RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

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

ABSTRACT	
Funding Announcement	R15AN20011
Project Title	Walker Basin Settlement Plan
Recipient	Walker Lake Working Group
Principal Investigator / Program Manager	Glen and Marlene Bunch
Anticipated Federal Amount	$1,000,000.00
Cost Share	NONE
Total Anticipated Award Amount	$1,000,000.00
New Award or Continuation?	NEW AWARD
Anticipated Period of Performance	April 30, 2020
Award Instrument	Grant
Statutory Authority	Agricultural Act of 2014 (Farm Bill), Title II, **Section 2507, Public Law 113-79** enacted February 7, 2014.
CFDA # and Title	15.508 - Providing Water to At-Risk Natural Desert Terminal Lakes
Single Source Justification Criteria Cited	(4) Unique Qualifications
Reclamation Point of Contact	Vivian Davis

OVERVIEW

Background and Need for Project: The Walker Lake Working Group (WLWG) is a non-profit organization chartered in 1991 with the mission to conserve Walker Lake, a desert terminal lake, as a fresh-water fishery. Over-appropriation of Walker River water rights has caused water levels in Walker Lake to drastically decline and total dissolved solids to concentrate to a level that is toxic to the native fish. In addition to WLWG's varied Walker Lake conservation education programs, legal actions have played an important role in advocating for downstream communities. WLWG has continually participated with other Walker Basin stakeholders in various iterations of negotiations to settle litigation seeking to open the C-125 Walker River Decree and reallocate water rights in the basin. The current round of settlement talks, which began in 2012, have been the most productive with all the parties making considerable progress toward resolution of the most challenging issues. Accordingly, there is good reason to pursue these negotiations as the most likely means of resolving existing disputes over water in the basin.

Summary of Proposed Project: The proposed project is to provide funding assistance for legal work to comprehensively evaluate and resolve the competing claims for Walker River Basin water. This comprehensive settlement process is essential for the restoration and long-term maintenance of Walker Lake's sustainability. Funding would also be used to ensure successful implementation of the negotiations and settlement through providing required formal notice to stakeholders in the Walker Basin. Finally, funding would be used to provide outreach and education regarding the comprehensive Walker River Basin settlement and the associated water acquisition Program being implemented by the National Fish and Wildlife Foundation. This education will facilitate settlement through informed participants to increase support for the goals of the settlement.

RECIPIENT INVOLVEMENT

Proposed activities to be funded by the award: This grant would provide funding for three major activities:

1. **Walker River Basin Comprehensive Water Rights Settlement Negotiations:**
The grant will provide WLWG funding for settlement-related tasks. Legal counsel and technical experts will work on a variety of proposals for managing the complex Walker River system and securing sufficient, long-term Walker River inflow to Walker Lake. As part of the settlement efforts, WLWG and Mineral County representatives and their legal counsel will all need to participate in negotiation meetings and hearings. In addition, as settlement discussions reach fruition and produce an agreement with various measures that require state and federal governmental approval before they can be implemented, WLWG and legal counsel will work collaboratively on necessary legislative initiatives and proposals for the U.S. Congress, and Nevada and California legislatures.

2. Full Public Notice and Participation:
Printing and mailings will be provided to the water right holders and stakeholders in order for an agreement to be recognized by the Federal Court as formal and binding to settle the outstanding litigated claims to Walker River water. All claimants of any water right or interest in Walker River Basin waters will be served notice of their rights and responsibilities.

3. Outreach and Education In Support of a Comprehensive Settlement and Water Rights Acquisition Program for Walker Lake:
This task will fund a Grant Administrator to serve as a third-party grant administrator and public relations consultant for WLWG. WLWG will actively communicate with all interested parties and educate them about the practical aspects of the Lake's continued decline and the benefits of its potential recovery. WLWG will develop and disseminate easily accessible materials addressing the principal issues and key concerns at various intervals in the settlement process and organize public meetings and forums, as appropriate.

RECLAMATION INVOLVEMENT

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

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.
In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria: (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives; (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity; (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose; (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity

based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

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

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

The applicant, Walker Lake Working Group (WLWG) is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, volunteer support capacity, technical expertise, and extensive history with the specific issues and tasks of the Walker Basin negotiated settlement and public conservation education programs.

Trustees of the WLWG non-profit are primarily located in the rural Walker Lake area. They are long-term residents and community leaders with specific experience and expertise related to Walker Lake and Walker River Basin. Since its inception, WLWG has worked hand in hand with local government officials from Mineral County to sustain the lake that is located entirely within its borders. WLWG and Mineral County have been co-intervening defendants or petitioners in current legal actions to sustain the lake.

WLWG has a long history of cultivating volunteers among businesses, sportsmen and conservationists throughout the region to work on public education and solutions for recovering water quality at Walker Lake. This volunteer support capacity will continue throughout the life of the grant.

WLWG has been intricately involved in all Walker Basin settlement negotiations and related public conservation education for nearly two decades. WLWG plays a uniquely important and influential role in this process because it is the only entity that has effectively advocated for the interests of Walker Lake and all of the downstream communities in Walker River Basin. WLWG has collaborated on Walker Lake issues with Mineral County; the towns of Hawthorne and Walker Lake; the Walker River Paiute Tribe; regional and national conservation organizations; and state and federal agencies.

WLWG's existing contractors have been involved with these negotiations for more than 10 years and have a high level of technical expertise for participation in these multi-party negotiations, as well as leading and implementing the related public conservation education efforts. In addition to longevity, WLWG's contract legal counsel is uniquely qualified for its expertise in western environmental and water law.

Continuation of WLWG's multi-year historical activities in the Walker River Basin through funding of the ongoing settlement and public education is necessary for satisfactory completion

of the settlement, which is in support of the goals of the legislative authorization for terminal lakes. As the leading representative of downstream and conservation communities concerned with Walker Lake, WLWG has both a special ability and responsibility to actively communicate with all interested constituencies (including those in opposition to the Lake's recovery), and to educate them about the practical aspects of the Lake's continued decline and the benefits of its potential recovery.

For these reasons stated above, WLWG is the appropriate uniquely qualified entity to receive grant funding for settlement negotiations and associated public conservation education.

STATUTORY AUTHORITY

Public Law 113-79 - ''SEC. 2507. TERMINAL LAKES ASSISTANCE

''(a) DEFINITIONS.—In this section:

''(3) TERMINAL LAKE.—The term 'terminal lake' means a lake and its associated riparian and watershed resources that is—

''(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

''(d) WATER ASSISTANCE.—

''(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—

''(A) to lease water;

''(B) to purchase land, water appurtenant to the land, and related interests; and

''(C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources.

''(2) EXCLUSIONS.—The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

''(e) FUNDING.—

…

''(2) COMMODITY CREDIT CORPORATION.—As soon as practicable after the date of enactment of the Agricultural Act of 2014, the Secretary shall transfer to the 'Bureau of Reclamation— Water and Related Resources' account $150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.