental Water Resources Projects** supports projects with environmental benefits and that have been developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources.
- **WaterSMART Aquatic Ecosystem Restoration Program** provides cost-shared funding to states, tribes, and other entities to study, design and construct aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and result in the improvement of the health of fisheries, wildlife, and aquatic habitat.
- **WaterSMART Drought Contingency Planning** provides financial assistance on a competitive basis for applicants to develop a drought contingency plan or to update an existing plan to meet the required elements described in the Drought Response Framework.
- **WaterSMART Drought Resiliency Projects** provides funding for projects that will help communities prepare for and respond to drought. Typically, these types of projects are referred to as “mitigation actions” in a drought contingency plan.

Section B: Award Information

B.1 Total Funding

Approximately \$700,000 is currently available for funding WCFSP grants in FY 2024. Funding available for awards under this NOFO will depend on the demand for funding under this and other components of the LCB WCFSP. Applications submitted under this NOFO may also be considered for additional funding should it become available in FY 2024 or thereafter.

B.2 Expected Award Amount

Federal cost-share, for any project shall not exceed 50 percent of the total project costs. A maximum of \$100,000 per entity per FY in federal funding may be allocated to proposals awarded funding under this NOFO. Multiple applications for funding may be submitted for consideration; however, no more than \$100,000 per FY will be awarded to any one entity.

B.3 Expected Award Funding and Anticipated Dates

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

Application Submission Period closing date is June 3, 2024

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

B.4 Number of Awards

Up to a total of 12 awards, depending on the amount requested by each applicant and the amount of Federal funding made available.

B.5 Type of Award

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the project. Substantial involvement may include but is not limited to:

- Collaboration and participation with the recipient in the management of the project and close oversight of the recipient's activities to ensure that the program objectives are being achieved.
- Oversight may include review, input, and approval at key interim stages of the project.

B.6 Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with appropriate Reclamation staff prior to applying, and this communication should be noted in your application.

Section C: Eligibility Information

C.1 Eligible Applicants

Applicants eligible to receive an award under P.L. 111-11, Sec. 9502 to fund activities include:

- States
- Indian tribes
- Irrigation districts
- Water districts
- Other organizations with water or power delivery authority

In addition, applicants must be located within the LCB or the State of Hawaii, American Samoa, Guam, and the Northern Mariana Islands. Please see the location map in *Section A.1* of this NOFO.

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

- Federal governmental entities
- Institutions of higher education
- Individuals
- 501(c)(6) organizations

C.2 Cost-Sharing or Matching

Applicants must be capable of cost-sharing 50 percent or more of the **total** project costs. Cost-sharing may be made through cash or in-kind contributions or donations from the applicant or third-party partners. 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.

Please see *Section D.2.1.12. Letters of Funding Commitment* for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

C.2.1 Cost-Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at www.ecfr.gov.

C.2.2 Third-Party In-Kind Contributions

Donations and in-kind contributions constitute the value of non-cash contributions that benefit a Federally assisted project. These contributions may be in the form of real property, equipment,

supplies, and other expendable property, as well as the value of goods and services (e.g., qualified volunteer labor) directly benefiting and specifically identifiable to the project or program.

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

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

C.3 Other

C.3.1 Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. In general, if an applicant is seeking funding for multiple project components, and the components are interrelated or closely related (e.g., projects that are physically and geographically linked), the applicant should combine these in one application. However, if the projects are only loosely related, an applicant should submit them as separate applications.

C.3.2 Excluded Parties

Reclamation conducts a review of the SAM.gov *Exclusions database* for all applicant entities and their key personnel prior to award for this Federal program. If entities or key personnel are identified in the SAM.gov *Exclusions database* as ineligible, prohibited/restricted, or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4 Eligible Projects

All proposals will be evaluated against the Evaluation Criteria stated in *Section E* of this NOFO. Projects to be considered should address one of the following criteria:

Water management and conservation planning provide entities an opportunity to document data on current water supply and demand, prepare a forecast for future water demands, identify water conservation goals, and determine conservation measures (e.g., cost/pricing of water, water accounting, landscape efficiency, information and education,

water use regulation, etc.). This component involves developing a written water management and/or conservation plan.

In accordance with the RRA, water conservation plans are required for entities having a Colorado River water delivery contract with the U.S. within the LCB. The water conservation plan may be modeled after plans described in the Reclamation publications *Achieving Efficient Water Management: A Guidebook for Preparing Municipal Water Conservation Plans*, and *Achieving Efficient Water Management: A Guidebook for Preparing Agricultural Water Conservation Plans*, both available at www.usbr.gov/lc/region/g4000/conservation/manuals.html. The proposed planning activity/project should address at least one or more of the planning tasks discussed in these publications and provide a description of how the environmental compliance questions in *Section HI* will be incorporated within the plan.

Please note: Priority is preferentially given to an entity having a water delivery contract in the LCB that is required to develop a water conservation plan. For an applicant existing as a sub-agency under or receiving Colorado River water from a Reclamation water contractor (e.g., The Metropolitan Water District of Southern California, Southern Nevada Water Authority, etc.), the applicant should explain its link to the Reclamation water contractor and its system to receive the maximum number of points for this section.

System Optimization Review (SOR) is a review of the applicant's water delivery system and its processes. The SOR assesses the potential for water management improvements and identifies a plan of action containing recommendations for implementing specific improvements (e.g., SCADA and other automation to reduce specific issues such as spills, over-deliveries, and seepage) that have the potential to enhance water management.

The review may include an analysis of an entire water delivery system, district, watershed, or a portion thereof. SORs are intended to be a broad overview of system-wide efficiency and are not focused entirely on single project-specific planning (e.g., an irrigation district evaluating its delivery system or a municipality or utility performing a system-wide water audit).

SOR activities include:

- Assemble information (e.g., surveys, data searches, literature reviews, site visits).
- Identify, describe, and prioritize water management issues.
- Establish goals.
- Identify, evaluate, and prioritize potential improvement projects with the aim to mitigate the identified deficiencies and accomplish targeted goals.
 - The evaluation of improvement projects could consider water management benefits associated with the improvement, and anticipated construction and operating costs (as applicable), as well

- as environmental, regulatory, cultural, and economic impacts.
- An effort to better quantify the associated benefits of the proposed improvement projects and eligible subtasks (e.g., soil infiltration tests, required monitoring activities).
- A description of how the environmental compliance questions in *Section HI* will be incorporated within the plan.

If the applicant's previous planning efforts have addressed one or more of the components above, the applicant could seek funding for the remaining components for a complete system analysis. A SOR final report will serve as the final product of the SOR that summarizes the analysis performed.

Designing Water Management Improvements are often the next step upon completion of water management and conservation plans or a SOR. This NOFO provides funding for the design of previously identified water management improvement projects such as pipelines, canal lining, water measurement structures, or other improvement projects that enhance water management, and includes necessary preliminary tasks needed to prepare a design such as surveying and acquiring pertinent site-specific information (e.g., hydraulic head available at site, soil testing, groundwater level). Eligible subtasks under this activity also include peer-review for the design, cost estimate preparation including cost scoping for regulatory compliance activities (e.g., environmental, cultural), and identification of necessary regulatory requirements (i.e., permits).

Examples of eligible design activities include, but are not limited to:

- Conversion of an open conveyance system (e.g., canal) to a closed conveyance system (e.g., pipeline) resulting in conserved water (i.e., reduced evaporation).
- Lining of a canal with proven materials or technology resulting in conserved water (i.e., reduced/eliminating seepage).
- Weirs, flumes, ramps, and other irrigation flow measurement devices in an open channel.
- Control structures for an irrigation system (e.g., check, drop, or diversion structures).
- Installation of meters within a distribution system resulting in improved water management (i.e., leakage quantification).
- System implementation of SCADA and automation components that result in improved water management (i.e., reduced spills, over-deliveries, and/or seepage).
- Irrigation system regulating reservoirs resulting in improved management of water supply (i.e., reduced spills, more flexibility in water delivery operations, excess water interception at end of system).
- Aquifer storage recovery ponds.

- Water storage ponds.

Land/title acquisition and environmental/cultural resources compliance work are **not** eligible under this activity.

Demonstrating Conservation Project Technologies are activities that include the installation or application of a particular technology in an innovative way, or in a unique setting, with the intent of sharing the results with others for possible adoption. The activity should demonstrate innovative technologies in water conservation that increase technical understanding of unfamiliar water management and practices that have not been previously used within the entity's area. Additionally, the development of a demonstration of pilot project can help in determining whether it would be cost effective to pursue use of the technology on a larger scale.

The proposed activity/project should not only publicly demonstrate a new or unfamiliar practice; it should also include a process for public outreach or informing interested individuals and organizations about the demonstration's outcome. **To qualify as a demonstration project, the applicant must not have conducted any portion of the proposed project or used the technology in the past or plan to conduct a large portion/phase of the project as a demonstration project.** For projects that have been tested in the past but warrant further evaluation prior to full-scale implementation, Small-Scale Water Efficiency Projects (SWEP) grants may be an appropriate funding program for that type of project (see posted SWEP NOFO at www.grants.gov).

For all projects, the duration from start to completion is generally two years. Therefore, applicants should propose activities/projects that can be completed within 2 years from of the estimated project start date. Any proposal extending a project's completion date beyond 2 years must provide an explanation as to why the additional time is required.

Note: Reclamation fully recognizes that education is an important part of any water conservation program; however, **absolutely no** education activities shall be funded through this grant program until such time as clear authority from Reclamation is established for education grants. Please ensure education activities are **not included** in the proposal.

However, outreach meetings to distribute demonstration findings or provide details to customers about the program rules and guidelines are considered appropriate.

C.5 Ineligible Projects

Proposals for the development of planning studies are not eligible for funding under this NOFO. This includes proposals for the development of appraisal investigations, feasibility studies, special studies, drought contingency plans, Basin Studies, or studies authorized under the Title XVI Water Recycling and Reuse Program, through P.L.102-575, as amended (43 U.S.C. 390h et. seq.), or under the Rural Water Program, pursuant to the Rural Water Supply Act of 2006, P.L.109-451. Proposals for on-the-ground construction activities are also ineligible for funding under this NOFO, other than proposals for Demonstration Projects.

Projects that are considered normal operations, maintenance, and replacement (OM&R) are not eligible under any WaterSMART Program, including this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function **without** providing increased efficiency or effectiveness of water distribution over the expected life of the improvement.

Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components.
- Improving an existing facility to operate as originally designed.
- Performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval).
- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.
- Sealing cracks in canals and/or pipes, including those sealant projects intending to improve facilities with inherent design and construction flaws.
- Replacing broken meters with new meters of the same type.
- Replacing leaky pipes with new pipes of the same type.

Applicants are encouraged to contact the Program Coordinator listed in *Section G: Federal Awarding Agency Contacts* prior to the application deadline for further information.

Section D: Application and Submission Information

D.1 Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access the electronic application forms in Grants.gov, you can request them by emailing Chandrika Nasstrom, Grants Management Specialist, at cnasstrom@usbr.gov.

D.2 Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1 Application Format and Length

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

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

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

D.2.1.1 Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under *Section G.1 Reclamation Financial Assistance Contact*.

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

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

Failure to submit a signed SF-424 with a valid UEI number will result in the elimination of the application from further consideration.

SF-424A: Budget Information Form

A fully completed SF-424A Budget Information – Non-construction Programs is required whether a project involves construction costs or not. Failure to submit an SF-424A will result in the elimination of the application from further consideration.

SF-424B: Assurances Form

A fully completed SF-424B Assurances – Non-construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

Failure to submit a signed SF-424B as required, will result in the elimination of the application from further consideration.

D.2.1.2 Technical Proposal

Submission of a technical proposal (limited to 15 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

D.2.1.2.1 Title Page

Provide a succinct, informative, and descriptive title for the proposed work indicating the nature of the project. Include the applicant's name and address, as well as the name, address, e-mail address, and telephone number of the project manager. Clearly identify the funding category for the project (i.e., Management / Conservation Plans Development, SOR, Design, or Demonstration Project). This page does not count toward the 15-page limit.

D.2.1.2.2 Table of Contents

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

D.2.1.2.3 Executive Summary

The executive summary should include:

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

D.2.1.2.4 Project Location

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

D.2.1.2.5 Project Description

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

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

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

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

D.2.1.2.6 Evaluation Criteria

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

Copying and pasting the evaluation criteria and sub-criteria in Section E.1 Evaluation Criteria into your applications is suggested to ensure that all necessary information is adequately addressed.

D.2.1.3 Project Budget

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

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

FUNDING SOURCES	AMOUNT
Non-Federal Entities	
1.	\$
2.	\$
3.	\$
Non-Federal Subtotal	\$
REQUESTED RECLAMATION FUNDING	\$

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A. The budget narrative must clearly identify *all* items of cost (**total estimated project cost**), *including those that will be contributed as non-Federal cost-share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation*, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment B). Applicants may elect to use the

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

Please note: The “Budget Narrative Attachment Form” in Grants.gov, is the name of the link to be used to upload the budget proposal (either a budget narrative in word format or the excel budget narrative detail spreadsheet).

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

D.2.1.4 Environmental and Cultural Resources Compliance

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

D.2.1.5 Required Permits or Approvals

You should state in the application whether any permits or approvals are necessary and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR Section 429 and that the development will not impact or impair project operations or efficiency.

D.2.1.6 Overlap or Duplication of Effort Statement

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

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

D.2.1.7 Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission.

Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

D.2.1.7.1 Applicability

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

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

D.2.1.7.2 Notification

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

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

D.2.1.7.3 Restrictions on Lobbying

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

D.2.1.7.4 Review Procedures

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

D.2.1.7.5 Enforcement

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

D.2.1.8 *Uniform Audit Reporting Statement*

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your

organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the Federal Audit Clearinghouse website.

D.2.1.9 SF-LLL: Disclosure of Lobbying Activities (if Applicable)

If applicable, a fully completed and signed SF-LLL: Disclosure of Lobbying Activities form is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. *This form cannot be submitted by a contractor or other entity on behalf of an applicant.*

D.2.1.10 Letters of Support

You should include any letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project.

D.2.1.11 Official Resolution

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

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

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

D.2.1.12 Letters of Funding Commitment

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

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

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

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

D.2.2 Financial Capability Determination

If selected, and if applicable, applicants must provide information to complete a Financial Capability Determination prior to Reclamation releasing Federal funding for construction activities. The project sponsor must demonstrate that it is financially capable of funding the non-Federal portion of project construction costs and all necessary project operation, maintenance, and replacement costs, pursuant to Reclamation's Directives and Standards WTR-11-02, *Title XVI Financial Capability Determination Process*.

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

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

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

Meeting the requirements set forth above is mandatory.

D.3.1 Register with the System for Award Management

Each applicant must be registered in SAM before submitting its application. Register on the SAM.gov website. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's Internal Revenue Service information.

See Section D.4.2.1. “Application Submission Requirements” of this document below for more information on SAM.gov registration.

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

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

Applicants that do not have an active SAM registration or a UEI will not be able to submit an application.

D.3.2 Obtain a Unique Entity Identifier

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

D.4 Submission Date and Time

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

Applications **must** be submitted no later than the due date and time identified for application submittal period. Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the Grants.gov application system.

Note that difficulties related to an applicant’s Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant’s SAM.gov registration are not considered technical issues with the Grants.gov system.

D.4.1 Application Submission Instructions

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

D.4.2 Instructions for Submitting the Project Application

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

D.4.2.1 Applications Submission Requirement

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

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days.

In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.

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

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you **MUST** furnish a Grants.gov helpdesk ticket number to Chandrika Nasstrom, Grants Management Specialist, at cnasstrom@usbr.gov that validates the delay.

D.4.2.2 Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

D.5 Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. A list of States that have elected to participate in the intergovernmental review process can be found at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under [Executive Order 12372](#).

D.6 Funding Restrictions

D.6.1 Pre-award Costs

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

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

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

Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2 Environmental and Regulatory Compliance Costs

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost-shared accordingly (i.e., withheld from the Federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

D.6.3 Indirect Costs

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the

applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

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

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

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in § 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

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

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

Section E: Application Review Information

E.1 Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.**

Note: It is suggested that applicants copy and paste the below criteria and sub criteria into their applications to ensure that all necessary information is adequately addressed.

The evaluation criteria should be applied to the Project as a whole, not just the Project activities that will be completed over the next 2 years.

Table 2. Task Area Components and Evaluation Criteria Point Distribution

Task Area Components	Criteria 1 - Planning	Criteria 2 - SOR	Criteria 3 - Design	Criteria 4 - Demonstration
Reclamation Project water supplies	35	25	25	25
Pre-existing Water Conservation Plan	-	5	5	5
Reasonableness of cost	5	5	5	5
Improve and modernize infrastructure	25	25	20	-
Address water resources challenges	-	10	-	-
Promote completion of an activity that might otherwise be delayed or postponed	15	10	10	10
Recipient's cost-share/in-kind Services	5	5	5	5
Sound implementation strategy	-	-	-	10
Monitoring and disseminating results	-	-	-	10
Proposed design identified in previous planning effort	-	-	15	-
Demonstrate innovative conservation technologies	-	-	-	15
Environmental Compliance included in budget and addressed in the plan or design	5	5	5	5
Evaluation Criteria 5 Department of the Interior and Bureau of Reclamation priorities	10			
Total	100	100	100	100

E.1.1 Water Management Planning – 90 Points Available

- **Association with Reclamation project water supplies** – Applicant describes its relationship with Reclamation projects and whether a water management plan is required by the RRA. Priority is given to water user entities that receive water supplies from Reclamation projects or have water contracts with Reclamation. Applicant should explain its relationship to a Reclamation project activity and specify Reclamation’s water delivery contract number, if applicable. **(up to points 35)**
- **Reasonableness of cost** – The proposal provides sufficient detail and justification to show that the costs agree with the technical aspects of the project. The budget must be sufficiently detailed, realistic, and commensurate to support the estimated costs associated with the proposed work within the specified time frame. The criterion also evaluates whether the proposed costs are reasonable, allocable, and allowable for the work proposed. **(up to 5 points)**
- **Extent to which the completed activity will improve the applicant’s ability to modernize its existing water delivery infrastructure** – The proposal demonstrates that the applicant will be better situated to modernize its existing water delivery infrastructure upon completion of a water management and conservation planning activity. **(up to 25 points)**
- **Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed** – The proposal demonstrates the requested Federal funding would promote completion of the project that otherwise would be delayed or postponed. **(up to 15 points)**
- **Amount and sources of non-Federal funding above and beyond the required 50 percent cost-share** – The proposal discusses the applicant’s cost-share percentage for its non-Federal funding or in-kind services and describes the status of securing the cost-share funds. The applicant’s proposal shall include a funding plan that describes how the non-Federal share of the activity/project costs has been obtained. Reclamation will use this information in determining financial capability. **(up to 5 points)**
- **Environmental Compliance** – A description of how the environmental compliance questions in *Section HI* will be incorporated within the plan. **(up to 5 points)**

E.1.2 System Optimization Review – 90 Points Available

- **Association with Reclamation project water supplies** – Applicant describes its relationship with Reclamation projects and whether a water management plan is required by the RRA. Priority is given to water user entities that receive water

supplies from Reclamation projects or have water contracts with Reclamation. Applicant should explain its relationship to a Reclamation project activity and specify Reclamation's water delivery contract number, if applicable. **(up to 25 points)**

- **Extent to which applicant's water management plan is complete and updated** - The applicant has provided sufficient justification that a required (e.g., RRA, state law) water management plan is complete and has been updated within the past five (5) years. If an applicant is not required to have a plan in place, then an applicant will describe the absence of a statutory or regulatory requirement. **(up to 5 points)**
- **Reasonableness of cost** – The proposal provides sufficient detail and justification to show that the costs match the technical aspects of the project. The budget must be sufficiently detailed, realistic, and commensurate to support the estimated costs associated with the proposed work in the specified timeframe. The criterion also evaluates whether the proposed costs are reasonable, allocable, and allowable for the work proposed. **(up to 5 points)**
- **Extent to which the proposed analysis is expected to result in an action plan that will improve water conservation and water use efficiency, and lead to modernized water delivery infrastructure** – The proposal demonstrates a developed and well- defined methodology positioning the applicant to be better situated to modernize their existing water delivery infrastructure upon completion of the SOR. **(up to 25 points)**
- **Extent to which the SOR is likely to address water resources challenges** – The proposal demonstrates the project would address current water resource challenges (e.g., specific local concerns, over-allocated supplies, adjudicated basin, endangered species requirements). **(up to 10 points)**
- **Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed** – The proposal demonstrates that requested Federal funding would promote completion of the project that otherwise would be delayed or postponed. **(up to 10 points)**
- **The amount and sources of non-Federal funding above and beyond the required 50 percent cost-share** – The proposal discusses the recipient's cost-share percentage for its non-Federal funding or in-kind services and whether the cost-share funds are secured. The applicant's proposal must include a funding plan that describes how the non-Federal share of the activity/project costs has been obtained. Reclamation will use this information in determining financial capability. **(up to 5 points)**

- **Environmental compliance** – The proposal addresses the environmental and cultural resources questions in *Section HI* and includes them in the SOR strategy. Environmental compliance costs are included in the budget. **(up to 5 points)**

E.1.3 Designing Water Management Improvements – 90 Points Available

- **Association with Reclamation project water supplies** - The proposal demonstrates a nexus between the proposed project and a Reclamation project. The proposal should explain the applicant's relationship with any Reclamation project. Priority is given to water user entities that receive water supplies from Reclamation projects or have water contracts with Reclamation. The applicant should explain its tie to a Reclamation project activity and specify Reclamation's water supply contract number, if applicable. **(up to 25 points)**
- **Extent to which applicant's Water Management Plan is complete and updated**
The applicant has provided justification that a required (e.g., RRA, state law) water management plan is complete and has been updated within the past five (5) years. If an applicant is not required to have a plan in place, then an applicant will describe the absence of a statutory or regulatory requirement. **(up to 5 points)**
- **Reasonableness of cost** – The proposal provides detail and justification to show that the costs match the technical aspects of the project. Namely, the budget is sufficiently detailed, realistic, and commensurate to support the estimated costs associated with the proposed work in the specified time frame. The criterion also evaluates whether the proposed costs are reasonable, allocable, and appropriate for the work proposed. **(up to 5 points)**
- **Extent to which the proposed activity will result in the applicant being better suited to implement a project expected to improve water management and modernize existing water delivery infrastructure** – The proposal demonstrates that the proposed water management project will position the applicant to be better situated to modernize their existing water delivery infrastructure and improve water management upon completion of the design and implementation of the project. **(up to 20 points)**
- **Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed** – The proposal demonstrates that the requested Federal funding would promote completion of the project that otherwise would be delayed or postponed. **(up to 10 points)**
- **Amount and sources of non-Federal funding above and beyond the required 50 percent cost-share** – The proposal discusses the recipient's cost-share percentage for its non-Federal funding or in-kind services and whether the cost-share funds are secured. The applicant's proposal shall include a funding plan that describes how the non-Federal share of the activity/project costs has been obtained. Reclamation will

use this information in making a determination of financial capability. **(up to 5 points)**

- **Extent to which the proposed design is related to a water management improvement project identified in a previous planning effort led by the applicant** – The proposal describes the development of a design related to a project identified in a previous planning effort (e.g., Water Management and Conservation Plan, SOR). **(up to 15 points)**
- **Environmental Compliance** – The extent that environmental and cultural resources questions in *Section HI* are part of the strategy to be incorporated into the design project. Environmental compliance costs are included in the budget. **(up to 5 points)**

E.1.4 Demonstrating Conservation Project Technologies – 90 Points Available

- **Association with Reclamation project water supplies** – The proposal demonstrates a nexus between the proposed project and a Reclamation project. The proposal should explain the applicant’s relationship with any Reclamation project. Priority is given to water user entities that receive water supplies from Reclamation projects or have water contracts with Reclamation. The applicant should explain its relationship to a Reclamation project activity and specify Reclamation’s water supply contract number, if applicable. **(up to 25 points)**
- **The extent to which applicant’s Water Management Plan is complete and updated** – The applicant has provided justification that a required (e.g., RRA, state law) water management plan is complete and updated within the past five (5) years. If an applicant is not required to have a plan in place, then an applicant will describe the absence of a statutory or regulatory requirement. **(up to 5 points)**
- **Reasonableness of cost** – The proposal provides detail and justification to show that the costs match the technical aspects of the project. Namely, the budget is sufficiently detailed, realistic, and commensurate to support the estimated costs associated with the proposed work in the specified time frame. The criterion also evaluates whether the proposed costs are reasonable, allocable, and appropriate for the work proposed. **(up to 5 points)**
- **The extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed** – The proposal demonstrates that the requested Federal funding would promote completion of the project that otherwise would be delayed or postponed. **(up to 10 points)**
- **The amount and sources of non-Federal funding above and beyond the required 50 percent cost-share** – The proposal discusses the recipient’s cost-share percentage for its non-Federal funding or in-kind services and whether the cost-share

funds are secured. The applicant's proposal shall include a funding plan that describes how the non-Federal share of the activity/project costs has been obtained. Reclamation will use this information in determining financial capability. **(up to 5 points)**

- **Extent to which the proposal describes a sound implementation strategy, including addressing questions and methodology for discovering outcomes** – The proposal describes an implementation plan identifying key resources (e.g., technical expertise, equipment) and the necessary steps for successful demonstration of the conservation technology. The proposal should provide information about how the results from the demonstration project will be used, such as whether it will be expanded to a larger project, if the results are positive. Describe in detail how the findings and benefits will be applied to improve water efficiencies. Explain ways that the project is anticipated to save or better manage water. **(up to 10 points)**
- **The applicant's strategy for monitoring performance and reporting and disseminating results** – The applicant has described a strategy to evaluate and assess the results from the demonstration project, and makes that information available to the larger, interested community. The applicant should describe interested stakeholders of the conservation technology, immediate beneficiaries, and the strategy of engaging and informing these interested parties on the methodology/process and ultimate results. **(up to 10 points)**
- **The extent to which the proposed activity will demonstrate innovative conservation technologies for improving water use efficiency** – The applicant has described the innovative conservation technology including applied research to benefit the development of new technologies; demonstration of a specific conservation technology; or innovative application of an existing technology with the intent of evaluating results. The applicant should describe how this innovative technology is expected to improve water efficiency. **(up to 15 points)**
- **The likelihood that any environmental and cultural resources issues associated with the proposal can be addressed at low cost and completed in a timely manner** – The proposal describes an implementation plan that address mitigating environmental and cultural resources issues in a low cost and timely manner. The environmental compliance questions in *Section H1* must be addressed. Environmental compliance costs are included in the budget. **(up to 5 points).**

E.1.5 Evaluation Criterion 5 — Presidential and Department of the Interior Priorities (up to 10 Points)

Department of the Interior and Bureau of Reclamation Priorities – The proposal demonstrates that the project supports DOI and Reclamation priorities (ref. Executive Orders 13985, 14002, 14005, 14008). Please address only the priorities that are applicable to the project; it is not necessary to address all priorities. A

project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal. **(up to 10 points)**

Department of the Interior Priorities

- Identify steps to accelerate responsible development of renewable energy on public lands and waters.
- Strengthen the government-to-government relationship with sovereign Tribal Nations.
- Make investments to support the Administration's goal of creating millions of family-supporting and union jobs.
- Work to conserve at least 30% each of our lands and waters by the year 2030.
- Center equity and environmental justice.

Bureau of Reclamation Priorities

- Ensure the continued delivery of water and power benefits in conformity with contracts, statutes, and agreements.
- Operate and maintain projects in a safe and reliable manner, protecting the health and safety of the public and Reclamation employees, and improve financial accountability and transparency to our contractors.
- Honor State water rights, interstate compacts, contracts with Reclamation users, further the Secretary of the Interior's Indian Trust responsibilities, and comply with all environmental statutes.
- Plan for the future using programs that focus Reclamation's financial and technical resources on areas in the West where conflict over water either currently exists or is likely to occur in the coming years.
- Enhance the business operations of Reclamation in accord with the Managing for Excellence initiative.

Climate Change

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

Combating the Climate Crises: E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, focuses on increasing resilience to climate change and supporting climate-resilient development. For additional information on the impacts of climate change throughout the western United States, see:

www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf. Please describe how the project will address climate change, including the following:

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

Disadvantaged or Underserved Communities

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

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

- Please use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map - Climate & Economic Justice Screening Tool (screeningtool.geoplatform.gov/en/#17.59/36.63278/-105.181329) to identify any disadvantaged communities that will benefit from your project. In addition to identifying specific census tracts that are disadvantaged, the CEJST considers the lands of Federally Recognized Tribes as disadvantaged communities. In addition, regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities are considered disadvantaged communities for the purposes of the Justice40 Initiative.¹
- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve, or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?

Tribal Benefits

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

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for a Tribe?

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

- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and safety by addressing water quality, new water supplies, or economic growth opportunities?
- Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.2 Review and Selection Process

Reclamation reserves the right to reject applications that do not meet the requirements of this NOFO or are outside the scope of WCFSP grants. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program tasks listed in *Section C.4. Eligible Projects*. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1 First Level and Threshold Screening

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

- The application meets the completeness, eligibility, and timeliness requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO.
- The application meets the content requirements of the NOFO package, including submission of a technical proposal and budget narrative.
- The application contains executed mandatory forms SF-424, Application for Financial Assistance and SF-424B, Assurances Form, and a completed SF-424A, Budget Information Form.

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be considered for funding. Reclamation reserves the right to remove an application from funding consideration during the initial screening if it is not submitted on time; does not include the required SF-424 forms; does not include a technical proposal; or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant. If an application is missing other information, Reclamation may request that information from the applicant within a specified timeframe.

E.2.2 Application Review Committee

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in *Section E.1. Evaluation Criteria*.

Applications will be scored against the evaluation criteria, and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

E.2.3 Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position.

Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

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

E.2.4 Managerial Review

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

E.2.5 Pre-Award Clearances and Approvals

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

E.2.5.1 *Environmental Review*

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

E.2.5.2 *Budget Analysis and Business Evaluation*

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

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

E.3 Anticipated Announcement and Federal Award Dates

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

Section F: Federal Award Administration Information

F.1 Federal Award Notices

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

F.2 Administrative and National Policy Requirements

See the “DOI Standard Terms and Conditions” for the administrative and national policy requirements applicable to Department awards.

F.2.1 Automated Standard Application for Payments Registration

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

Note: If the entity is currently enrolled in the ASAP system with an agency other than Reclamation, it must enroll specifically with Reclamation in order to process payments.

F.2.2 Environmental and Cultural Resources Compliance

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

Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.

As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project. **Environmental and cultural resources compliance costs are considered project costs and should be included in the project budget.**

As previously stated, under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete, and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. Reclamation will provide a successful applicant with information when such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3 Approvals and Permits

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

F.2.4 Geospatial Data and Data Tools

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

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

F.2.5 Intangible Property (2 CFR §200.315)

Title to intangible property (see definition for Intangible property in 2 CFR §200.1) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity

must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in § 200.313(e).

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

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

F.3 Reporting Requirements and Distribution

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

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

F.3.1 Interim and Final Financial Reports

Recipients will be required to submit a fully completed SF-425 Federal Financial Report form along with the Final Federal Financial Report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2 Interim Performance Reports

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

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period.
- The reasons why established milestones were not met, if applicable.

- The status of milestones from the previous reporting period that were not met, if applicable.
- Whether the project is on schedule and within the original cost estimate.
- Any additional pertinent information or issues related to the status of the project.
- Photographs documenting the Project are also appreciated. *Note: Reclamation may print photos with appropriate credit to the applicant.*

F.3.3 Final Performance Report

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

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

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

F.4 Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any 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.4.1 Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award 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.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5 Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.6 Freedom of Information Act

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. 110-175), and as a result, may be made publicly available.

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of

obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

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

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples).

Research data also does not include:

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

Section G: Federal Awarding Agency Contacts

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

If contacting the individuals below, **please include the NOFO number R24AS00252 in subject line.**

G.1 Reclamation Financial Assistance Contact

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

Name: Chandrika Nasstrom

Email: cnasstrom@usbr.gov

G.2 Reclamation Program Coordinator Contact

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

Name: Ken Isakson

Email: kisakson@usbr.gov

Phone: 725-232-5386

Section H: Other Information

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

H.1 Environmental and Cultural Resource Considerations

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

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

- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on Tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1 National Environmental Policy Act

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

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

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

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

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the

proposed action reduce water supplied to a wetland by 1 percent? Or 95 percent?). The best source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

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

H.1.2 National Historic Preservation Act

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

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

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
 - A determination as to whether additional information is necessary.
 - Evaluation of the significance of identified cultural resources.
 - Assessment of the effect of the project on historic properties
 - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.
 - A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.

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

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

H.2 Endangered Species Act

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

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

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

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

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

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