



— BUREAU OF —
RECLAMATION



Trinity River
Restoration Program

Notice of Funding Opportunity No. BOR-CGB-21-F006

Trinity River Restoration Program Watershed Grant Program Administration



West Weaver Creek Restoration Site; Credit: Mike Dixon

U.S. Department of the Interior
Bureau of Reclamation
Interior Region 10
Sacramento, California

May 2021

Mission Statements

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

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

The purpose of the Trinity River Restoration Program is to mitigate impacts of the Trinity River Division of the Central Valley Project on anadromous fish populations in the Trinity River by successfully implementing the 2000 Trinity River Restoration ROD and achieving Congressionally mandated restoration goals.

Synopsis

Federal Agency Name:	U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10
Funding Opportunity Title:	Trinity River Restoration Program Grant Program Administration
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	BOR-CGB-21-F006; Announcement #R21AS00232
Catalog of Federal Domestic Assistance Number:	15.532
Dates: (See NOFO Sec. B.4)	Proposals received before July 19, 2021 1:00 p.m. Pacific Standard Time (PST) will be considered for Fiscal Year (FY) 2021 funding.
Eligible Applicants: (See NOFO Sec. C.1)	Non-federal government entities, including state, local, Indian tribal governments, and nonprofit organizations
Recipient Cost Share: (See NOFO Sec. C.4)	No cost share required
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$2,675,000.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.2)	1
Estimated Amount of Funding Available for Award: (See NOFO Sec B.2)	Anticipated funding for FY 2021 is \$675,000 with \$500,000 in FY 2022, FY 2023, FY 2024, and FY 2025 subject to congressional appropriations.

Application Checklist

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

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424B, and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.2.2.2		*
	Table of contents	See Sec. D.2.2.3		*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4		*
	Background data	See Sec. D.2.2.4		*
	Project location	See Sec. D.2.2.4		*
	Project description	See Sec. D.2.2.4		*
	Evaluation criteria	See Sec. E.1		*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5	Page 15	*
	Budget proposal	See Sec. D.2.2.5	Page 16	*
	Budget narrative	See Sec. D.2.2.5	Page 18	*
	Required permits or approvals	See Sec. D.2.2.6		*
	Letters of support	See Sec. D.2.2.8		*
	Official Resolutions	See Sec. D.2.2.9		**
	Unique Entity Identifier and System for Award Management	See Sec. D.3		***

* Submit materials with your application.

** Document should be submitted with your application; however, please refer to the applicable section of the NOFO for extended submission date.

*** Should be completed prior to the application deadline; however, please refer to the applicable section of the NOFO for extended completion date.

Acronyms and Abbreviations

2020 BiOp	<i>Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Trinity River Restoration Program, August 2020</i>
AF	Acre Feet
ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CDFW	California Department of Fish and Wildlife
CEC	Categorical Exclusion Checklist
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
Department	United States Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FY	Fiscal Year
GO	Grants Officer
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOFO	Notice of Funding Opportunity
PST	Pacific Standard Time
Reclamation	Bureau of Reclamation
Resource Agencies	Reclamation, National Marine Fisheries Service, California Department of Fish and Wildlife
RFP	Request for Proposal
RM	River Mile
ROD	Record of Decision
SAM	System for Award Management
SHPO	State Historic Preservation Office(r)
SPOC	Single Point of Contact
SONCC	Southern Oregon Northern California Coast
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
USPS	United States Postal Service

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Section A: Funding Opportunity Description

A.1. Trinity River Restoration Program Watershed Grants

The purpose of the Trinity River Restoration Program Watershed Grant Program (Program) is to provide funding for activities that improve fish and wildlife habitat within the Trinity River Basin to mitigate impacts of the operation of the Trinity River Division of the Central Valley Project on the mainstem fisheries of the Trinity River. Program funds are used to support local and regional on-the-ground actions that reduce fine sediment delivery in degraded watersheds or improve habitat connectivity. Reclamation is required to support the Program pursuant to the *Record of Decision – Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report* (ROD) issued by the Department of the Interior on December 19, 2000 (See Exhibit A).

Administration of Program funds will be directed towards habitat restoration activities within tributaries of the Trinity River between Lewiston Dam and Weitchpec, including the South Fork Trinity River and its tributaries.

The goals (objectives) of the Program include, but are not limited to:

- Goal 1: Administering Reclamation funds for anadromous fish habitat improvement activities under this grant opportunity;
- Goal 2: Soliciting project proposals within the specified reach of the Trinity River Basin. Inclusive of publicly advertising Program availability (via open houses, formal requests for proposals, etc.), conducting a phased approach for requesting pre-proposals, internal reviews, selections for and process to receive full project proposals, additional internal reviews, and overall selection and award notifications each fiscal year as well as post award meetings and coordination throughout project completion;
- Goal 3: Administration of all construction and non-construction activities conducted by other entities receiving funds under this grant opportunity;
- Goal 4: Facilitating meetings with the Trinity River Restoration Program partner agencies inclusive of Reclamation, USFWS, NMFS, the Yurok Tribe, Hoopa Valley Tribe, U.S. Forest Service, Trinity County, California Department of Water Resources, and California Department of Fish and Wildlife as well as other entities that Reclamation believes are necessary and appropriate;
- Goal 5: Monitoring and reporting activities associated with selected projects and overall Program administration.

Projects that the Program could fund are those that address actions listed in the [2014 SONCC Coho Recovery Plan](#), the [Klamath IFRMP Restoration Prioritization Tool](#), or other priorities selected by interagency application review committee.

A.2. Objective of this Funding Opportunity Announcement

The objective of this NOFO is to invite applicants (State and local governments, nonprofit organizations and institutions, and Federally recognized Indian Tribal Governments) to submit proposals indicating their ability and experience with administering a large, multi-faceted, multi-year grant program focusing on construction and non-construction related restoration activities with numerous local and regional sub-recipients. Note that all subrecipients of restoration grants must meet the same qualification requirements (State and local governments, nonprofit organizations and institutions, and Federally recognized Indian Tribal Governments) as the awardee. **This NOFO covers one application submittal period ending on July 19, 2021 at 1:00 p.m. PST. for complete Program administration (for FY 2021 through FY 2025).** The successful applicant will be selected through a competitive process that will focus on achieving the outcomes identified in this NOFO.

A.3. Statutory Authority

Authorization for the TRRP is the Central Valley Project Improvement Act, 1992, Public Law 102-575, Title 34, Section 3406(b) (23) and 3406(b)(1). CVPIA directed Reclamation to address adverse environmental impacts of the Central Valley Project on fish, wildlife, associated habitats and natural production of anadromous fish in the Trinity River basin of California by protecting, restoring, and enhancing such habitats. This NOFO solicits applications from eligible entities for a grant or cooperative agreement to be awarded pursuant to the statutory authority referenced above.

The TRRP was directed to carry out watershed restoration actions for sediment management and habitat connectivity improvement in the 2000 Trinity River Mainstem Fishery Restoration Record of Decision (ROD), which was itself mandated under the Central Valley Project Improvement Act. The ROD did not require that these actions be carried out via grants to third party restoration entities; however, there is often special expertise inherent in these entities which support use of grants as one tool to accomplish this work.

TRRP funding is contained in applicable appropriations acts. Reclamation has authority to award grant, cooperative and interagency agreements, and contract agreements for planning, design, outreach and implementation projects in furtherance of the TRRP. The statutory authority for financial assistance grants and cooperative agreements to implement these responsibilities under TRRP is contained in the Central Valley Project Improvement Act.

Section B: Award Information

B.1. Total Project Funding

Total Program cost for period FY 2021 through FY 2025 would be \$2,675,000.

Reclamation will provide funding for the administration and award of watershed restoration activities in the Trinity River Basin to the recipient according to the following funding cycles.

Period 1, FY 2021	\$ 675,000
Period 2, FY 2022	\$ 500,000
Period 3, FY 2023	\$ 500,000
Period 4, FY 2024	\$ 500,000
Period 5, FY 2025	\$ 500,000

Funding is contingent upon appropriations, and this NOFO will be updated accordingly as the appropriation information becomes available. Note that, at the discretion of Reclamation and the recommendation of the Trinity Management Council, within-year contributions may be higher or lower than \$500,000. Additional funds from partner agency mitigation obligations (e.g. CalTrans) may also be added to this agreement in excess of the \$500,000 per year and beyond the five-year sum of \$2,675,000.

B.2. Project Funding Limitations

A single award will be made under this NOFO so eligible entities should apply for the full funding amount. No cost share is required but matching funds are encouraged.

B.3. Reclamation Responsibilities

An Award will be made through a cooperative agreement. The Program Administrator/Recipient should expect Reclamation to have substantial involvement in the overall Program and sub-projects. Substantial involvement by Reclamation will include:

- Ensuring receipt of all deliverables including but not limited to the draft and final reports.
- Providing other additional information, clarification, data, or assistance that may be requested by the grant recipient, as determined to be practicable by Reclamation.
- Participating in meetings and coordination and communication related to grant administration, restoration priority setting, selection of projects, and ongoing projects, as determined to be practicable by Reclamation.
- Coordinating with the Program Administrator/Recipient's Environmental Compliance Manager (by having on staff or hiring an Environmental Compliance Manager as a consultant and sub-recipients (as necessary) to determine level of environmental compliance analysis required for all sub-projects whereby, Reclamation will review,

edit, clarify needs, adopt, and finalize all environmental compliance related documents under Reclamation's purview.

At the request of the recipient, Reclamation can provide technical assistance after award of the Program or sub-award to individual projects. To discuss available assistance, contact Mike Dixon, Trinity River Restoration Program Executive Director, at mdixon@usbr.gov.

B.4 Award Date

Reclamation expects to notify potential award recipients on or around July 2021. Notification letters will also be sent to unsuccessful applicants during the same time frame. Three to six months after notification, financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearance.

Section C: Eligibility Information

C.1. Eligible Applicants

State and local governments, nonprofit organizations and institutions, and Federally recognized Indian Tribal Governments may apply.

C.2. Eligible Projects

The principal objective of this solicitation is to have the Program Administrator/Recipient administer Reclamation funds used to support projects to improve habitat for SONCC coho salmon and other anadromous fish in tributaries of the Trinity River between Lewiston Dam and the confluence with the Klamath River at Weitchpec, inclusive of the South Fork Trinity River and its tributaries. **Projects on the mainstem Trinity River, or its tributaries above Lewiston Dam, are ineligible.**

The Program Administrator/Recipient will use the Request for Proposal (RFP) process to initiate a pre-proposal phase whereby Reclamation and the TRRP Agencies in coordination with the Program Administrator/Recipient will select pre-proposals for formal proposal submission. The Program Administrator/Recipient is responsible for coordinating primarily with Reclamation and then as needed with the TRRP Agencies (as described on page 1 of this announcement) to formally select full proposals that rank projects based on established ratings focusing on those that provide fine sediment reduction or habitat improvements and have the greatest impact on promoting the survival and recovery of anadromous fish. The Program Administrator/Recipient will fund projects that comply with:

- 1) Reclamation's authority under the CVPIA;
- 2) Project types specifically identified by watershed in the SONCC coho recovery plan;
- 3) Priority projects identified in the Klamath Basin Integrated Fisheries Restoration and Monitoring Plan's prioritization tool;
- 4) The overall goals and objective of the Program as outlined above in Section A.1.

The Program Administrator/Recipient will monitor all activities (construction and non-construction) conducted by others receiving funds under this grant opportunity. For projects that include construction elements, the Program Administrator/Recipient will ensure that sub-recipient has a Project Manager, responsible for ensuring the project is implemented per the stamped engineering and/or professional grade construction plans and that all applicable environmental compliance requirements are upheld.

For both construction and non-construction projects, the Program Administrator/Recipient will ensure overall compliance with Federal and state environmental regulations, permitting, and reporting on permits (**discussed in more detailed in section H.2**) by having on staff or hiring an Environmental Compliance Manager as a consultant (previously mentioned in section B.3) who is professionally trained and well versed in the Federal requirements that Reclamation is responsible for including, but not limited to the ESA, the National

Environmental Policy Act (NEPA), Clean Water Act (CWA), the National Historic Preservation Act (NHPA), etc. Note: Reclamation has recently received a 2020 Biological Opinion from NMFS and 2020 Letter of Concurrence from USFWS providing programmatic ESA coverage of Trinity River tributary restoration projects. ESA compliance needs should largely be informal.

The Program Administrator/Recipient's Environmental Compliance Manager will serve as the main point of contact for Reclamation staff reviewing and adopting environmental documents drafted by the sub-recipients. This Environmental Compliance Manager will participate in the overall sub-project selection process to reduce the need for Reclamation to participate in additional calls/etc. Additionally, the Environmental Compliance Manager will be responsible for ensuring that all sub-project applicants include environmental compliance budgets in pre-and full proposals (typically 10 percent of total project costs), that the sub-recipient have on staff or hire an environmental compliance consultant that is well versed in developing documents that meet Federal environmental compliance requirements (e.g., environmental assessments (EA), categorical exclusion checklists (CEC), and possibly Environmental Impact Statements (EIS(s)), etc.). At a minimum the Program Administrator/Recipient's Environmental Compliance Manager will have the following criteria.

(Note: the sub-recipient's environmental compliance staff or hired consultant should have similar qualifications, but it is not required as the Program Administrator/Recipient's Environmental Compliance Manager will be assisting to ensure all documentation meet Reclamation's standard prior to Reclamation reviews and adoption):

- A minimum of 5 years of NEPA document preparation and project management experience in environmental consulting. Experience should include simple to complex, multi-disciplinary projects; leading meetings with clients and agencies; directing project teams including subcontractors; preparing or directing staff in the preparation of technical studies and NEPA documents (e.g. EA and Finding of No Significant Impacts (FONSI)); and setting and adhering to project budgets and delivery schedules.
- Ability to write concise, descriptive, and complete descriptions of all the elements of both construction and non-construction projects.
- Ability to create or direct the creation of project location maps containing, township, range, section, North arrow, proposed action boundaries, a complete map legend, etc.
- A minimum of a bachelor's degree in environmental planning, environmental science, biology, environmental science, natural resource management, planning, geology or other science-related field.
- A working knowledge of and experience with developing, complying, and/or assisting a Federal agency develop compliance documents or Federal and California environmental regulations including NEPA, California Environmental Quality Act (CEQA), the CWA, the ESA, the NHPA, etc.
- A working understanding of Federal agency internal processes and procedures including, but not limited to Reclamation, U.S. Forest Service, National Park Service,

NMFS, Federal Energy Regulatory Commission, Natural Resource Conservation Service, and/or U.S. Fish and Wildlife Service.

- Excellent verbal and written communication skills; interpersonal skills; attention to detail; and organization, schedule, and budget management skills.

Further, to reduce Reclamation's need to review initial adequacy of environmental compliance documentation on any sub-grantee projects, the Program Administrator/Recipient's Environmental Compliance Manager will ensure that sub-grantee's environmental compliance documents (to be completed by the sub-grantee's staff or environmental compliance consultant) are complete, near final, and ready for Reclamation's final review and acceptance consistent with the compliance requirements identified in the RFP process and as directed by Reclamation during post award of sub-project meetings.

Any details that Reclamation identifies as outstanding for a particular sub-grantee project will be coordinated through the Program Administrator/Recipient's Environmental Compliance Manager who, as stated above will manage, coordinate, and assist all sub-recipients in environmental compliance documentation and consultant needs.

It is the sole responsibility of the Program Administrator/Recipient's Environmental Compliance Manager to ensure sub-recipients have budgeted for and hired qualified staff or consultants to develop environmental compliance documents (specifically regarding NEPA analysis and cultural resource surveys and reports under NHPA and CWA). The Program Administrator/Recipient will also be responsible for all sub-receipts accurately and completely answers a series of questions or provide additional information to Reclamation about the potential environmental impacts of a proposed sub-project.

Additionally, the Program Administrator/Recipient will provide Reclamation with quarterly financial and progress reports during the life of the Program. Progress reports should include a detailed breakdown of administration activities and associated costs as well as the activities and associated costs of selected projects including prioritization of projects resulting from scheduling constraints, any matching funds, habitat metrics achieved (e.g., acres of riparian habitat restored, area of off channel habitat constructed, cubic yards of fine sediment erosion prevented), pre and post project photos, and any other relevant project information (e.g., points of contact, fish population estimates, as built surveys, environmental concerns identified, fish and wildlife encounters).

Reclamation will also require from the Program Administrator/Recipient bi-weekly status of environmental compliance of all projects, upcoming program and sub-project deadlines, perceived issues or concerns, and summary of correspondence with the sub-grantees, expenditures for each program, changes to any points of contacts with sub-grantees, action items, and any other information deemed necessary by Reclamation.

Period of performance for the agreement is five years from the date of award with the anticipated end date of September 30, 2026.

The Program Administrator/Recipient is required to have experience with administering projects using Federal and private funds with experience administering projects that focus on the problems facing SONCC coho salmon and other Pacific anadromous fish species. Some of the problems facing these species include impeded access to their historical habitat; loss of summer and winter rearing habitat, seasonal water quality impairment (temperature and flow in particular), water quality and flow-related effects on the incidence of disease in certain populations, excessive fine sediment recruitment due to poor land management, and reduced transport of sediment and large woody debris to important habitat.

The successful applicant to this funding opportunity is responsible for:

- Annually soliciting, reviewing, collating, and coordination of project proposals within the defined reach of the Trinity River Basin to fund through requests for proposals and a selection process that includes direct coordination with Reclamation and the TRRP Agencies as needed.
- Annually facilitating meetings with the TRRP Agencies to prioritize project proposals and discuss overall Program administration.
- Annually administering Reclamation funds for anadromous fish restoration activities under this grant opportunity. Unless exempted by Reclamation, contracts for selected project proposals will be completed by mid-June annually. In addition, contracts will be finalized with applicants within 2 months from the date the TRRP Agencies agree on projects to fund and Reclamation confirms, and the Program Administrator/Recipient notifies for award.
- Ensuring the sub-recipient has a Project Manager managing all construction and non-construction related activities conducted by other entities receiving funds under this grant opportunity. The Program Administrator/Recipient should ensure that each project is implemented as described in the sub-recipient awarded full proposal and the associated environmental compliance.
- Monitoring and reporting activities associated with the administration of the Program as described in Section F.3. including both pre and post construction monitoring and reporting, as well as, quarterly and annual reporting for the Program and any/all summary reports requests by Reclamation.
- Establishing a public website as another method to (1) provide information about the funding (e.g., schedule of solicitation, review, and contracts; qualifying restoration projects; amount; geographic scope); (2) annually solicit project proposals; and (3) list awarded proposals for each year.

For examples of previously funded projects, please contact Mike Dixon at mdixon@usbr.gov.

Example projects that are likely to be funded under the Program and which the Program Administrator/Recipient would manager include, but are not limited to those described in the [2020 National Marine Fisheries Service Biological Opinion](#) for non-mainstem flow related activities of the TRRP

In Summary, the types of projects which may be funded through subawards in this Program include:

- Riparian Habitat Restoration
- Water Conservation
- Instream Habitat Improvements
- Instream Barrier Modification for Fish Passage Improvement
- Fish Passage Improvement at Stream Crossings
- Fish Screens
- Fine sediment reduction in watersheds where fine sediment is a major limiting factor

C.3. Length of Program and Projects

Administration of the Program will be five years (FY 2021 to FY 2025). All sub-projects selected for Federal funds should be completed within 1 year of contract execution Agreement unless coordinated under a different schedule and approved by Reclamation.

C.4. Cost Share Requirement

No cost share is required for this award, though use of matching or in-kind support is encouraged.

C.4.1 In-Kind Contributions

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 directly benefiting and specifically identifiable to the proposed project or program.

C.4.2 Pre-Award Costs

Costs incurred prior to Reclamation's signing the financial assistance agreement will not be reimbursed under this award.

C.4.3 Indirect Costs

Indirect costs are costs incurred by the Program Administrator/Recipient for a common or joint purpose that benefit more than one activity of the organization and are not readily assignable to the activities specifically benefitted without undue effort. Costs that are normally treated as indirect costs include, but are not limited to, administrative salaries and fringe benefits associated with overall financial and organizational administration; operation and maintenance costs for facilities and equipment; and, payroll and procurement services. If

indirect costs will be incurred, identify the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the applicant's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.1 available at www.ecfr.gov. If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from Interior, the Interior Business Center, and Indirect Cost Services, at www.doi.gov/ibc/services/finance/indirect-cost-services.

C.5 Environmental and Cultural Resources Compliance

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

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

Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete and Reclamation explicitly authorizes work to proceed. Reclamation will provide the successful applicant with information once such compliance is completed, including any necessary determinations solely within Reclamation's purview. An applicant that proceeds before environmental and cultural resources compliance is completed may risk forfeiting Reclamation funding under this NOFO.

C.6. Other Requirements

C.6.1 System Registration

C.6.1.1 System for Award Management (SAM)

All applicants must be registered in SAM prior to award under this NOFO. Instructions in registering for SAM are located at <https://www.sam.gov/SAM/pages/public/index.jsf>. All applicants must always maintain an active SAM registration with current information while they have an active Federal award or an application under consideration.

Applicants must include a screen shot of their SAM account in the application package.

C.6.1.2 Automated Standard Application for Payment.

ASAP is a Recipient-initiated payment and information system designed to provide a single point of contact for the request and delivery of Federal funds. All applicants must also be registered with and willing to process all payments through the Department of Treasury, ASAP system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Data Universal Number System (DUNS) Number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or agency. Information regarding the enrollment process for recipients can be found at <https://www.fiscal.treasury.gov/asap/>.

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

Applicants must include a screen shot of their ASAP account in the application package.

Section D: Application and Submission Information

D.1. Address to Request Application Package

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

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

Teresa E. Brown
Grants Management Specialist
E-mail: tebrown@usbr.gov

D.2 Application Submission

D.2.1 Submission Date and Time

The date deadlines for submitting an application are:

- **July 19, 2021, 1:00 p.m. PST** for FY 2021 funding

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Federal government mishandling or by the Grants.gov application system.

D.2.2 Application Delivery Instructions

Applicants are strongly encouraged to submit their application electronically through www.grants.gov or hard copies may be submitted to the following address.

By mail or express delivery/mail services:

Teresa E. Brown
Bureau of Reclamation – CGB-3839
Interior Region 10: California-Great Basin
2800 Cottage Way, Room E-1815
Sacramento, CA 95825-1898

D.3 Instructions for Submission of Project Application

All applications must conform to the requirements set forth below.

Note: 2 CFR 200.319, Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

D.3.1 Applications Submitted Electronically

- Applicants are strongly encouraged to submit their application electronically through Grants.gov at www.grants.gov.
- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take seven (7) to twenty-one (21) days.

Applicants have occasionally experienced significant delays when attempting to submit their application through Grants.gov. If an applicant plans to submit an application through Grants.gov, they are encouraged to submit 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 Grants.gov Help Desk to obtain a Case Number. The Case Number will provide evidence of your attempt to submit an application prior to the submission deadline.

D.3.2 Applications Submitted by Mail

- If the applicant chooses to submit an application by mail, please submit one (1) hardcopy of the entire application document.
- Do not use comb, spiral or adhesive methods to bind the documents. Use only binder clips. Do not submit documents via electronic media.
- Hardcopy applications may be submitted by mail or express methods to the address listed in *Section D.2.2*.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

Regardless of the delivery method used, the applicant must ensure that their proposal arrives by the deadlines stated in Section D.2.1 above. No applications will be accepted under this NOFO after July 19, 2021. Late applications will not be accepted unless it is determined that the delay was caused by Federal government mishandling or by a problem with the Grants.gov application system.

D.3.3. Application Format and Length

The Technical Proposal to administer this Program shall be limited to a maximum of thirty (30) pages. The total application package shall be no more than seventy-five (75) **consecutively numbered** pages. If an application exceeds seventy-five (75) pages, only the first seventy-five (75) pages will be evaluated. The font shall be at least twelve (12) point in size and easily readable. Page size shall be 8½ x 11 inches, except for an occasional larger size for charts, maps and drawings.

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

D.3.4 Application Content

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

- Mandatory Federal Forms:
 - SF-424 Application for Federal Assistance
 - SF-424A Budget Information Non-Construction Programs
 - SF-424B Assurances Non-Construction Programs
 - SF-LLL Disclosure of Lobbying Activities (if applicable)
- These forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html.
- Title page
 - Table of contents
 - Technical proposal (limited to 30 pages) and evaluation categories:
 - Executive summary
 - Background data
 - Technical project description
 - Evaluation criteria:
 - Project budget:
 - Funding plan and letters of commitment
 - Budget proposal
 - Budget narrative
 - Environmental and cultural compliance requirements and documentation needed
 - Required permits or approvals
 - Letters of project support, including from land manager or landowner (do not submit separately)
 - Resolution authorizing participation from applicant's board of directors or government body

D.4 Application Content Details

D.4.1 Mandatory Federal Forms

The application must include the following standard Federal forms. SF-424, SF-424A, SF-424B, and SF-LLL forms may be obtained at <https://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 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 properly signed SF-424 may result in the elimination of the application from further consideration.

SF-424A Budget Information

A fully completed SF-424A Budget Information for Non-Construction Programs must be submitted with the application.

SF-424B Assurances

A SF-424B Assurances for Non-Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included. Failure to submit a properly signed SF-424B may result in the elimination of the application from further consideration.

SF-LLL Disclosure of Lobbying Activities (If Applicable)

A fully completed and signed SF-LLL, Disclosure of Lobbying Activities 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.

ASAP Registration

All applicants must maintain an ASAP registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active ASAP account.

SAM Registration

All applicants must maintain an active SAM registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active SAM account.

A screen shot of your SAM account submitted with your application will be considered verification.

D.4.2 Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, email address, and telephone of the project manager.

D.4.3 Table of Contents

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

D.4.4 Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (**15** pages maximum) include:

- (1) Executive summary
- (2) Background data
- (3) Project location
- (4) Project description
- (5) Evaluation criteria

D.4.4.1 Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one paragraph project summary that specifies the work proposed, including how funds will be used to accomplish specific project activities and briefly identifies how the proposed project contributes to accomplishing the goals of this NOFO.

D.4.4.2 Background Data

Identify past experience with administering projects using Federal and private funds, serving as a manager and trustee for funds arising from legal and regulatory actions involving natural resources and the environment, administering a program of similar size and scope that provides funding for the performance of projects that will improve, restore, and enhance flows, habitat, and fish passage for anadromous fish.

Identify knowledge coordinating environmental and cultural resource compliance as described in Section E.1 and consistent with Reclamation's NEPA Handbook available here: https://www.usbr.gov/nepa/NEPA_Handbook.html.

Identify any past working relationships with Reclamation. This should include the date(s), description of prior relationships with Reclamation, Assistance Agreement Number(s), and a description of the project(s).

Describe any other relevant background information.

D.4.4.3 Technical Program Description

Describe the work, in detail, including specific activities that will be accomplished as a result of this Program. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal.

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

D.4.4.4 Evaluation Criteria

See *Section E.1. Evaluation Criteria* for additional details, including 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.

It is suggested that applicants copy and paste the evaluation criteria and sub-criteria in Section E.1. Evaluation Criteria into their applications to ensure that all necessary information is adequately addressed.

D.4.5 Environmental and Cultural Resources Compliance

N/A. Environmental and cultural resources compliance are described as a component of sub-awards and are not germane to the award under this NOFO.

D.4.6 Required Permits or Approvals

N/A. Required permits and approvals are described as a component of sub-awards and are not germane to the award under this NOFO.

D.4.7 Letter of Project Support

N/A. Letters of project support are described as a component of sub-awards and are not germane to the award under this NOFO.

D.4.8 Official Board Resolution

All applicants shall submit an official resolution adopted by the applicant'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 financial assistance, verifying:

- The identity of the official with legal authority to enter into agreement.
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted.

- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan.
- That the applicant will work with Reclamation to meet established deadlines for entering into a cooperative agreement.

An official resolution meeting the requirements set forth above is mandatory. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted up to 30 days after the application deadline.

D.4.9 Project Budget

The project budget includes:

- (1) Funding plan
- (2) Budget proposal
- (3) Budget narrative

Note: Budget proposals should not include costs that have already been incurred or are anticipated to be incurred prior to the award of the financial assistance agreement. Pre-award costs are not authorized for projects funded under this NOFO.

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

D.4.9.1 Funding Plan

N/A. A funding plan and letters of commitment are not required because a project match is not necessary for this proposal.

D.4.9.2 Budget Proposal

The project budget table shall include detailed information on the categories listed below and must clearly identify all project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors. Additionally, applicants shall include a narrative description of the items included in the project budget. It is advised that applicants use the budget proposal format shown below (Table 1) or a similar format that provides this information and are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.326 before developing their budget proposal.

If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

The table below is only a sample budget table format. We highly suggest you use this format, but you may submit the information in a different format which provides a detailed break-down of costs and justification for budgets presented in the SF-424A.

Table 1. Sample budget proposal format

Budget item description	Computation		Quantity (hours/day)	Total cost
	\$/Unit	Quantity		
Salaries and wages				
Employee 1				\$ -
Employee 2				\$ -
Fringe benefits by \$ or %				
Full-time employees				\$ -
Part-time employees				\$ -
Travel				
Trip 1				\$ -
Trip 2				\$ -
Equipment				
Item A				\$ -
Item B				\$ -
Supplies/materials				
Item A				\$ -
Item B				\$ -
Contractual/construction				
Contractor A				\$ -
Contractor B				\$ -
Other				
Environmental Compliance Documentation and related activities				\$ -
Reporting				\$ -
Total direct costs				\$ -
Indirect costs - ____%				
Type of Rate	Percentage			\$ -
Total project costs				\$ -

D.4.9.3 Budget Narrative

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited to, those listed in the following subsections. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part §200, available at the Electronic Code of Federal Regulations (www.ecfr.gov).

Please provide supporting documentation as indicated for each item of cost.

Salaries and Wages

Indicate the Project Manager and other key personnel by name and title. The Project Manager must be an employee or board member of the applicant. Other personnel should be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation. The labor rates must identify the direct labor rate separate from the fringe rate or fringe cost for each position. All labor estimates must be allocated to specific tasks as outlined in the applicant's technical project description. Labor rates and proposed hours shall be displayed for each task.

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.3. Reporting – Requirements and Distribution* for information on types and frequency of reports required.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

Fringe Benefits

Identify the rates/amounts, what costs are included in this category, and the basis of the rate computations. Federally approved rate agreements are acceptable for compliance with this item.

Travel

Identify the purpose of each anticipated trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation. *Note: travel costs incurred by contractors should not be included in this section but can be included in the contract cost estimate.*

Equipment

Budget proposals should not include the purchase of equipment. Per 2 CFR §200.1 equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology). *Note:*

If the materials/supplies will be provided by a consultant, the costs should be included in the consultant contract cost estimate.

Contractual

Identify all work that will be accomplished by consultants or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the bas.

Other Expenses

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. No profit or fee will be allowed.

Environmental and Regulatory Compliance Costs

Applicants must include a line item in their budget to cover environmental compliance costs.

“Environmental compliance costs” refer to the cost of the Program Administrator/Recipient hiring or having on staff an Environmental Compliance Manager who will ensure all environmental regulations applicable to a sub-projects (e.g., including costs associated with any required documentation of environmental compliance, analyses, permits, or approvals needed relative to comply with applicable Federal environmental laws (including, but not limited to NEPA, ESA, NHPA, and the CWA) and other regulations depending on the sub-project. Such costs may include, but are not limited to:

- The cost incurred the Program Administrator/Recipient or their Environmental Compliance Manager to prepare any necessary environmental compliance documents or reports
- The cost incurred by the Program Administrator/Recipient or their Environmental Compliance Manager in acquiring any required approvals or permits, or in implementing any required mitigation measures on behalf of the sub-recipient/grantee

The amount of the line item should be based on the actual expected environmental compliance costs for the Program. **The minimum amount budgeted for environmental compliance should be approximately 7-10 percent of the total Program cost. If the amount budgeted is less 7-10 percent of the total project costs, the Program Administrator/Recipient must include a compelling explanation of why less than 7-10 percent was budgeted.**

Reclamation advises the Program Administrator/Recipient to review Reclamation’s NEPA Handbook available here: https://www.usbr.gov/nepa/NEPA_Handbook.html to understand the level of effort/analysis the expected to complete environmental compliance reports as well as well as type of coordination expected with Reclamation’s environmental compliance

staff prior to preparing environmental compliance analyses or documents. How environmental compliance activities will be performed (e.g., sub-recipients 'staff or environmental compliance consultant in coordination with Program Administrator/Recipient's Environmental Compliance Manager) and how the environmental compliance funds will be spent, will be determined pursuant to coordination between Reclamation and the selected Program Administrator/Recipient. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to other aspects of the sub-project or overall the Program, if appropriate and as approved by Reclamation and as consistent with the Program Administrator/Recipient's sub-grantee/recipient financial assistance agreements.

Indirect Costs

Show the proposed rate, cost pool base, and proposed amount for allowable indirect costs based on the applicable cost principles in 2 CFR 200, Subpart E. It is not allowable to incorporate indirect rates within other direct cost line items.

If the applicant has separate rates for recovery of labor overhead and general and administrative costs, each rate shall be shown. The applicant should propose rates for evaluation purposes, which will be used as fixed or ceiling rates in any resulting award. Include a copy of any Federally approved Negotiated Indirect Cost Rate Agreement. If a Federally approved indirect rate agreement is not available, provide supporting documentation for the rate. This can include a recent recommendation by a qualified certified public accountant along with support for the rate calculation.

If the applicant has never received a Federally negotiated indirect cost rate, the budget may include a *de minimis* rate of ten percent (10%) of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR Part 200.

If you do not have a federally approved Negotiated Indirect Cost Rate Agreement and/or are proposing a rate greater than the *de minimis* ten percent (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 Interior Business Center, and Indirect Cost Services, at

<https://www.doi.gov/ibc/services/finance/indirect-cost-services>.

D.5 Intergovernmental Review

This NOFO is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf. Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's website, www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf

D6. Official Resolution

Include an official resolution adopted by the applicant'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
- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan
- That the applicant 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. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted up to 30 days after the application deadline.

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.**

Table 3-Evaluation Categories and Point Distribution

Category	Possible Points
A. Experience	25
B. Key Personnel	20
C. Proposed Technical Approach	20
D. Past Performance	10
E. Ability to Implement the Program and Sub-Project Planning and Monitoring Plans	10
F. Ability to Complete Environmental Compliance Requirements and Monitoring	10
G. Budget	5
H. Department of the Interior Priorities	10
Total	110

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

E.1.1. Evaluation Criterion A—Experience

Up to 25 points may be awarded based upon how the proposal indicates the applicant's experience:

- in administering a similar program(s) using federal and private funds, serving as a manager and trustee for funds arising from legal and regulatory actions involving natural resources and the environment that is of similar size and scope that provides funding for the performance of projects that will improve, restore, and enhance, flows, and fish passage for Pacific salmon;
- in administering projects that focus on the problems facing Pacific salmon;
- in grant technical writing, reporting and completion of environmental and cultural resource compliance; and,
- in developing a website to include relevant information associated with the grant program.

E.1.2. Evaluation Criterion B—Key Personnel

Up to 20 points may be awarded for a proposal which indicates the key personnel assigned have the appropriate education, knowledge, expertise, and experience to accomplish this program.

E.1.3. Evaluation Criterion C—Proposed Technical Approach

Up to 20 points may be awarded for a proposal which:

- indicates how the applicant would administer Program funds including advertising the RFP for pre-proposals, the pre-proposal review process of sub-recipient proposed projects, formal selection, notification and post-meetings with sub-recipients and Reclamation and/or the Resource Agencies (if needed);
 - More Specifically, identifies how the Program Administrator/Recipient would coordinate with the Reclamation and the TRRP Agencies (as appropriate) to identify and select project that have the greatest impact on promoting the survival and recovery of anadromous fish including Pacific salmon and their habitat;
 - identifies the criteria that would be used by the Program Administrator/Recipient, Reclamation and the TRRP to meet the goals of the Program;
- indicates how the Program Administrator/Recipient would ensure that the Program and sub-projects comply with 1) Reclamation's authority under the CVPIA, 2) Priorities of the SONCC coho recovery plan, and 3) priorities of the Klamath River IFRMP restoration tool;
- indicates how cost/time effective practices would be incorporated into the prioritization and selection of projects and environmental and cultural resource compliance;

- indicates the approach that will be taken to ensure timely submission of information and documentation associated with the reporting requirements; and,
- indicates the approach and strategy for website development to house and display relevant information associated with administration of the Program.

E.1.4. Evaluation Criterion D—Past Performance

Up to 10 points may be awarded for a proposal that:

- shows the applicant has demonstrated good standing with past project performance on other Reclamation financial assistance agreements and contracts; and,
- provides example programs that can be evaluated based on their relevance and similarity to the work under this NOFO. The age and relevance of past performance information, and the offeror's overall work record will be considered. The Government may contact the offeror's references for information and may review Government performance evaluation databases for prior federal programs. Past performance information obtained from sources other than those identified by the offeror may also be used.

E.1.5. Evaluation Criterion E—Ability to Implement the Program and Sub-Project Planning and Monitoring Plans

Up to 10 points may be awarded for a proposal that addresses the level of difficulty in implementing the proposed project, based upon the following:

- If collaboration is necessary, the level of collaboration among multiple entities;
- For innovative techniques, are there plans (and what are they) to assist others in adopting and implementing the methods and techniques used by the Program?
- Whether the professional and technical qualifications of the applicant's staff and resources are commensurate with the proposed Program;
- If necessary, whether any letters of support are included;
- The applicant has existing or how it will develop new partnerships necessary for the Program's short- and long-term success and reliability;
- The extent of initial and final designs determining when selected sub-proposals are completely defined and described consistent with the level needed for environmental compliance analysis;
- Any anticipated technical or logistical difficulties; and,
- Identify any system-wide planning tools expected to be used to support the Program and determine the priority of the Program's sub-projects in relation to other aspects of Program and all sub-projects.

E.1.6. Evaluation Criterion F—Ability to Complete Environmental Compliance Requirements and Monitoring

Up to 10 points may be awarded for a proposal that includes:

- A schedule that tracks design, CEQA/NEPA/NHPA/State Historic Preservation Office (SHPO) compliance, permitting, and construction;

- The extent of initial and final designs determining when selected sub-proposals are completely defined and described consistent with the level needed for environmental compliance analysis; and,
- A detailed budget indicating resources (time and cost) of consultants/contractors (e.g., Program Administrator/Recipient's Environmental Compliance Manager) needed to complete environmental compliance documentation for Reclamation review consistent with expectations set forth in Reclamation's NEPA Handbook available here: https://www.usbr.gov/nepa/NEPA_Handbook.html.

E.1.7. Evaluation Criterion G—Budget

Up to 5 points may be awarded for a proposal that:

- indicates how Program funds will be used to accomplish administration of Program activities;
- appropriately includes costs necessary to implement the grant administration program;
- indicates estimated costs for both on the ground projects and administration costs;
- indicates estimated number of projects that may be implemented under the Program in consideration of administration costs; and,
- indicates estimated cost of environmental compliance planning, execution, monitoring, and reporting.

E.1.8. Evaluation Criterion H—Department of the Interior and Bureau of Reclamation Priorities

Up to **10 points** may be awarded based on the extent that the proposal demonstrates that the Program administration supports the Department and Reclamation priorities. Please address those priorities that are applicable to your administration of the Program. It is not necessary to address priorities that are not applicable to how you would administer the Program. Applications will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the proposed Program Administration supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal.

Department of Interior Priorities

1. ***Executive Order 14008:*** Tackling the Climate Crisis at Home and Abroad, which directs the Department and other federal agencies to prioritize efforts to reduce climate pollution; support climate resilience; support land conservation and biodiversity efforts, including the 30 by 30 initiative; maximize clean energy development and deployment; and leverage partnerships with youth and service corps to create conservation and resilience jobs in support of the Civilian Climate Corps initiative.
2. ***Executive Order 13985:*** Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, which affirms the Department's responsibility to advance equity, civil rights, racial justice, and equal opportunity through its policies and procedures and directs federal agencies to allocate resources in a manner that helps address historic inequities to underserved communities and individuals, as defined by the order. Each office or bureau is expected to ensure that its financial assistance policies and procedures fully align with this direction.
3. ***Executive Order 14005:*** Ensuring the Future is Made in All of America by All of America's Workers, which calls on federal agencies to ensure that terms and conditions of financial assistance awards maximize the use of goods, products, materials and services produced or offered in the United States.

Bureau of Reclamation Priorities

1. ***Increase Water Supplies, Storage, and Reliability under WIIN and other Authorities***
2. ***Streamline Regulatory Processes and Remove Unnecessary Burdens to Provide More Water and Power Supply Reliability***
3. ***Leverage Science and Technology to Improve Water Supply Reliability to Communities***
4. ***Address Ongoing Drought***
5. ***Improve the Value of Hydropower to Reclamation Power Customers***
6. ***Improve Water Supplies for Tribal and Rural Communities***
7. ***Implementation of new Title Transfer authority pursuant to P.L. 116-9***

E.2. Review and Selection Process

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

E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed SF-424, Application for Financial Assistance and form SF-424B, Assurances for Non-Construction Programs and a completed SF-424A, Budget Information for Non-Construction Programs.
- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 30 days after the application deadline).
- The proposed Program can be completed by September 30, 2026.

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

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1 Evaluation Criteria*. Applications will be scored against the evaluation criteria by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from within Reclamation and TRRP Agencies. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO.

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

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation 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 ensure environmental compliance for all sub-projects is completed prior to sub-project implementation. meet cost share as required.

E.2.4. Managerial Review

Reclamation management will review the Program Administrator/Recipient/ Applicant's proposal ensure that the total amount of all Program administration does not exceed available funding levels. Management will also ensure that the proposal meets the scope, priorities, requirements, and objectives of this NOFO. After completion of the Managerial Review, Reclamation will notify the Applicant whose proposal has been selected for award.

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.

A Reclamation 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 Office of Management and Budget circulars.

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 United States Code [U.S.C.] §2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in July 2021 for FY 2021 funding, subject to the timing and amount of final FY 2021 appropriations. Financial assistance agreements will be awarded to the applicant that successfully passes all pre-award reviews and clearances. The award recipient will be contacted to discuss the time frame for the completion of the agreement.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

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

F.2. Administrative and National Policy Requirements

F.2.1. Approvals and Permits

The recipient shall adhere to Federal, state, territorial, tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits for any subsequently funded project. The recipient shall also coordinate with sub-recipients to ensure all approvals from site owners and operators have been obtained prior to sub-project implementation.

F.2.2. Intangible Property (2 CFR §200.315)

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

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

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

The Federal government has the right to:

- obtain, reproduce, publish, or otherwise use the data produced under a Federal award and

- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

Freedom of Information Act (FOIA)

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 means 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.

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.

F.3.1. Financial Reports

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

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement.

Interim performance reports submitted on at least a semi-annual basis (or as requested by Reclamation), that include the following information:

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

F.3.3. Final Performance Reports

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

- Whether the project objectives and goals were met. Discussion of the benefits achieved by the Program, including how the Program improves, restores, and enhances, flows, and fish passage and habitat for anadromous fish in the Trinity River.

F.3.4 Significant Development Reports

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such case, the non-Federal entity must inform the Federal awarding agency or pass-through entity as soon as the following types of conditions become known:

1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Agreement. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
2. Favorable developments which enable meeting time schedule and objectives sooner or at less cost than anticipated to producing more of different beneficial results than originally planned.

F.4. Conflicts of Interest

F.4.1. 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 subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

F.4.2. Requirements

Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

F.4.3. Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department's awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest. Recipients must establish internal controls that include, at a minimum, procedures

to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

F.4.4. Restrictions on Lobbying

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

F.4.5. 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.

F.4.6. 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 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

F.5. Data Availability

F.5.1. Applicability

The Department is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

F.5.2. Use of Data

The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.5.3. Availability of Data

The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:

- the scientific data relied upon;
- the analysis relied upon; and
- the methodology, including models, used to gather and analyze data.

F.6. Releasing Applications

Following awards of funding, Reclamation may post successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

Section G. Agency Contacts

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

G.1. Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of Teresa E. Brown, at tebrown@usbr.gov.

G.2. Trinity River Restoration Program Contacts

Questions regarding ongoing grant management can be submitted to Ms. Deanna Jackson, Grants and Agreements Technician, at: dljackson@usbr.gov.

General questions regarding the Trinity River Restoration Program can be submitted to Dr. Michael Dixon, Executive Director, at mdixon@usbr.gov.

Section H. Other Information

H.1. Program Performance Measures

All applicant proposals must describe how the applicant will meet Program benefits (e.g., improve, restore, and enhance, flows, and fish passage and habitat for anadromous fish in the Trinity River) upon completion of the Program (also known as a “performance measure”). Applicants must identify performance measures for the Program and explain how the measure will be applied.

H.2. Overview of Environmental and Cultural Resources Compliance Requirements

Under no circumstances may the Applicant (or once selected, the Program Administrator/Recipient and their sub-recipient/grantee) begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a Program’s sub-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. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

Before approving expenditures for the implementation of sub-projects under the Program, Reclamation is required to comply with applicable environmental laws. Such compliance requires the participation and cooperation of both Reclamation the applicant, and sub-project recipients. This information is intended to inform the applicant and potential sub-recipients about the environmental compliance process associated with Program and to summarize the requirements of certain Federal environmental laws.

Reclamation addresses environmental compliance issues for the Program and its sub-projects as: 1) an initial review and 2) a more detailed review of projects initially recommended for award by the Program Administrator/Recipient under the Program. First, as part of the initial recommendation process, Reclamation evaluates the appropriateness of the amount budgeted for environmental compliance. Reclamation also examines the proposal to determine whether any significant environmental issues are involved in the project. Second, once a proposal has been initially recommended for funding, Reclamation in coordination with the Program Administrator’s Environmental Compliance Manager undertakes a more detailed examination of environmental issues associated with the proposed project to comply with applicable law.

H.2.1. Overview of Relevant Environmental Laws

The following is a brief overview of NEPA, NHPA, and ESA. While these statutes are not the only environmental laws that may apply to the Program, 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 of a sub-recipient/project selection and award. The descriptions below are intended to provide applicants with information about the environmental compliance issues that may apply to proposed projects and to help budget appropriately for the associated compliance costs.

National Environmental Policy Act (NEPA)

NEPA requires Federal agencies such as Reclamation to evaluate—during the decision-making process—the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund a Program sub-project, 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:

- Compliance with NEPA might require preparation of a CEC, EA/FONSI or an EIS. Generally, where 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 and to discuss potential mitigation for any potentially significant impacts. If no potentially significant effects are identified, or those identified can be mitigated, the EA process ends with the preparation of a FONSI. The EA/FONSI process can take up to six (6) months to complete after a complete project description is developed. Consultation with other agencies and public notification (typically two weeks) are part of the EA process.
- The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental effects that cannot be mitigated or a substantial controversy exists regarding the use of the resource, may require preparing an EIS and a Record of Decision. An EIS can take up to one (1) year to complete, the process includes considerable public involvement, including mandatory public reviews of draft documents, and the costs can be substantially greater than other types of analyses. It is not anticipated that projects proposed under this Program will require completion of an EIS.
- Reclamation is required to ensure that compliance with NEPA, NHPA, CWA (and other applicable laws) is complied with prior to any Program funds being distributed to sub-projects. However, the Applicant and sub-recipient is responsible for completing a project description that is reviewed by Reclamation for adequacy and determining what level of

NEPA/NHPA/CWA etc. compliance is required for project environmental analysis. It will be the Applicant's responsibility to work with sub-recipients to hire an environmental compliance consultant for the purposes of completing a final NEPA document that will then be reviewed and adopted by Reclamation.

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. Applicants may contact Mike Dixon, TRRP Executive Director, at 530-623-1811 for further information.

National Historic Preservation Act (NHPA)

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the potential to cause effects to historic properties, prior to the award of a Program sub-project. "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 fifty (50) years old can be considered a "historic property" that is subject to review.

If a proposal is selected for initial award, Program sub-recipients their consultant will work with the Program's Administrator, and 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 sub-project funded through the Program 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 two (2) days to six (6) months.
- If Reclamation determines that the proposed sub-project could have effects on historic properties, a multi-step process, involving consultation with the SHPO 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; and, if the sub-project would have an adverse effect, 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 approximately two (2) months.

Among the types of historic properties that might be affected by the Program's

sub-projects are historic and archaeological sites. A property is more likely to qualify as historic if it is more than fifty (50) years old, if it is the oldest (or an early) property in the surrounding area, and if the property has not been significantly altered or modernized. In general, Program sub-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.

Endangered Species Act (ESA)

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the NMFS 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 Program sub-project, it is required to comply with Section 7 of the ESA. As the Program is included and analyzed under the NMFS 2020 BiOp, Reclamation will review the proposed sub-project to determine if the potential effects to ESA-listed species was considered and within the bounds analyzed in the 2020 BiOp. Reclamation will also consider if additional ESA compliance is necessary. ESA compliance may vary, depending on the presence of endangered or threatened species and the effects of the project. A general overview of the possible course of ESA compliance is:

- Reclamation can determine that the effects to ESA listed species is within or outside the bounds or analyzed in the 2020 BiOp;
- Reclamation can determine that that there are no endangered or threatened species or designated critical habitat in the project area, the ESA review is complete and no further compliance measures are required. This process can take anywhere from one (1)-day to six (6)-months
- If Reclamation determines that endangered or threatened species may be affected by the sub-project and the anticipated effects are outside the bounds analyzed in the NMFS 2020 BiOp, then a "Biological Assessment" must be prepared by the sub-recipient in coordination with the Administrator's Environmental Compliance Manager and Reclamation

(Brandt Gutermuth, fgutermuth@usbr.gov) . 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/NMFS concurs in writing, then no further consultation is required and 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/NMFS generally respond to requests for concurrence within thirty (30) days.

- If Reclamation determines that the project is likely to adversely affect listed species, further consultation (“formal consultation”) with USFWS or NMFS is required to comply with the ESA. The process includes the creation of a biological opinion by the USFWS/NMFS, 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 one-hundred and thirty-five (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 CECs, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff, who can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NMFS. Applicants may contact Mike Dixon, TRRP Executive Director, at 530-784-3855 for further information.