



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00299

WaterSMART Environmental Water Resources Projects

For Fiscal Year 2024 and Fiscal Year 2025



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, Native Hawaiians, 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.

Cover Photo – Boise Project, Arrowrock Division. View of the South Fork Boise River near the Pine Bridge, north of Anderson Ranch Reservoir. July 21, 2020 (Bureau of Reclamation/ Kirsten Strough).

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Environmental Water Resources Projects for Fiscal Year 2024 and Fiscal Year 2025
Announcement Type:	Notice of Funding Opportunity
Funding Opportunity Number:	R24AS00299
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507, 15.554
Dates: (See NOFO Sec. D.4)	Application due Date: Application Period 1: Tuesday, June 18, 2024, 4:00 p.m. Mountain Daylight Time Application Period 2: Tuesday, March 11, 2025, 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	<p>Applicants eligible to receive financial assistance under this NOFO include:</p> <p>Category A: States; Indian tribes; irrigation districts; water districts; state, regional, or local authorities, whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority. All Category A applicants must be located in one of the following States or Territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.</p> <p>Category B: Non-profit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001, that are acting in partnership with, and with the agreement of, an entity described in Category A. All Category B applicants must be in the United States or one of the Territories identified above.</p> <p>Category C: Non-profit conservation organizations submitting an application for a project to implement a nature-based solution on Federal land may submit an application without a Category A partner, if they demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project. All Category C applicants must be in the United States or one of the Territories identified above.</p>
Recipient Cost-Share: (See NOFO Sec. C.2)	A non-Federal cost-share of 25 percent or more of total project costs. Note: this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$3,000,000 per project for a project that can be completed within 3 years. Total project costs shall not exceed \$6,000,000. Up to \$5,000,000 in Federal funds may be awarded to a watershed group for projects to be complete within five years.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 20 – 40 projects per application submittal period contingent on available funding.
Intergovernmental Review: (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 .

Application Checklist

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

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	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	29
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	22
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	25
✓	Recommended Application Components:	Page
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	Uniform audit reporting statement	27
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Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
Department	U.S. Department of the Interior
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
EQIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
GIS	geographic information system
IBC	Interior Business Center
MDT	Mountain Daylight Time
MST	Mountain Standard Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OM&R	operations, maintenance, and replacement
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation

SAM	System for Award Management
SCADA	Supervisory Control and Data Acquisition and Automation
SF	Standard Form
SPOC	Single Point of Contact
SWEP	Small-Scale Water Efficiency Projects
TAP	Technical Assistance Program
U.S.C.	United States Code
UEI	Unique Entity Identifier
USD	United States Dollars
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States

Symbols

%	percent
§	section(s)

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364), as amended; Section 6002 of the Cooperative Watershed Management Act, Subtitle A of Title VI of the Omnibus Public Land Management Act of 2009, P.L. 111-11 (16 1015); and Section 40907 (“Multi-Benefit Projects to Improve Watershed Health”) of the Bipartisan Infrastructure Law (BIL) (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58.

A.2. Background, Purpose, and Program Requirements

The United States Department of the Interior’s (DOI’s) WaterSMART (Sustain and Manage America’s Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of DOI’s priorities. Through WaterSMART, Reclamation leverages Federal and non-Federal funding to work cooperatively with States, Tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts. This Environmental Water Resources Projects NOFO provides funding for water conservation and efficiency projects, water management and infrastructure improvements, and river and watershed restoration projects and nature-based solutions that provide significant ecological benefits, have been developed as part of a collaborative process, and help carry out an established strategy to increase the reliability of water resources.

Reclamation’s WaterSMART Environmental Water Resources Projects provide support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad and is aligned with other priorities such as those identified in E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The Environmental Water Resources Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership. This is a program covered by the Justice40 Initiative, which set the goal that 40 percent of the overall benefits of certain Federal climate, clean energy, water and wastewater infrastructure, and other covered investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution.¹

¹ For more information, see E.O. 14008, Tackling the Climate Crisis at Home and Abroad (January 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, <https://www.whitehouse.gov/environmentaljustice/justice40/>; Addendum to the Interim Implementation Guidance for the Justice 40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST), M-23-09, (January 27, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf.

A.3. Notice of Funding Opportunity Objectives

The objective of this NOFO is to invite eligible applicants (*Section C.1. Eligible Applicants*) to leverage their money and resources by cost sharing with Reclamation on Environmental Water Resources Projects, including water conservation and efficiency projects, water management and infrastructure improvements, and river and watershed restoration and nature-based solution projects that provide significant ecological benefits, have been developed as part of a collaborative process, and help carry out an established strategy to increase the reliability of water resources. Nature-based solutions are sustainable environmental management practices that weave natural features or processes into the built environment to promote adaptation and resilience. This NOFO also prioritizes projects that provide benefits to multiple water use sectors.

This NOFO will be used to distribute Cooperative Watershed Management Program funding, made available through FY 2024 and 2025 appropriations and the BIL, to watershed groups that meet the definition in *Section C.1.5. Watershed Group Definition*. Applications submitted by watershed groups will be ranked separately from all other applications.

A.4. Other Related Funding Opportunities

WaterSMART Aquatic Ecosystem Restoration Projects. Reclamation provides funding on a 65/35 cost share basis for the study, design, and construction of projects that restore or protect aquatic ecosystems. Projects benefit aquatic ecosystems across multiple basins, build habitat and systems resiliency, support threatened and endangered species, and provide broad environmental benefits.

WaterSMART Cooperative Watershed Management Program. Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the program for watershed group development, restoration planning, and watershed management project design.

WaterSMART Drought Resiliency Project Grants. Reclamation provides funding on a 50/50 cost-share basis for the construction of projects that increase water supply flexibility and improve water management to build long-term resilience to drought and are supported by an existing drought contingency plan.

WaterSMART Water and Energy Efficiency Grants. Financial assistance is provided on a 50/50 cost-share basis for the construction of projects that conserve and use water

more efficiently, increase the production of hydropower, mitigate conflict risk in areas at a high risk of future water conflict, and accomplish other benefits that contribute to water supply reliability in the Western United States.

WaterSMART Planning and Project Design Grants. Reclamation provides funding for collaborative planning and design projects to support water management improvements. This includes funding for comprehensive Drought Contingency Plans; Water Strategy Grants to investigate and develop activities and projects supporting water marketing, water conservation, drought resilience, and ecological values; and Project Design Grants to conduct project-specific design for projects supporting water conservation, drought resilience, and ecological values.

Native American Affairs Technical Assistance Program (TAP). Reclamation's Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required, and technical assistance requests must satisfy "Program Criteria." Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation's website at the address below.

For information on the funding opportunities listed above, visit the WaterSMART Program website at www.usbr.gov/waterSMART, or the Native American Affairs Program Technical Assistance Program website at www.usbr.gov/native/programs/TAPprogram.html.

Section B. Award Information

B.1. Total Funding

This NOFO will allocate available program funds, including fiscal year (FY) 2024 and 2025 enacted appropriations¹ for WaterSMART Grants and the Cooperative Watershed Management Program, and funding available under the BIL, P.L. 117-58, in F 2024 or FY 2025. This NOFO will be used to allocate BIL funding for projects that will improve the condition of a natural feature or nature-based feature, BIL funding for the Cooperative Watershed Management Program, and BIL funding for multi-benefit projects to improve watershed health under Section 40907 of the BIL.

Funds made available under this NOFO are subject to the Buy America Act. Please see *Section F.2.11 Buy America Domestic Procurement Preference* and *Section F.2.12. Additional Bipartisan Infrastructure Law Requirements: Wage Rate Requirements* for additional information regarding the Buy America preference as well as Wage Rate Requirements (Davis Bacon Act).

The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other categories of funding. Any awards are subject to a determination by Reclamation that FY 2024 appropriations, FY 2025 appropriations, and/or BIL funds are available. Applications submitted under this NOFO may also be considered if other funding becomes available in FY 2024, FY 2025, or subsequently.

B.2. Expected Award Amount

Maximum Award:

In general - \$3,000,000

Watershed Groups - \$5,000,000

Minimum Award: \$0

In general, up to \$3,000,000 in Federal funds may be awarded for projects to be completed within three years and with total project costs no greater than \$6,000,000. The budget must include the cost of all equipment, materials and supplies, and labor or contractual costs to complete the project. Up to \$5,000,000 in Federal funds may be awarded to a watershed group that meets the definition outlined in *Section C.1.5. Watershed Group Definition* for projects to be completed within five years, with no total project cost limitation. The

¹ Once appropriated.

Application Review Committee (ARC) (see *Section E.2.2 Application Review Committee*) has final discretion to determine whether a project meets the total project cost limitation.

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. Category A entities are limited to a total of \$3,000,000 in Federal funding per Application Period through this NOFO. Category B applicants may be considered for multiple awards up to a total of \$15,000,000 per Application Period, if the Category A partners are different for each project selected. See *Section C.3.1. Multiple Applications* for more information.

B.3. Anticipated Announcement and Federal Award Date

This funding opportunity has two application submittal periods (see *Section D.4. Submission Date and Time*). For proposals submitted under the first application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in November 2024 (or later if necessary). The anticipated award and completion dates for the first submittal period are as follows:

Anticipated Award Date: April 30, 2025

Anticipated Project Completion Date: In general - April 30, 2028; Watershed Groups – April 30, 2030.

For proposals submitted under the second application period, Reclamation expects to contact potential award recipients and unsuccessful applicants in August 2025 (or later if necessary). The anticipated award and completion dates for the second submittal period are as follows:

Anticipated Award Date: January 31, 2026

Anticipated Project Completion Date: In general - January 31, 2029; Watershed Groups – January 31, 2031.

B.4. Number of Awards

Approximately 20–40 awards each application period, depending on the amount requested by each applicant and the amount of Federal funding available, will be awarded under this NOFO. More awards may be made if additional funding becomes available.

B.5. Type of Award

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

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

B.6. Technical Assistance

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with Reclamation staff prior to applying. To discuss available assistance and associated costs, contact the Program Coordinator identified in *Section G. Federal Awarding Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this NOFO are described below.

C.1.1. Category A Applicants

- States, Tribes, irrigation districts, and water districts;
- State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; and
- Other organizations with water or power delivery authority.

All Category A applicants must also be located in one of the following States or Territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.

C.1.2. Category B Applicants

Non-profit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001(6) (see *Section C. Watershed Group Definition*), that are acting in partnership with, and with the agreement of, an entity described in Category A. All Category B applicants must be located in the United States, or the specific Territories identified above.

Category B applicants should include with their application a letter from the Category A partner stating that the Category A partner:

- Is acting in partnership with the applicant;
- Agrees to the submittal and content of the application; and
- Intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.

See *Section D.2.2.12. Letter of Partnership (Category B Applicants)* and Applicant Eligibility Documentation for additional information. Note: Partners do not necessarily need to contribute cost-share funding.

Watershed Groups: Watershed groups that meet the definition in *Section C.1.5. Watershed Group Definition* are eligible to receive Cooperative Watershed Management Program funding made available through FY 2024 and FY 2025 appropriations and the BIL. Accordingly, applications submitted by watershed groups will be ranked separately from all other applications. In addition, a watershed group is eligible to apply for 50-percent cost-shared funding without a Category A partner but must include a Category A partner to be eligible for 75-percent Federal funding. Reclamation may request additional information regarding whether an applicant meets the definition of a watershed group during the application review process.

C.1.3. Category C Applicants:

Non-profit conservation organizations submitting an application for a project to implement a nature-based solution on Federal land may submit an application without a Category A partner, if they demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project. All Category C applicants must be in the United States or one of the Territories identified above.

Category C applicant documentation must be submitted with the application for Category C applicants to be eligible. See *Section D.2.2.12. Letter of Partnership (Category B Applicants)* and Applicant Eligibility Documentation for additional information.

C.1.4. Ineligible Applicants

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

- Federal Governmental entities
- Individuals
- Institutes of higher education

C.1.5. Watershed Group Definition

A watershed group, as defined in Section 6001(6) of the Cooperative Watershed Management Act (see *Section A.1. Authority* for full citation):

- Is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed.
- Is capable of promoting the sustainable use of water resources in the watershed.
- Makes decisions on a consensus basis.
- Represents a diverse group of stakeholders representing different water use sectors, including hydroelectric producers; livestock grazing; timber production; land

development; recreation or tourism; irrigated agriculture; the environment; municipal water supplies; private property owners; Federal, state and local governments; Tribes; and disadvantaged communities.

C.2. Cost Sharing or Matching

Projects that fit one of the eligible project types (see *Section C.4. Eligible Projects*), provide significant ecological benefits, have been developed as part of a collaborative process, and help carry out an established strategy to increase the reliability of water resources are eligible for up to a 75 percent (75%) Federal cost-share contribution.

Note: In accordance with provisions of Public Law 95-134, Title V, § 501 (1977) (codified at 48 U.S.C. 1469a), as amended by Public Law 96-205, Title V, § 601, this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

Applications must be capable of cost sharing **25 percent (25%) or more** of the total project costs. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost-share and voluntary committed cost-share contributions, including third-party contributions. For example, if the proposed project has a total project cost of \$4 million, the applicant may request up to \$3,000,000 in Federal funding but must be capable of providing \$1,000,000 in non-Federal cost-share.

Funding Source	Funding Amount	Percent of total project cost
Costs to be reimbursed with the requested Federal funding	\$3 million	75%
Costs to be paid by the applicant, including any third-party contributions	\$1 million	25%
TOTAL PROJECT COST	\$4 million	100%

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. See *Section D.2.2.3. Budget Narrative* and *Section D.2.2.13. Official Resolution* for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

Other sources of Federal funding may not be counted toward the required cost share. The exception to this requirement is when the Federal statute authorizing a program specifically

provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to Tribal organizations under P.L. 93-638, as amended. If it is determined that the Federal funding cannot be applied toward the non-Federal cost share, the work associated with the funding may be removed from the proposed project. *Note: Bonneville Power Administration (BPA) funding is considered Federal funding and cannot be used to meet non-Federal cost share requirements.*

C.2.1. Cost-Share Regulations

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

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO the cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. Category A entities are limited to a total of \$3,000,000 in Federal funding per Application Period through this NOFO. Category B applicants may be considered for multiple awards up to a total of \$15,000,000 per Application Period, if the Category A partners are different for each project selected.

In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to restore and enhance flood plains and a project to remove a barrier to fish passage that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](https://www.sam.gov) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](https://www.sam.gov)

as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

Projects eligible under this NOFO include on-the-ground implementation projects where a primary purpose is to benefit ecological values or improve watershed health and have a nexus to water resources. This includes projects that benefit plant and animal species; fish and wildlife habitat; riparian areas; ecosystems; commercial, recreational, subsistence, or Tribal ceremonial fishing; and river-based recreation, which are supported by rivers, streams, or other water sources, or that are directly influenced by water resources management. This may include, but is not limited to, projects that improve the timing or quantity of water available; improve water quality and temperature; improve stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, watershed health, and ecosystems; implementation of a nature-based solution; and projects that otherwise mitigate against the impacts of climate change to fish and wildlife habitats. This includes projects that provide benefits to multiple sectors, such as projects that benefit agricultural, municipal, Tribal, or recreational water users in addition to providing ecological benefits.

Project with higher levels of design and engineering at the time of application will be prioritized under the evaluation criteria (see *Section E.1. Evaluation Criteria*). It is recommended that projects submitted under this funding opportunity have approximately 60% design scheduled to be complete no later than December 2024. A 60% design level could include technical study and design documentation supporting the preferred alternative in sufficient detail to be able to obtain the necessary permits and estimate funding required for project implementation. We recognize that different project types require different types of design, but projects with only a conceptual level of design should consider applying for funding under the WaterSMART Planning and Project Design funding opportunity prior to applying for implementation funding under this NOFO.

Applicants can apply for funding for project components in one or more of the following three task areas (A, B, or C). In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to restore and enhance floodplains and a project to remove a barrier to fish passage that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications.

The project types identified below are eligible for funding under this NOFO. Other projects that are similar to the types listed below may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization, prioritization criteria, and goals.

C.4.1. Task A: Ecologically Focused Water Conservation and Efficiency Projects

To be eligible under this task area, a primary project purpose must be to provide more reliable water supplies for ecological benefits. Some means of ensuring that the conserved water will be made available for ecological benefits is required. This could include a formal mechanism to commit conserved water to instream flows (e.g., instream water right) or other types of assurances (e.g., Memorandum of Understanding between applicable water right holders and stakeholders).

Eligible activities include:

- Canal lining or piping
- Irrigation flow measurements
- Supervisory Control and Data Acquisition (SCADA) automation

Note: For projects including an improvement to conserve irrigation water, an agreement will not be awarded unless the applicant agrees to the terms of Section 9504(a)(3)(B) of P.L. 111-11. See *Section F.2.7 Requirements for Agricultural Operations* under P.L. 111-11, Section 9504(a)(3)(B).

C.4.2. Task B: Ecologically Focused Water Management and Infrastructure Improvements

To be eligible under this task area, a primary project purpose must be to provide ecological benefits. Eligible activities include:

- Improving fish passage, including installation and/or modification of fish screens, ladders, bypasses, or removing small barriers to fish passage (e.g., diversion dams).
- Improving fish hatcheries (e.g., chillers, holding pens, transport, disease control, or prevention).
- Water management changes or infrastructure improvements that will improve water supply reliability and provide ecological benefits (e.g., installing a new diversion location downstream from critical temperature control points, treating return flows to improve water quality, water storage to improve streamflow, or improving the timing or volume of available flows at particular locations).
- Salinity or temperature control projects to provide ecological benefits (e.g., salinity barriers, temperature curtains, dam temperature shutters, powerplant bypass structures) and to aerate ecologically sensitive areas where dissolved oxygen levels are low.

C.4.3. Task C: Restoration and Nature-Based Solution Projects

To be eligible under this task area, projects must have a clear nexus to water resources or water resources management. Eligible activities include:

- **Restoration of Aquatic and Riparian Habitat.** Restoration of the riparian area, riverbanks, channels, and floodplains to bolster aquatic and riparian habitat and build natural resiliency.
- **Restoration of Connectivity.** Restoration of connectivity between the river and disconnected floodplains and wetlands to improve environmental flows, build system resiliency, and improve the lateral mobility of a river channel.
- **Nature-Based Solutions.** Implementation of nature-based solutions (e.g., installation of beaver dam analogs, post-assisted log structures, wetland construction for treatment of irrigation water or stormwater flows)
- **Water Quality and Temperature.** Restoration projects that improve water temperature, water quality, or the timing or volume of available flows to improve aquatic conditions.
- **Fisheries.** Restoration projects that enhance commercial, recreational, subsistence, or Tribal ceremonial fishing, and river-based recreation.
- **Invasive Species.** Removing of invasive species, protection against invasive species, and restoration of native species. Projects must have a clear nexus to water resources or water resources management. Reclamation can only provide funding for invasive species removal one time per geographic footprint; secondary removal is considered operations and maintenance and is not eligible (see *Section C.5.1. Operations, Maintenance, and Replacement*).
 - ***Invasive Species – Vegetation.*** Projects that include removal of invasive vegetation must include revegetation with native species at the removal site OR must provide a clear explanation of why revegetation is not necessary for the specific ecosystem in which the project is located.
 - ***Invasive Species – Other Taxa.*** Projects that include removal of non-vegetation invasive species must include measures to prevent reintroduction (e.g., fencing, fish barrier).
- **Forest Management.** Forest management activities to protect water resources. Projects must have a clear nexus to water resources or water resources management. Reclamation can only provide funding for forest management activities one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible (see *Section C.5.1. Operations, Maintenance, and Replacement*). Eligible activities include:
 - **Fuels Management –** Fuels management to reduce the risk of severe wildland fire, through mechanical and/or chemical treatments.
 - **Post-Wildland Fire Restoration –** Post-wildland fire restoration activities, including measures to stabilize soil, reduce erosion, and remove post-fire

sedimentation; invasive species removal; planting and seeding native vegetation; forest stabilization; and reforestation. Projects that include removal of post-wildland fire sediment must also (1) implement revegetation/reforestation and erosion control techniques to reduce future sedimentation and (2) complete habitat restoration in any river or reservoir from which sediment is removed.

C.4.4. Eligibility of Monitoring Activities

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to 6 months of post-implementation monitoring activities of conservation outcomes after implementation of the on-the-ground project. Costs for these activities shall not exceed 25 percent of the total project cost. Program funding may not be used to complete long-term (i.e., more than 6 months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

C.5. Ineligible Projects

Projects that are not eligible for funding under this NOFO include, but are not limited to:

C.5.1. Operations, Maintenance, and Replacement

In accordance with Section 9504 of Secure Water Act, projects that are considered normal operations, maintenance, and replacement (OM&R) are not eligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

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

- Completion of one-time leak detection surveys
- Dredging of reservoirs, canals, and/or rivers to remove normally occurring sediment accumulation
- Reclamation can only provide funding for invasive species removal and fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible

Applicants that have questions regarding OM&R are encouraged to contact the Program Coordinator (see *Section G.2. Reclamation Program Coordinator Contact*) prior to the application deadline for further information.

C.5.2. Water Reclamation, Reuse, and Desalination

Water reclamation, reuse, and desalination projects are not eligible for funding under this NOFO. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project please contact Ms. Maribeth Menendez at 303-445-2094 or mmenendez@usbr.gov.

C.5.3. Injection Wells and Recharge Projects Primarily for Agricultural or Municipal Benefits

Injection wells and recharge projects primarily for agricultural or municipal benefits are not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.4. Small Surface Water Storage Projects

Small surface water storage projects with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, are not eligible under this NOFO. Applicants proposing such projects may wish to consider Reclamation's Small Storage Program. See the Small Storage Program webpage, www.usbr.gov/smallstorage, for more information.

C.5.5. Water Purchases

Applications to use Federal funding to purchase water are not eligible under this NOFO. Applicants seeking funding to purchase water in a drought emergency should request emergency drought assistance under Reclamation's Drought Response Program.

For more information about the requirements for receiving emergency drought assistance, please see www.usbr.gov/drought or contact the Program Coordinator (see *Section G.2 Reclamation Program Coordinator Contact*).

C.5.6. Land Purchase and Easements

Applications to use Federal funding for the purchase of land, or with the primary purpose to secure a permanent easement, are not eligible under this NOFO.

C.5.7. Building Construction

Applications to construct a building are not eligible for Federal funding under this NOFO (e.g., a building to house administrative staff or to promote public awareness of water conservation).

C.5.8. Pilot Projects

Applications to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology are not eligible for Federal funding under this NOFO.

C.5.9. Removal and Prevention of Invasive Mussel Species

Projects to remove or prevent the invasion or spread of invasive mussel species are not eligible under this NOFO. Reclamation provides funding for these projects under Reclamation's Integrated Pest Management and Invasive Species Program. Please contact Heidi McMaster, at hmcmaster@usbr.gov, for additional information.

C.5.10. Prescribed Burns

Fuels management through prescribed burning is not eligible under this NOFO.

C.5.11. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture and Natural Resources Conservation Service (NRCS) to investigate opportunities for Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or see www.nrcs.usda.gov for further contact information in your area.

This NOFO does not preclude projects located on private land. Some project components may occur on private land, including on agricultural land, if they are part of a project with broader benefits to ecological value or watershed health.

C.5.12. New Conveyance Infrastructure for Municipal or Agricultural Water Delivery

A project that proposes to construct new conveyance to allow for the distribution of additional or new water supplies for municipal or agricultural use is not eligible. Applicants proposing such

projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.13. Activities Subject to the Comprehensive Environmental Response, Compensation, and Liability Act and Mine Remediation Projects

Project components that are required to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are not eligible for funding under this funding opportunity. In general, mine remediation activities may be determined to be ineligible under this funding opportunity. If your project includes remediation or restoration work in or around a mine site, please contact the Program Coordinator listed in *Section G. Federal Awarding Agency Contact(s)* prior to applying.

C.5.14. Training, Education, and Outreach Activities

General education activities, general stakeholder outreach, the implementation of citizen science training programs, or general staff training are not eligible under this NOFO.

C.5.15. Projects Receiving Other Federal Financial Assistance

Proposals for projects or activities that are funded under another Federal Financial Assistance agreement are not eligible for funding under this NOFO.

C.6. Construction Start Date Restriction

Proposed projects submitted by the June 18, 2024, application deadline should not have an estimated construction start date that is prior to January 1, 2025.

Proposed projects submitted by the March 11, 2025, application deadline should not have an estimated construction start date that is prior to October 1, 2025.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Reclamation Financial Assistance Contact identified in *Section G.1. Reclamation Financial Assistance Contact*.

D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

D.2.1. Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **35** consecutively numbered pages. If this section exceeds **35** pages, only the first **35** pages will be evaluated. **The full application, including all attachments, should not exceed 100 pages. If the application exceeds 100 pages, only the first 100 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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

D.2.2. Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. **A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items or submits blank forms will be deemed ineligible and will not be considered for funding.**

Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/watersmart after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See *Section F.6. Freedom of Information Act*.

D.2.2.1. Mandatory Federal Forms

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

These forms are available at www.grants.gov/applicants/grant-applications/how-to-apply-for-grants.

D.2.2.1.1 SF-424: Application for Federal Assistance

A fully completed Standard Form (SF)-424: Application for Federal Assistance form that must be signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. The SF-424 should include your organization's valid Unique Entity Identifier (UEI).

D.2.2.1.2 SF-424 A Budget Information Form

A fully completed SF-424 A Budget Information – NonConstruction Programs must be submitted with the application.

D.2.2.1.3 SF-424 D Assurances Form

A SF-424 D Assurances – Construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

D.2.2.2. Technical Proposal

Submission of a technical proposal (limited to 35 pages) is mandatory and must be received by the application deadline.

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

Title Page

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

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, concerns in your project area and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.
- Example: San Bernardino Valley Municipal Water District will implement the Hidden Valley Creek Aquatic and Riparian Habitat Restoration Project within the Upper Santa Ana River Watershed, a tributary of the Santa Ana River, in southern California. The project will restore and improve the condition of 21.7 acres of degraded aquatic and riparian habitat, including habitat for the threatened Santa Ana Sucker which has lost almost 95% of its historic habitat. The district will construct 4,200 linear-feet of new and restored stream channel, establish a 25-foot buffer of native riparian vegetation on each side of the stream, and enhance a 1.2-acre floodplain bench. The project will also include non-native plant removal and site revegetation efforts. This restoration will improve water quality, increase habitat connectivity, and provide crucial support for recovering endangered and sensitive species.
- State the length of time and estimated completion date for the proposed project (month/year).
- Whether or not the proposed project is located on Federal land or a Federal facility.

Project Location

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

Project Description

Provide a comprehensive description of the technical aspects of your project, including the specific scope of work to be accomplished and the approach for the on-the-ground project. This description should provide detailed information about the project materials and equipment including what is currently installed, if applicable, and a description of the upgrade being made.

Include in your description the necessary site preparation, removal of materials, motorized and rotating equipment required for installation, site laydown and mobilization areas, and areas impacted by construction. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.

Please do not include your project schedule and milestones here; that information is requested in response to Criterion D. Readiness to Proceed. In addition, please avoid discussion of the benefits of the project, which are also requested in response to criteria (see Section E.1. Evaluation Criteria). This section is solely intended to provide an understanding of the technical aspects of the project.

Please note, if the work for which you are requesting funding is a phase of a larger project, please only describe the work that is reflected in the budget and exclude description of other activities or components of the overall project.

Applicant Category and Eligibility of Applicant

Identify whether you are a Category A applicant, Category B applicant, or Category C applicant and provide a short narrative summary describing how you meet the eligibility requirements of that applicant category.

If you are a Category B applicant, briefly explain how you are acting in partnership with a Category A partner and provide a short narrative summary describing how your partnering entity meets the definition of a Category A entity. In addition, if you are a Category B applicant, you must include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the application (see *Section C.1 Eligible Applicants*).

If you are a Category C applicant, submit documentation to demonstrate that Category A entities in the service area have been notified and do not object to the project. See *Section D.2.2.12. Letter of Partnership* (Category B) and Applicant Eligibility Documentation for additional information regarding documentation requirements.

Evaluation Criteria

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

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

Performance Measures

All applicants are required to provide a brief summary describing the performance measure that will be used to quantify actual benefits upon completion of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various water

management efforts as well as the overall effectiveness of the project. Describe the performance measures for your project within the evaluation criteria section of your application (see *Section E.1.5 Evaluation Criterion E: Performance Measures*).

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to 6 months of post-implementation monitoring activities of conservation outcomes after implementation of the on-the-ground project. Costs for these activities shall not exceed 25 percent of the total project cost. Program funding may not be used to complete long-term (i.e., more than 6 months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

D.2.2.3. Budget Narrative

In the budget detail and narrative section, applicants should describe and justify requested budget items and costs. Applicants should provide details to support the SF-424A, “Object Class” categories or the SF-424C, “Cost Classification” categories. The budget narrative must clearly identify all items of cost (total estimated project cost), including those contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those covered using the funding requested from Reclamation, and any requested pre-award costs.

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions necessary to complete the project. Applicants must include detailed descriptions of all cost justifications (see Reclamation’s suggested format in Attachment B for more detail). Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in [2 CFR, §200](#).

Please note: The Budget Narrative Attachment Form in Grants.gov is to be used to upload the budget proposal.

D.2.2.4. Environmental and Cultural Resources Compliance

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

D.2.2.5. Required Permits or Approvals

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

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

D.2.2.6. Overlap or Duplication of Effort Statement

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

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

D.2.2.7. Conflict of Interest Disclosure Statement

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

Applicability

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

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

Notification

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

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

Restrictions on Lobbying

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

Review Procedures

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

Enforcement

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

D.2.2.8. Uniform Audit Reporting Statement

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

D.2.2.9. Certification Regarding Lobbying

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43 CFR §18, Appendix A](#). If this application requests more than \$100,000 in Federal funds, the authorized official's signature on the appropriate SF-424 form also represents the applicant's certification of the statements in 43 CFR § 18, Appendix A.

D.2.2.10. SF-LLL: Disclosure of Lobbying Activities (if Applicable)

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

D.2.2.11. Letters of Support

You should include any letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project. These letters do not count toward the 35-page maximum for the technical proposal and criteria section; however, they do count toward the 100-page maximum for the full application.

D.2.2.12. Letter of Partnership (Category B Applicants) and Applicant Eligibility Documentation

Category B applicants should submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the application. If the project is selected, a Letter of Partnership must be received prior to award.

Category C applicants should submit, with their application, documentation to demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project. Documentation may include a copy of a letter that has been sent to Category A entities in the service area and a self-certification that no written objections to the project were received. If the project is selected for funding, Category C applicant documentation must be received prior to award.

Additional information regarding applicant eligibility may be requested during the application review process.

D.2.2.13. Official Resolution

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

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

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

D.2.2.14. Letters of Funding Commitment

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

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

Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Reclamation will not execute a financial assistance agreement until non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that non-Federal funds will be available to the applicant after executing the agreement.

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

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. **There is no cost to register with SAM.gov.** There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.** NOTE: An organization's SAM.gov registration process may take up to 6 weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date. ***Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.***
- Provide a valid UEI in its application. You are required to register in SAM.gov prior to submitting a federal award application and obtain a Unique Entity Identifier (UEI). A UEI will be assigned to entities upon registering with SAM.

- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's Internal Revenue Service information.

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

D.4. Submission Date and Time

This funding opportunity includes two submittal periods. The submission deadline for applications is:

Application Period 1: June 18, 2024, at 4:00 p.m. MDT

Application Period 2: March 11, 2025 at 4:00 p.m. MDT

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

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](https://www.grants.gov) application system. *Note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM.gov registration are not considered technical issues with the Grants.gov system.*

If for any reason applicants are unable to submit their application through Grants.gov, they may provide a paper copy of their full application by mail or courier.

D.4.1. Application Delivery Instructions

Applications may be submitted electronically through Grants.gov (www.grants.gov) or a hard copy may be submitted to either one of the following addresses. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

By mail or United States Postal Service overnight services:

Bureau of Reclamation
Financial Assistance Operations Section
Attn: NOFO Team
P.O. Box 25007, MS 84-27133
Denver, CO 80225

By all other express delivery and courier services:

Bureau of Reclamation mail services
Attn: NOFO Team
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

If you are submitting a paper application, please notify the Reclamation Financial Assistance Contact in Section G.1 by 2:00 p.m. Mountain Time on the submission day listed in *Section D.4 – Submission Date and Time*.

D.4.2. Instructions for Submitting the Project Application

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

D.4.2.1. Applications Submitted Electronically

Electronic applications must be submitted through Grants.gov. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: <https://www.grants.gov/applicants/grant-applications/how-to-apply-for-grants>.

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

Applicants have experienced significant delays when attempting to submit applications through Grants.gov. Applicants are encouraged to submit applications several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to the Reclamation Financial Assistance Contact identified in Section G.1 that validates the delay.

D.4.2.2. Applications Submitted by Mail, Express Delivery or Courier Services

Please follow these instructions to submit your application by mail, express delivery, or courier services.

- We request that an Applicants submitting their application by mail or courier include a brief explanation in their application regarding why they had to submit by mail rather than electronically using grants.gov.
- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions. Faxed and e-mailed copies of application documents will not be accepted.

D.4.2.3. Acknowledgement of Application Receipt

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

D.5. Intergovernmental Review

Prior to application submission, if the applicant is a U.S. State and/or local government organization, visit the White House Office of Management and Budget (OMB) Office of Federal Financial Management website and view the State Point of Contact (SPOC) List to determine whether their application is subject to the state intergovernmental review process under Executive Order 12372, “Intergovernmental Review of Federal Programs.” States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If located within a state that does not have a SPOC, the applicant may send application materials directly to a Federal awarding agency. If the applicant’s state is on the list, contact the designated SPOC for more information on the State’s prior review requirements for Federal assistance applications.

D.6. Funding Restrictions

D.6.1. Pre-Award Costs

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

Eligible pre-award costs associated with the proposed project **must be incurred after the posting date** of this funding opportunity and are limited to costs related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

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

D.6.2. Project Cost Restrictions

Proposal costs. The costs for preparing and submitting an application in response to this funding opportunity, including developing data necessary to support the proposal, are not eligible project costs and must not be included in the project budget.

Other project costs. The costs for the purchase of water or land, or to secure an easement other than a construction easement are not eligible project costs under this funding opportunity.

D.6.3. Environmental and Regulatory Compliance Costs

Every project funded under this program will have environmental compliance activities undertaken by Reclamation and the successful applicant. Reclamation requires that applicants under this NOFO include costs associated with compliance in the application budget.

Some of the projects funded under this NOFO typically incur high compliance costs (e.g., between \$30,000 and \$200,000 per project). Contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include Reclamation's estimated costs associated with compliance activities and costs associated with any compliance activities that will need to be completed by a contractor in your budget. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient.

In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient. In no case may the total amount requested from Reclamation exceed the maximum request allowed under this NOFO (see *Section B.2. Expected Award Amount*). The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be reallocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained.

D.6.4. Indirect Costs

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

If you do not have a current Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.1.

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

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

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

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 sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.**

Evaluation Criteria Scoring Summary		Points:
A. Project Benefits		35
B. Collaborative Planning		15
C. Stakeholder Support for Proposed Project		10
D. Readiness to Proceed		20
E. Performance Measures		5
F. Presidential and Department of the Interior Priorities		15
Total		100

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

E.1.1. Evaluation Criterion A. Project Benefits (35 points)

Up to **35 points** may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will benefit ecological values and watershed health and benefit multiple water users. Proposals containing a well-supported description and quantification of project benefits will receive more points under this criterion.

Note: Projects without a clearly defined scope of work may not score well under this criterion. Only benefits anticipated to result from the specific scope of work defined in the technical proposal will be considered. It is important to be clear about the benefits directly resulting from the scope of work identified in the application. Applications will not receive credit for benefits resulting from a separate phase, including work completed before the proposed project, or in a future phase.

E.1.1.1. Sub-Criterion A.1. Ecological Project Benefits

Describe the extent to which the project will provide ecological benefits. Proposals containing a well-supported description and quantification of benefits will receive more points. Respond to all section(s) of this Sub-Criterion that are relevant to your project.

- Will the project improve watershed health in a *river basin that is adversely impacted by a Reclamation water project*? If so, identify the Reclamation water project and describe how the proposed grant project will improve watershed health in the impacted river basin.
- Is the project for the purpose of meeting *existing environmental mitigation or compliance obligations* under Federal or state law? If so, identify the mitigation or compliance requirement and how the proposed grant project will meet this requirement.

- **Species and Habitat Benefits**

Provide a narrative discussion, quantification, and metrics for the extent to which the project will benefit species and/or habitat. Address the following:

- To what extent will the project benefit species health and/or species populations? Describe and quantify the current condition of species health and/or species populations and project benefits to species, including:
 - Any projected increases in species populations or species health projected to result from your project. Specifically identify the species that will benefit and their status (e.g., Federally or state endangered, native species, sport fish).
 - The extent the project will benefit a species listed under the Endangered Species Act (ESA), or otherwise improve the status of listed species? Identify the species and their ESA status.

Provide support for your response, including references to species population information, relevant analyses, statistical data, and other support.

- To what extent will the project improve habitat? Describe and quantify the current condition of habitat and the project benefits to habitat, including:
 - The number of acres of habitat to be restored or reconnected.
 - New spawning and/or rearing habitat created.
 - The quality and permanence of additional habitat.
 - Or other metrics demonstrating improved habitat or fish passage.

Provide support for your response, including citations to relevant studies and statistics, or other support.

- **Watershed Benefits**

Provide a narrative discussion, quantification, and metrics for the extent to which the project will provide watershed benefits. Address the following:

- To what extent will the project improve water quality? Describe and quantify the current water quality conditions and the project benefits to water quality, including:
 - Any anticipated improvement of water quality (e.g., dissolved oxygen, nutrient pollution, improvement of temperature variations, eliminating violations to water quality standards, etc.).

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project benefit ecological function? Describe and quantify the current ecological function and the project benefits to ecological function, including:
 - Information about reconnection of floodplains.
 - Improvement of sediment transport.
 - Wetland recovery or wetland/ marsh creation.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project build aquatic and riparian ecosystem resiliency? Describe and quantify the current impacts to ecosystem resilience (e.g., climate change, development pressure, drought) and the project benefits to ecosystem resilience, including:
 - The reduction of impacts from climate change.
 - The reduction of impacts of development.
 - Removal of and prevention of re-establishment of invasive species.
 - The reduction of habitat fragmentation.
 - The reduction of severe wildland fire risk and impacts to water quality and aquatic and riparian ecosystem health.
 - Or assistance in helping aquatic and riparian ecosystems recover from disturbances such as floods, wildfire, or drought.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- **Water Supply Benefits**

Provide a narrative discussion, quantification, and metrics for the extent to which the project will increase water supply for ecological benefits. Address the following:

- To what extent will the project make more water available, or make water available at a more advantageous time or location? Describe and quantify the current conditions and the project benefits to water supply, including:
 - The estimated amount of water conserved (in acre-feet per year) that are expected to result directly from the project.
 - The estimated amount of water conserved through this project that will be made available for instream flows. What mechanism will be in place to ensure this water remains instream for ecological benefits? This could include a formal mechanism to commit conserved water to instream flows (e.g., instream water right) or other types of assurances (e.g., Memorandum of Understanding between applicable water right holders and stakeholders). Explain the roles of any partners in the process and attach any relevant supporting documents.
 - The relocation of water to optimize timing and quantity of water supplies for ecological benefits.
 - The extent of benefits to fish and wildlife, habitat, or other ecological benefits resulting from the improved water availability.

Provide support for your response, including references to past stream flow reports, relevant hydrographs, fish population data, fish health indicators, and other metrics. Please include a specific quantifiable estimate; do not include a range. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.

E.1.1.2. Sub-Criterion A.2. Multiple Benefits

Explain how and to what extent the project will provide multiple benefits. Provide support for your response, including a detailed narrative discussion, citations to relevant studies or statistics, and other metrics. Consider the following types of benefits when responding to this criterion:

- Benefits to multiple water use sectors. For example, the project provides ecological benefits AND benefits municipal, agricultural, Tribal, or industrial water users.
- Protection of critical infrastructure.
- Benefits to commercial, recreational, subsistence, or Tribal ceremonial fishing.
- Improvements in safe access to nature or recreational opportunities

- Improvements in public safety (e.g., reduce/eliminate flood risk or road damage, improve boater safety)
- Reductions in long term management costs (e.g., diversion dam maintenance)
- Job creation or economic opportunity (e.g., design or construction jobs, development of new recreation jobs, commercial fishing opportunities)
- Reduction in water conflicts within the watershed.

E.1.2. Evaluation Criterion B. Collaborative Planning (15 points)

Up to **15 points** may be awarded based on the extent to which the proposed project was developed as part of a collaborative planning process. Priority under this criterion will be given to proposed projects that are supported by a collaboratively developed planning document. Attach a copy of the full planning document or the relevant sections, as an appendix to your application, *and identify the sections relevant to the project within your application narrative.* Note: Project specific planning and design for the project are considered in Criterion D. Readiness to Proceed.

Plan Description and Objective: Is your proposed project supported by a specific planning document? If so, identify the plan by name and describe the plan, including:

- When was the plan developed?
- What is the purpose and objective of the plan?
- What is the geographic scope of the plan?
- What types of issues are addressed in the plan? For example, does the plan address water quantity issues, water quality issues, issues related to ecosystem and watershed health or the health of species and habitat?

Plan Development: Was the plan developed through a collaborative process? Describe the plan development process, including:

Note: for some Tribal plans, collaboration could include working with entities representing multiple interests within the Tribe (e.g., Tribal water agencies; Tribal fish and wildlife agencies, cities, or towns on Tribal land; Tribal fisheries, industries, or agriculture; and Tribal community members).

- Who was involved in plan development and how they were involved? Identify specific entities or organization and describe their involvement.
- Describe whether input from stakeholders with diverse interests were involved in development of the plan and how (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses).

- Describe the process used for interested stakeholders and partners to provide input during the development of the plan.
- If the plan was prepared by an entity other than the applicant, explain why it is applicable to the proposed project. Describe whether and how the applicant was involved in the development of the plan. If the applicant was not involved in the development, explain why.
- For Tribal plans that were developed collaboratively with multiple Tribal interests, but did not include collaboration with external entities, provide an explanation as to why collaboration with entities external to the Tribe were not involved in the development of the strategy or plan.

Plan Support for Project: Describe to what extent the proposed project is supported by the identified plan, including:

- Is the project identified specifically by name and location in the plan?
- Is this type of project identified in the plan?
- Explain whether the proposed project addresses a goal, objective, or need identified in the plan?
- Explain how the proposed project was prioritized in the plan over other potential projects/measures. If the project was not prioritized within the plan, explain why the applicant and partners chose to apply for funding for this project over other potential projects.

E.1.3. Evaluation Criterion C. Stakeholder Support for Proposed Project (10 points)

Up to **10 points** may be provided based on the level of stakeholder support for the proposed project. Applications that demonstrate support for the project from a diverse array of stakeholders will receive the most points under this criterion.

- Describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided? Are any stakeholders providing support for the project through cost-share contributions or through other types of contributions to the project?
- Explain whether the project is supported by a diverse set of stakeholders, as appropriate, given the types of interested stakeholders within the project area and the scale, type, and complexity of the proposed project. For example, is the project supported by entities representing agricultural, municipal, Tribal, environmental, and/or recreation uses?
- Is the project supported by entities responsible for the management of land, water, fish and wildlife, recreation, or forestry within the project area? Is the project consistent with the policies of those agencies? It is highly recommended that the application include letters of support from the landowners of the land on which the project is located.

- Is there opposition to the proposed project? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.4. Evaluation Criterion D. Readiness to Proceed (20 Points)

Up to **20 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Project with a clear and detailed implementation plan and budget and a high level of design and engineering complete at the time of application will be prioritized under this evaluation criterion.

- Describe the implementation plan for the proposed project. Include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates. This may include, but is not limited to, design and engineering, environmental and cultural resources compliance, permitting, and construction/installation.
- Proposals with a budget and budget narrative that provide a reasonable and clear explanation of project costs will be prioritized under this criterion.
- Describe any permits and agency approvals that will be required along with the process and timeframe for obtaining such permits or approvals.
- Identify and describe the design and engineering work performed specifically in support of the proposed project. If additional design is required, describe the planned process and timeline for completing the design. Priority will be given to projects that are further along in the design process and ready for implementation.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, provide documentation. If the applicant does not yet have permission to access the project location, describe the process and timeframe for obtaining such permission.
- Identify whether the applicant has contacted their local Reclamation office to discuss the potential Federal environmental and cultural resource compliance requirements for the project and the associated costs. It is recommended that a line item be included in the budget for costs associated with completing Federal environmental and cultural resource compliance. If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation's costs and the contractor's costs.
- Is the project completely or partially located on Federal land or at a Federal facility? If so, explain whether the agency supports the project and has granted access to the Federal land or facility, whether the agency will contribute toward the project, and why the Federal agency is not completing the project. *Note: Other sources of Federal funding cannot be included within the scope of the project proposed for Reclamation funding*

under this NOFO. Other Federal agencies can contribute toward the completion of environmental and cultural resource compliance, provide access to land, and provide project oversight as necessary; however, any costs associated with these activities should not be included within the project budget.

Note: Proposed projects must not include activities or costs for the purchase of water or land or to secure a permanent easement. Costs associated with these activities are not eligible project costs and cannot be used to meet the non-Federal cost-share requirement.

E.1.5. Evaluation Criterion E. Performance Measures (5 points)

Up to **5 points** may be awarded based on the extent to which the application describes a plan to monitor the progress and effectiveness of the project during and after the proposed project period to track success and adaptively address new challenges as they arise.

- What are the desired conditions that this project contributes to and how will outcome objectives and project success be measured?
- Describe the performance measures that will be used to define actual project benefits quantitatively or qualitatively upon completion of the project. Include support for why the specific performance measures were chosen.
- All applicants are required to include information about plans to monitor improved stream flows, aquatic habit, or other expected project benefits. Describe the plan to monitor the benefits over a five-year period once the project has been completed. Provide details on the steps to be taken to carry out the plan.

Example performance measures could include the monitoring and improvement of various biotic and physical ecological indicators, including water quality and chemical composition, or observable changes in the presence or composition of vegetation or wildlife.

Note: Program funding may be used to establish a monitoring and data management plan and to install necessary equipment to monitor progress and conservation outcomes. Program funding may not be used to complete long-term (i.e., more than 6 months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant). See Section C.4.4. Eligibility of Monitoring Activities for additional information.

E.1.6. Evaluation Criterion F. Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: Tackling the Climate Crisis at Home and Abroad and the President's memorandum, Tribal Consultation and Strengthening Nation-to-Nation Relationships.

E.1.6.1. Climate Change

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

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

E.1.6.2. Benefits to Disadvantaged and Tribal Communities

Points will be awarded based on the extent to which the project directly serves disadvantaged or Tribal communities. For the purposes of this criterion, all Federally Recognized Tribes and insular areas (American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands) are considered disadvantaged .

Disadvantaged Community Benefits:

- Use the White House Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify the disadvantaged communities that will benefit from your project.
- If applicable, describe how the proposed project will serve or benefit a disadvantaged community identified using the tool described above. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits to a disadvantaged community?

Tribal Benefits:

- Does the proposed project directly serve and/or benefit a Federally Recognized Tribe? Describe the Tribal benefits. Benefits could include, but are not limited to, public health and safety by addressing water quality, new water supplies, economic growth opportunities, or improving water management.
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.2. Review and Selection Process

Reclamation reserves the right to remove applications that do not meet the 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. First Level and Threshold Screening

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

All application packages will be screened to ensure that:

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

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

If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

E.2.2. Application Review Committee

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

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

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

E.2.3. Red-Flag Review

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

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

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

E.2.4. Managerial Review

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

E.2.5. Pre-Award Clearances and Approvals

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

E.2.5.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. To the extent possible, environmental

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

E.2.5.2. Budget Analysis and Business Evaluation

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

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

E.3. Federal Award Performance

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

E.4. Anticipated Announcement and Federal Award Dates

For applications received by the June 18, 2024, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in November 2024, subject to the timing and amount of final appropriations.

For applications received by the March 11, 2025, submission deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in August 2025, subject to the timing and amount of final appropriations.

Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

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

F.2. Administrative and National Policy Requirements

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

F.2.1. Automated Standard Application for Payments Registration

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

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

F.2.2. Environmental and Cultural Resources Compliance

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

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 responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

Some of the projects funded under this NOFO typically incur high compliance costs (e.g., between \$30,000 and \$200,000 per project). Contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include Reclamation's estimated costs associated with compliance activities and costs associated with any compliance activities that will need to be completed by a contractor in your budget. If your proposal receives an award, Reclamation anticipates that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient.

In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient. In no case may the total amount requested from Reclamation exceed the maximum request allowed under this NOFO (see *Section B.2. Expected Award Amount*). The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be reallocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained.

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

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

F.2.3. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

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

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

Title to intangible property (see definition for Intangible property in § 200.1) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) 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 §401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

F.2.6. Real Property (2 CFR §200.311)

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust relationship*). Title to real property acquired or improved under a Federal award

will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by Reclamation, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from Reclamation. As required by 2 CFR §200.329 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.7. Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B)

In accordance with Section 9504(a)(3)(B) of P.L.111-11, grants and cooperative agreements under this authority will not be awarded for an improvement to conserve irrigation water unless the applicant agrees to both of the following conditions:

- Not to use any associated water savings to increase the total irrigated acreage of the applicant and
- Not to otherwise increase the consumptive use of water in the operation of the applicant, as determined pursuant to the law of the state in which the operation of the applicant is located.

F.2.8. Title to Improvements P.L.111-11, Section 9504(a)(3)(D)

If the activities funded through an agreement awarded under this NOFO result in a modification to a portion of a federally owned facility that is integral to the existing operations of that facility, the Federal government shall continue to hold title to the facility and the improvements thereto. Title to improvements, P.L.111-11, Section 9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

F.2.9. Operation and Maintenance Costs under P.L.111-11, Section 9504(a)(3)(E)(iv)

The non-Federal share of the costs for operation and maintenance of any infrastructure improvement funded through an agreement awarded under this NOFO shall be 100 percent.

F.2.10. Liability under P.L.111-11, Section 9504(a)(3)(F)

Except as provided under r 28 U.S.C. Chapter 171 (commonly known as the Federal Tort Claims Act), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved through an agreement awarded under this NOFO, the title of which is not held by the United States.

F.2.11. Buy America Domestic Procurement Preference

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

1. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

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

Waivers to the Buy America preference may be considered if it is determined that one of the below circumstances applies:

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

Instructions for requesting a waiver can be found on www.doi.gov/grants/buyamerica. Recipients requesting a waiver will be notified of their waiver request determination by an awarding officer. Questions pertaining to waivers should be directed to the financial assistance awarding officer. Recipients shall consult [OMB Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#), for additional information, inclusive of definitions for Construction Materials, Domestic Content Procurement Preference, and Infrastructure.

F.2.12. Bipartisan Infrastructure Law Wage Rate Requirements

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates no less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with 40 U.S.C. IV., Chapter 31 (also known as the Davis-Bacon Act).

F.2.13. Bipartisan Infrastructure Law and Inflation Reduction Act Signage Requirement

Any award made in whole or in part by BIL funding may contain a term and condition that requires Investing in America signage at project sites. Information and guidelines regarding Investing in America signage can be found at www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf.

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 SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2. Interim Performance Reports

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

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

F.3.3. Final Performance Report

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

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits.
- How the project provides long-term ecological benefits.
- How the project demonstrates collaboration.

- Any work products developed as a result of funding provided under this agreement. These products may include, but are not limited to, any data or tools developed in the performance of the Project.
- Photographs documenting the project are also appreciated, but not required.

F.3.4. Determination of Sufficient Progress

For a watershed group, only a portion of funding may be available when the financial assistance agreement is initially signed. As required under Section 6002 of the Cooperative Watershed Management Act (see *Section A.1. Authority* for the full citation), Reclamation must determine whether a recipient has made sufficient progress on its project to justify additional funding. If the applicant is awarded an agreement under this NOFO, Reclamation will review the interim reports to determine whether the recipient has made sufficient progress. If it is determined that the progress justifies additional funding, the remaining grant funds will be made available.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

F.4.2. Other Mandatory Disclosures

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

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

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

The Federal Government has the right to:

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

F.6. Freedom of Information Act

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

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

Published research findings mean when:

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

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

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

Section G. Federal Awarding Agency Contact(s)

Informational webinars will be held in April 2024 and January 2025. The webinar will provide general information about the Environmental Water Resources Projects NOFO, and individuals will have the opportunity to ask questions.

An additional webinar will be held for successful applicants within 30 days following their notice of selection to review next steps and pre-Financial Assistance Agreement procedures.

G.1. Reclamation Financial Assistance Contact

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

Name: Alisha James
Email: bor-sha-fafoa@usbr.gov
Phone: (303) 445-3939

Note: Staff availability on the day of the NOFO closing will be limited. *Please include the NOFO number R24AS00299 in the subject.*

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the appropriate point of contact below.

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Robin Graber
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225-0007

By e-mail: rgraber@usbr.gov

By phone: (303) 445-2764

Section H. Other Information

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

H.1. Environmental and Cultural Resource Considerations

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

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts, as well as any other past, present, or reasonably foreseeable future developments that you are aware of that will affect these same resources in the surrounding area.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.

- Are any buildings, structures, or features in the project area listed or eligible for listing on the National Register of Historic Places? *A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.*
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have an adverse and disproportionate effect on communities with environmental justice concerns (as discussed in Executive Order 14096)?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.1.1. National Environmental Policy Act

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

Depending upon the degree and significance of environmental impacts associated with the proposal:

- Some projects may fit within a **Categorical Exclusion (CE)** (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, Reclamation will assess whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. Use of a CE can involve simple identification of an applicable **Department CE** and assessment for extraordinary circumstances, or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. *That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.*
- If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. *The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.*

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

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

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

H.1.2. 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 adverse effects to historic properties**, before it can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

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

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. *This can take anywhere from a couple of days to one month.*
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officers, and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
 - A determination as to whether additional information is necessary.
 - Evaluation of the significance of identified cultural resources.

- Assessment of the effect of the project on historic properties
 - A determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects.
 - A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems, archaeological sites, and sites of religious and cultural significance to Federally recognized Tribes**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

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

H.1.3 Endangered Species Act (ESA)

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. *This process can take anywhere from one day to one month.*
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. *Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.*
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

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

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