



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R25AS00016

Native American Affairs: Technical Assistance to Tribes for 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; honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

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

The mission of Reclamation's Native American Affairs Program is to make the benefits of the Reclamation program available to Indian Tribes and to fulfill Reclamation's Indian Trust responsibilities.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Native American and International Affairs Office
Funding Opportunity Title:	Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2025
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R254AS00016
Assistance Listing Number:	15.519
Dates: (See NOFO Sec. D.4)	Application due date: Thursday, February 27, 2025, 4:00 p.m. Mountain Standard Time
Eligible Applicants: (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: Federally recognized Indian Tribes in the 17 Western States identified in the Reclamation Act of June 17, 1902 as amended and supplemented, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.
Recipient Cost-Share: (See NOFO Sec. C.2)	No cost share is required.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$1,000,000 per proposal. Applicants may submit more than one application for funding consideration. However, no more than \$2,000,000 will be awarded to any one applicant under this NOFO.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately \$7,000,000 is available under this program. Approximately 10 projects per application submittal period, contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	This NOFO is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is available on whitehouse.gov .

Application Checklist

The following tables contain a summary of the information that applicants are required to submit.

√	Mandatory Application Components	Required Content	Page
	Mandatory Federal Forms: SF-424 : Application for Federal Assistance, Office of Management and Budget (OMB) SF-424A : Budget Information – Non-Construction Programs (OMB) SF-424B : Assurances – Non-Construction Programs (OMB) OR SF-424D : Assurances – Construction Programs (OMB)		
	Unique Entity Identifier and System for Award Management (SAM) registration		
	Technical Proposal (use Project Narrative Attachment Form to upload in grants.gov)		
	Budget Narrative (use Budget Narrative Attachment Form to upload in grants.gov)		

√	Recommended Application Components	Recommended Content	Page
	Environmental and cultural resources compliance		
	Required permits or approvals		
	Overlap or duplication of effort statement		
	Conflict of interest disclosure statement		
	Uniform audit reporting statement		
	SF-LLL : Disclosure of Lobbying Activities (required, if applicable) (OMB)		
	Certification Regarding Lobbying		
	Letters of Support		
	Official Resolution		
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Section A. Program Description

A.1. Authority

Reclamation's Native American Affairs Technical Assistance Program (TAP) is administered in accordance with the Reclamation Act of 1902, as amended and supplemented and Consolidated Appropriations Resolution, 2003, Division D - Energy and Water Development Appropriations, Title II, Sec. 201, Public Law (P. L.) 108-7 (43 USC 373d) which authorizes Reclamation to enter into grants and cooperative agreements with federally recognized Indian Tribes to increase opportunities to develop, manage, and protect tribal water and related resources.

A.2. Background, Purpose, and Program Requirements

The Bureau of Reclamation (Reclamation), through the TAP, provides financial and technical assistance to federally recognized Indian Tribes. The TAP establishes cooperative working relationships, through partnerships with Indian Tribes, to assist Tribes as they develop, manage, and protect their water and related resources. Reclamation's Native American and International Affairs Office, Washington, D.C., plans to make fiscal year (FY) 2025 funds available for the TAP through Reclamation's five Regional Offices.

For further information on the TAP please visit:
www.usbr.gov/native/programs/TAPprogram.html

The objective of this NOFO is to invite federally recognized Indian Tribes to submit proposals for financial assistance for projects and activities that develop, manage, and protect tribal water and related resources.

This NOFO also implements the Biden-Harris Administration's priorities including Presidential Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008), and Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985). E.O. 13985 is supported by this NOFO as it increases opportunities for Indian Tribes to develop, manage, and protect their water and related resources.

A.3. Other Related Funding Opportunities

Reclamation provides funding through other programs that may assist Tribes in developing, managing, and protecting their water and related resources. Tribes are eligible recipients in the programs outlined below.

Through **WaterSMART Grants**, Reclamation also provides other funding opportunities. Through **Small-Scale Water Efficiency Projects**, Reclamation provides funding for small-scale

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water management projects that have been identified through previous planning efforts. Reclamation has developed a streamlined selection and review process to reflect the small-scale nature of these projects.

Through the **Drought Response Program**, Reclamation provides funding to help build resilience to drought. Through **Drought Contingency Planning**, Reclamation supports developing drought contingency plans with participation from a diverse set of stakeholders. Reclamation also provides funding for **Drought Resiliency 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.

Through **Applied Science Grants**, Reclamation provides funding to support projects to develop hydrologic information and water management tools and to improve modeling and forecasting capabilities.

Funding is available under the **Cooperative Watershed Management Program (Phase I)** to support watershed group development, watershed restoration planning, and watershed management project design.

Reclamation introduced a new category of funding under WaterSMART in FY 2022: **Environmental Water Resources Projects**. Funding will be provided to support projects focused on environmental benefits and that have been developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources. Projects under this new category of funding may be eligible for up to 75% Federal funding. Sponsors of Drought Resiliency Projects, Water and Energy Efficiency Grants, or Cooperative Watershed Management Program Phase II projects that are focused on environmental benefits and that meet other requirements should apply under this new funding opportunity.

For additional information regarding these NOFOs, please visit the WaterSMART program website: www.usbr.gov/watersmart/.

Small Storage Program funding is available for planning, design, and construction of surface water and groundwater storage projects with a storage capacity of not less than 2,000 acre-feet and not greater than 30,000 acre-feet. Additional information regarding eligibility and timing for this opportunity is available at the Small Storage program website: <https://www.usbr.gov/smallstorage/>.

Section B. Federal Award Information

B.1. Total Funding

Estimated Total Funding:

\$7,000,000

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Reclamation will determine the final amount of funding available for award under this NOFO once final FY 2025 appropriations have been made. The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other elements of the Native American Affairs TAP.

Budgetary constraints limit the number of projects that may be funded. It is anticipated that \$10.0 million will be available in FY 2025. Additional projects may be funded under this NOFO if additional funds become available in 2025 or subsequently.

B.2. Expected Award Amount

Maximum Award:

\$ 1,000,000

Minimum Award:

\$ 0

The total Federal funding amount will not exceed \$1,000,000 per proposal. Applicants may submit more than one proposal for funding consideration. However, no more than \$2,000,000 will be awarded to any one applicant under this NOFO.

B.3. Anticipated Award Funding and Dates

Projects funded through this NOFO will start once the project has secured funding and Reclamation has issued the awards. Agreements are not effective until fully executed with signature from the Grants Officer.

Reclamation may award the maximum award amount in Federal funds to an applicant Fiscal Year 2025 through 2027.

All work on a project funded under this NOFO should be completed within 2 years from the date of execution of the grant/cooperative agreement.

Applicants for renewal or supplements to existing projects are *not* eligible to compete with applications under this NOFO for new Federal awards.

B.4. Number of Awards

Reclamation will award approximately 10 awards, depending on the amount requested by each applicant and the amount of Federal funding available, under this NOFO.

The total number of awards will depend on the amount requested by each applicant and the amount of Federal funding available for award under this NOFO.

B.5. Type of Award

Project awards will be made through assistance grants or cooperative agreements, as applicable to each project.

If a cooperative agreement is awarded, Reclamation will have substantial involvement in the project. Reclamation can perform technical work through Regional and Area Offices, the Technical Service Center or water quality labs. For cooperative agreements, substantial involvement by Reclamation may include, but not be limited to, the following:

- 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.
- Technical support and other services provided to the Tribe towards the objectives of the proposal.

Reclamation's involvement in a cooperative agreement must be discussed in the project scope and all associated costs must be included in the budget. If the project is selected, the amount of funding required for Reclamation's activities will be withheld from the Federal award amount. To discuss available assistance and these costs, contact the program coordinator identified in Section G. Federal Awarding Agency Contacts.

Section C. Eligible Applicants

Applicants eligible to receive an award to fund activities must be Federally recognized Indian Tribes located in the 17 Western States identified in the Reclamation Act of June 17, 1902, as amended and supplemented:

Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

C.1.1. Eligible Applicants:

Native American Tribal governments (Federally recognized, 17 Western States)

Failure to meet an eligibility criterion by the time of an application deadline may result in Reclamation returning the application without review or preclude Reclamation from making a Federal award.

C.2. Cost Sharing or Matching

There is no requirement for a non-Federal cost-share contribution; however, partnering and collaboration is encouraged. If included, a non-Federal contribution may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions is 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. If the proposal includes non-Federal contributions, the applicant should include a description of the source, nature, amount or estimated value, and the intended use of any contributions to be provided in accordance with the following provisions.

C.2.1. Cost-Share Regulations

All non-Federal and third-party financial 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 should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions, available at www.ecfr.gov.

C.3. Other

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 the SAM.gov Exclusions Database identifies any entities or key project personnel 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.3.1. Indian Water Rights Settlements

Any applicant with an enacted Indian Water Rights Settlement (IWRS), should identify the settlement in their application. Applications submitted by a Tribe with an IWRS will be

reviewed to determine whether the proposal is within their authorized settlement. Proposals determined to be within a Tribe's authorized settlement, may not be eligible for an award under this NOFO.

C.4. Eligible Projects

Proposed projects will be reviewed to determine whether the application is eligible for evaluation. To be eligible for funding under this NOFO, projects must be directly related to the development, management, or protection of tribal water and related resources.

Eligible activities may include, but are not limited to:

- Water need and water infrastructure assessments.
- Water management plans and studies.
- Short-term water quality or water measurement data collection and assessment to inform new management approaches.
- Training for tribal staff and managers in areas of water resources' development, management and protection.
- Minor repair, rehabilitation or replacement of existing tribally owned, water-related structures and facilities to restore original capability.
- Minor infrastructure installation projects such as: Efficient land-scape irrigation.
- Drilling domestic or stock watering wells.
- On-the-ground activities related to riparian and aquatic habitat with the goal to maintain or improve water quantity or water quality:
 - Restoring wetlands.
 - Controlling erosion.
 - Stabilizing streambanks.
 - Constructing ponds.
- Developing water basin plans.
- Distinct, stand-alone water related activities that are part of a larger 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.

C.5. Ineligible Projects

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

- Feasibility studies (as defined under Reclamation law, which require express congressional authorization).
- Activities that lack definable products or deliverables.
- Specific employment positions within an Indian Tribe.
- Activities with a duration of more than 2 years from date of execution of a grant/cooperative agreement.
- Activities that generate data or analyses that have the potential to compromise any study or activities of a U.S. Department of the Interior (Department) Indian water rights negotiation or the Department of Justice in its pursuit of related Indian water rights claims.
- Activities related to non-Federal or non-tribal dams and associated structures.
- Activities providing funding for the administration of contracts or agreements under P.L. 93-638 that are unrelated to the TAP.
- Purchase of equipment as the sole purpose of the activity.
- Water purchases including the purchase or leasing of water rights or water shares.
- Activities in direct support of litigation of any kind.
- Activities that will obligate Reclamation to provide, or are not sustainable unless Reclamation does provide, on-going funding, such as an obligation to provide future funding for operation, maintenance, or replacement.
- Biological activities such as:
 - fisheries work (including collection, analysis and evaluation of background data);
 - habitat restoration unless directly related to water quality and quantity; and
 - ecosystem based activities such as biological surveys, air quality monitoring, and watershed -scale management.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This NOFO includes all information, documents, and electronic addresses needed to submit an application through grants.gov. If the applicant is unable to access this information electronically, the Financial Assistance NOFO Operations staff may provide paper copies of any documents referenced in this NOFO via an email request from the applicant. All required application forms are available on the “Packages” tab for this funding opportunity on grants.gov and <https://www.usbr.gov/native/programs/TAPprogram.html>

D.2. Content and Form of Application Submission

D.2.1. Mandatory Federal Forms

D.2.1.1. SF-424 Application for Federal Assistance.

Applicants must submit the [Standard Form \(SF\)-424, Application for Federal Assistance](#). The SF-424 must be complete, signed and dated. Reclamation will consider any applications that fail to include an SF-424 with a valid unique entity identifier (UEI) number by the submission deadline as ineligible and will result in the elimination of the application from further consideration.

D.2.1.2. SF-424A Budget Information Form.

Applicants must submit and complete either the [SF-424A, Budget Information—Non-Construction Programs](#).

D.2.1.3. SF-424 (B or D) Assurances Form.

A person legally authorized to commit the applicant to performance of the project must sign the [SF-424B, Assurances—Non-Construction Programs](#) or [SF-424D, Assurances—Construction Programs](#), and submit the appropriate form with the application.

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

D.2.1.4. Project Proposal

The project proposal must be no longer than 20 pages, with a typeface no smaller than 11-point, and have at least 1-inch margins on all sides. The 20-page limit includes all text, figures, references, and vitae, but does not include the Budget Detail (Attachment B).

Application narrative requirements may include:

Title Page

The title page should provide a brief 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, address, e-mail address, and telephone of the project manager.

Table of Contents

The table of contents should include all major sections of the project proposal.

Executive Summary

The executive summary should include:

- the date, applicant name, city, county, and State,
- a one-paragraph project summary that briefly describes the need for the project, benefits to be realized, project implementation plan, and total estimated cost,
- the length of time and estimated completion date for the proposed project (month/year), and
- whether or not the proposed project efforts are focused on a Federal facility or will involve Federal land.

Project Location

The project location should provide specific information on the area in which the applicant will work including a map showing the geographic location and a brief narrative. For example: the {project} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town} in {township, range, and section}. Provide at least one map with sufficient project details to understand the location of all elements of the proposal. Multiple maps may be necessary to accurately depict the proposal in its entirety.

Recommended guidance on useful features to include on the project map(s) is included in Appendix A. If selected for funding, Reclamation may request additional detail regarding the applicant's project location.

Research Work Plan and Schedule

This section should provide the project's technical approach and project activities. The research work plan should include a schedule showing individual tasks with significant milestones for

Section D. Application and Submission Information

accomplishing the identified work. Clearly and concisely convey this schedule using a table, Gantt chart, project network diagram, or any other visual format. The pilot testing should include a minimum 1 full month of non-disrupted data collection.

Project Description

The project description should describe the work for which the funding will be used, including any specific activities the work will accomplish. This section is an opportunity for the applicant to provide a clear description of the nature of the project and to address any aspect of the project that reviewers may need additional information to understand. Include enough detail on the proposed project description to permit a comprehensive evaluation of the proposal. Illustrative photographs, charts, and diagrams may be useful in communicating aspects of the project. See Appendix B for recommended guidance on describing the project.

Describe in detail the project tasks, including the development of the final report. For each task, describe planned activities and expected outcomes and milestones.

Describe the staff levels and expertise, the number of staff hours, and the schedule for completing each task.

The sole intention of this section is to provide a general understanding of the proposed project. Please note: if the work for which the applicant is requesting funding is a phase of a larger project, please only describe the work reflected in the budget and exclude description of other activities or components of the overall project. Please do not duplicate information.

D.2.1.5. Budget Detail and Narrative (Attachment B-Suggested Format)

Budget Detail and 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. The budget narrative must clearly identify all items of cost (total estimated project cost), including those contributed as non-Federal financial contribution by the applicant (required and voluntary), third-party in-kind of financial 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 financial contributions, 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](#).

Budget items must be reasonable, allowable, allocable, and necessary to the supported activity. Refer to [2 CFR §200](#), for applicable administrative requirements and cost principles. See [2 CFR §200.407](#), *Prior written approval (prior approval)*, for more information.

Section D. Application and Submission Information

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

Applicants may use the Budget Narrative Attachment Form as an example of the required elements of the budget narrative.

D.2.1.6. Environmental and Cultural Resources Compliance

Compliance with National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA) (as further detailed in Section H.2) will be required for all funded projects. Further, monitoring, measurement, or other field work may be required to complete environmental and cultural resources compliance, with some of the field work also requiring individual compliance. provided by the applicant.

D.2.1.7. Required Permits or Approvals

Federal, state, tribal, and/or county permits or approvals may be required to implement the proposed project. In the application, state whether the project will require any permits or approvals and explain the plan and schedule for obtaining these permits or approvals.

If a proposal includes improvements to Federal facilities, Reclamation may also require additional reviews and approvals prior to implementation to ensure the Bureau can approve any necessary easements, land use authorizations, or special permits consistent with the requirements of [43 CFR §429](#) and that the development will not impact or impair project operations or efficiency.

D.2.1.8. Overlap or Duplication of Effort Statement (optional, encouraged)

If providing an overlap or duplication of effort statement (highly encouraged), applicants should address 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, the applicant must provide a description of the overlap in the application for review.

Applicants must 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, the applicant must detail when the other duplicative proposal(s) were submitted, to what Agency or financial assistance program, and when funding decisions are expected to be announced. If at any time another Federal awarding agency awards funds to the applicant that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the program coordinator immediately.

D.2.1.9. Conflict of Interest Disclosure Statement

Per the Financial Assistance Interior Regulation, [2 CFR §1402.112](#), all applications must state if any actual or potential conflict of interest exists at the time of submission.

Applicability

(1) 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.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict-of-interest provisions in [2 CFR §200.318](#) applies.

Notification

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose, in writing, any conflict of interest to the Department of the Interior awarding agency or pass-through entity in accordance with [2 CFR §200.112](#).

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Reclamation financial assistance officer in writing of any conflicts of interest that may arise during the life of the award, including those reported by subrecipients.

Restrictions on Lobbying

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

Review Procedures

The financial assistance officer will examine each conflict-of-interest disclosure based on 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.2.1.10. 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 within an applicant's fiscal year, must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#) in accordance with [2 CFR §200 Subpart F](#). U.S. State and local governments, Federally recognized Indian Tribal governments, and non-profit

Section D. Application and Submission Information

applicants must state if their organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If the applicant's organization was required to submit a Single Audit report for the most recently closed fiscal year, the applicant must provide the Employer Identification Number associated with that report and state if the number is available through the [Federal Audit Clearinghouse](#) website.

D.2.1.11. 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.2.1.12. Disclosure of Lobbying Activities (if applicable)

If the applicant has made, or agreed to make, payment to any lobbying entity in an attempt to influence, or attempt 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, Reclamation will require applicants to complete and sign an SF-LLL, *Disclosure of Lobbying Activities* form. Note—a contractor or other entity cannot submit this form on an applicant's behalf.

D.2.1.13. Letters of Support (if applicable)

Applicants should include letters from interested stakeholders supporting the proposed project, if applicable. To ensure Reclamation accurately reviews all proposals, applicants may attach any letters of support/partnership letters as an appendix. Reclamation will not consider letters of support received after the application deadline for this NOFO in evaluating an applicant's proposed project. These letters do not count within the 20-page maximum.

D.2.1.14. Official Resolution (optional)

If selected, the applicant must provide an official resolution adopted by the Tribal council or governing body authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO prior to award. This must include:

- the identity of the Tribal council or governing body with legal authority to enter into an agreement,
- the Tribal council, governing body, or appropriate official who has reviewed and supports the application submitted, and
- that the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

Section D. Application and Submission Information

An official resolution, meeting the requirements above, is mandatory before Reclamation will award funding.

D.2.1.15. Project Abstract Summary (optional)

The applicant may complete and submit the [Project Abstract Summary form](#) with the application package. This must include:

- funding opportunity number,
- goals and objectives of the proposed project,
- summary of project activities,
- performance goals including milestones and expected outcomes, and
- the intended beneficiaries, and any subrecipient activities, if known.

Reclamation will transmit this information to USASpending.gov and be viewable by the public.

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

Each applicant (unless the applicant is an individual or Federal awarding agency 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:

- register in SAM before submitting an application (instructions for registering are available at on the SAM.gov site),
- provide a valid UEI in the application, and
- maintain an active SAM registration with current information at all times during which an applicant has an active Federal award or plan under consideration by a Federal award agency.

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

Applicants must register on the SAM.gov website. Click “Help” to find user guides and other information to assist with registration. The [Grants.gov “Register with SAM” page](#) also provides detailed instructions. Applicants can contact the supporting [Federal Service Desk](#) for help registering in SAM. Once registered, SAM.gov will assign the applicant a UEI. Applicants must renew and revalidate SAM.gov registration at least once every 12 months from the previous date of registration. Applicants are strongly encouraged to revalidate registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the Internal Revenue Service’s information.

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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 applicants can register and request help for free.**

NOTE: An applicant's SAM.gov registration process may take 6 weeks or more to complete, so please allow sufficient time to ensure applications are submitted before the closing date. Failure to submit on time because an applicant did not complete registration in SAM.gov or Grants.gov will result in the application submission being found ineligible.

D.3.2. Obtain a UEI Number

Applicants must provide a valid unique entity identifier as part of the application. Applicants are required to register in SAM.gov prior to submitting a Federal award application and obtain a UEI. A UEI will be assigned to entities upon registering with SAM.

D.3.3. Maintain an Active SAM Registration and UEI Number

Applicants must continue to maintain an active SAM registration with current information at all times during which applicants have an active Federal award, application, or plan under consideration by Reclamation. Reclamation may not make a Federal award until the applicant has complied with all applicable UEI and SAM requirements and, if the applicant has not fully complied with the requirements by the time Reclamation is ready to make a Federal award, Reclamation may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

D.4. Submission Date and Time

Applications may be submitted electronically through grants.gov, by paper application or by email.

Grants.gov Applications

Grants.gov automatically generates an electronic date and time stamp in the system upon receiving the application. Grants.gov sends an acknowledgement of receipt with the date and time stamp and a unique Grants.gov application tracking number to the applicant's authorized representative by email. This email from Grants.gov serves as proof of timely submission.

1 Applicant resource documents and a full set of instructions for registering with grants.gov and completing and submitting applications online are available on grants.gov. Application submission requires prior registration through grants.gov, which may take up to 21 days. In addition, please note 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.

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Paper Applications

The applicant may submit a paper application to Reclamation by the specified date and time:

By United States Postal Service regular or overnight services and 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

Email Applications

Applicants may email exemption requests to dronofa@usbr.gov. All emailed applications should include the following information:

In the Subject line of the email:

1. the NOFO Number and Fiscal Year (FY 2025)

In the body of the email:

1. the NOFO title and number,
2. the application due date of the specified NOFO,
3. the Assistance Listing number,
4. the name of the applicant organization and UEI number(s),
5. the authorized organizational representative name and contact information (phone and email address),
6. the name and email of the point of contact regarding matters involving the application.

D.4.1. Due Date for Applications

Due Date for Applications: Applications must be submitted no later than 4:00 p.m., Mountain Standard Time, on Thursday, February 27, 2025.

D.4.2. Application Due Date Explanation

Electronically submitted applications must be submitted no later than 4:00 p.m., MST, on the listed application due dates.

Proposals received after the application deadline indicated below will not be considered unless it can be determined that the delay was caused by Reclamation mishandling or technical issues with the grants.gov application system. Please note that difficulties related to an applicant grants.gov profile (e.g. incorrect organizational representative), uploading documents to grants.

gov, or an applicant SAM registration are not considered technical issues with the grants.gov system.

D.5. Funding Restrictions

Pre-award costs are those incurred prior to the effective date of a Federal award and are necessary for the 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.

Pre-award costs are 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, Reclamation will review the pre-award costs to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR §200 and all other requirements of this funding opportunity. Incurrence of pre-award costs is not authorized without prior written approval of the awarding Grants Officer. Per 2 CFR §200.458, pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

Note: Any costs incurred in the performance of the project prior to the issuance of a financial assistance award is undertaken at a recipient'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.5.1. Environmental and Regulatory Compliance Costs

Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). When applicable, every project funded under this program will have environmental compliance activities undertaken by the applicant and Reclamation, should the application be successful (see section H).

Environmental and regulatory costs may be incurred by both Reclamation and the successful applicant. Depending on the type and complexity of the project and level of potential environmental and cultural impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Reclamation will identify any costs to the applicant associated with compliance during the process of developing a final project budget for inclusion in the financial assistance agreement. Provision of a clear, detailed project description (Section D.2.1.2) will better enable Reclamation to understand the level of effort and estimate the cost required for environmental

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compliance. A portion of Reclamation's estimated cost to complete environmental compliance activities may be withheld from the initial obligation of Federal funding. After compliance activities are completed, any remaining Federal funding will be obligated to the agreement.

Note: Mitigation may be required to lessen environmental impacts, and monitoring may be required following completion of project construction to measure effectiveness of the mitigation. Costs for mitigation and monitoring should be considered in the project budget and may be the responsibility of the applicant. Flexibility in design of project elements could minimize potential impacts and subsequent mitigation.

D.5.2. Indirect Costs

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

If the applicant has never received a Federal negotiated indirect cost rate, the project budget may include a de minimis rate of up to 15 percent of modified total direct costs. For further information on modified total direct costs, refer to [2 CFR§200.68](#).

If the applicant does not have a Federally approved indirect cost rate agreement and are proposing a rate greater than the de minimis 15 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.

If Reclamation does select the proposed project for award, applicant must 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 the applicant's organization is the cognizant agency for indirect costs, unless otherwise assigned by OMB. If the Department of the Interior is the applicant's organization's cognizant agency, the Interior Business Center will negotiate the indirect cost rate. Contact the Interior Business Center by phone at 916-930-3803 or email at ICS@ibc.doi.gov. Visit the IBC website, for information regarding email submission forms.

Applicants must have an active Federal award before submitting 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. Technical Proposal: Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each of the following criteria and sub-criteria in the order presented to assist in the complete and accurate evaluation of your proposal. Applications will be evaluated against the evaluation criteria (listed below), which comprise a total of 100 points. Please note that projects may be prioritized to ensure balance among the Regions and to ensure that the projects address the goals and objectives of the NOFO.

Evaluation Criteria Scoring Summary	Points
A. Project Need	30
B. Project Benefits	30
C. Project Implementation	30
D. Biden-Harris Administration and the Department of the Interior Priorities	10
Total	100

If the work described in your application is a phase of a larger project, please only discuss the benefits that will result directly from the work discussed in your application and that is reflected in the budget, not the overall project. Projects that are a phase or a part of a larger project should provide demonstrable benefits upon completion that are not dependent upon any other phases or the larger project.

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

E.1.1. Evaluation Criterion A. Project Need (30 POINTS)

Up to **30 points** may be awarded based upon extent to which the proposal demonstrates a compelling need to implement the project based on the following:

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- How does Federal funding assist in developing the project?
- What is the magnitude of the impacts if the proposed project is not funded (e.g., public health and safety, regulatory, and social risk etc.)?
- Does the project assist in addressing health and safety of the Tribe and its members, and if so, how?
- How urgent is the proposed project?
- Does project assist in complying with regulatory requirements related to water and water resources, and if so, how?
- What is the status of the Tribe's capacity to manage, develop and protect its water and related resources?
- Are there current or historic drought conditions in the tribal or project area?

E.1.2. Evaluation Criterion B. Project Benefits (30 POINTS)

Up to **30 points** may be awarded based upon evaluation of the benefits that are expected to result from implementing the proposed project/activity. This criterion considers a variety of project benefits to water resources, including increases to water reliability and quality, improvements to water management, and/or reduction to conflicts between water users.

Describe the expected benefits and outcomes of the project. In doing so, please answer all the questions applicable to the project. It is not necessary to answer all these questions in the affirmative to score well on this criterion and points will be allocated based on the degree to which the project provides water resource benefits as a whole.

- Does the project improve development, management, and/or protection of tribal water and related resources, and if so, how?
- Does the project build or enhance the Tribe's internal capacity to manage, develop and protect its water and related resources, and if so, how?
- Does the project include data collection related to water quality?
 - How will data be analyzed and used to benefit the Tribe?
 - How will data analyses inform management decisions/approaches?
- Does the project improve water reliability or build long-term drought resilience for a given tribal community, and if so, how and to what extent?
 - Does the project assist with addressing current or future water shortages, and if so, how?

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- Will the project build long-term resilience to drought, and if so, how?
- Will the project make additional water supplies available, and if so, how?
 - What is the estimated quantity of additional supply the project will provide and how was this calculated?
 - What percentage of the total water supply does the additional water supply represent?
- Does the project improve tribal water system efficiencies and promote water conservation, and if so, how?
 - What is the estimated average annual quantity of conserved water and how was this calculated?
 - How will the conserved water be used?
- Does the project reduce conflicts between water users, and if so, how?
 - Does the project address heightened competition for finite water supplies or issues related to over-allocation of water rights, and if so, how?
 - Does the project promote and encourage collaboration among parties in a way that helps increase the reliability of the water supply, and if so, how?
 - Will the project help prevent a water-related crisis or conflict, and if so, how?
 - Is there frequently tension or litigation over water in the basin?
 - Are there non-tribal partners in the project and what is their roles?
- Is the project supported by existing water resource management plans, and if so, how?
- Does the project protect and enhance the environment, and if so, how?
- Projects that involve riparian and aquatic habitat improvements, must also improve water quality and quantity. Describe the environmental benefits as they relate to improved water quality and quantity.

E.1.3. Evaluation Criterion C. Project Implementation (30 POINTS)

Up to **30 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Applicants that describe a detailed plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates) will receive the most points under this criterion. In responding to this criterion, provide the following information to demonstrate the capability to implement the project:

- Describe the implementation plan for the project that includes an estimated schedule that shows the stages and duration of the proposed work, during the two-year period of performance. The implementation plan should also include major tasks and milestones,

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identify staff with appropriate technical and project management expertise and describe their qualifications and roles in the proposed project or activity.

- Describe any plans to contract activities. Describe the procurement standards that will be used to select successful contractors.
- Describe any permits that will be required, along with the process for obtaining such permits.
- Identify and describe any engineering or design work performed specifically in support of the proposed project.
- Describe any new policies or administrative actions required to implement the project.
- Identify staff with appropriate technical and project management expertise and describe their qualifications and roles in the proposed project or activity.
- Describe how the environmental compliance estimate was developed. Has the compliance cost been discussed with the local Reclamation office?

E.1.4. Evaluation Criterion D. Biden-Harris Administration and Department of the Interior Priorities (10 POINTS)

Up to **10 points** may be awarded based upon the extent to which the proposed project demonstrates support for the Biden-Harris Administration's priorities, including Presidential Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008). Presidential Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985) is implemented through this NOFO.

Please address only those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal. Without repeating benefits already described in previous criteria, describe in detail how the proposed project supports a priority(ies) below.

Climate Change. – E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity.

- How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Please estimate the extent to which the project will build resilience to drought and provide support for your estimate.

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- In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?
- Does the proposed project include green or sustainable infrastructure to improve community climate resilience such as reducing the urban heat island effect, lowering building energy demands, or reducing the energy needed to manage water? Does this infrastructure complement other green solutions being implemented throughout the region or watershed?
- Will the proposed project establish and utilize a renewable energy source?
- Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?
- Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?
- Does the proposed project have a conservation or management component that will promote healthy lands and soils or serve to protect water supplies and its associated uses?
- Does the proposed project contribute to climate change resiliency in other ways not described above?

E.2. Review and Selection Process

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

E.2.1. First Level Threshold Screening

The Grants Officer will screen applications to ensure they meet basic eligibility requirements.

The Grants Officer will screen all application packages to ensure that:

- the application meets the completeness, eligibility, and timeliness requirements stated in this NOFO,
- the applicant meets the UEI 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, and
- the application contains executed mandatory forms SF-424, *Application for Financial Assistance* and SF-424B or D, *Assurances Form*, and a completed SF-424A, *Budget Information Form*.

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A complete application must include all requirements described in the above bullets. Applications must satisfy basic eligibility screening requirements to be considered for further review. The Grants Officer reserves the right to remove an application from funding consideration during the initial screening if it is not submitted on time, does not include the appropriate SF-424 forms, does not include a technical proposal, or does not include a budget narrative. In that event, the Grants Officer will send a notification of elimination to the applicant. If an application is missing other information, Reclamation may reach out to request that information within a specified timeframe.

E.2.2. Application Review Committee

An Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation, will review the technical merit of the application. Evaluation criteria will comprise the total evaluation weight as stated in the paragraph E.1., “Technical Proposal: Evaluation Criteria,” of this NOFO.

Applications will be scored against the evaluation criteria by an Application Review Committee (ARC). ARC will also review the application to ensure that the proposed project meets the description of eligible projects and meets the objective of this NOFO.

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

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Additionally, the Red-Flag Review will address several of the determinations listed in paragraph A.4., “Program Requirements” of this NOFO.

Reclamation may consider any positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation, including whether the applicant is making significant progress toward the completion of any 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. 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 all proposals to the appropriate Reclamation Regional or Area Office for completion of environmental compliance. 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 will be made contingent on completion of environmental compliance. The financial assistance agreement will describe how compliance will be carried out and how the costs will be paid. Ground disturbing activities may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Grants Officer.

In some circumstances, environmental compliance may be completed by another Federal agency. If this occurs or if there is an existing environmental compliance document the environmental compliance document will need to be reviewed and adopted by Reclamation and a notice to proceed must be issued by the awarding Grants Officer before ground disturbing activities can begin.

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 Grants Officer will consider several factors that are important, but not quantified, such as:

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

E.3. Current Responsibilities/Qualifications Information

Before awarding a grant in excess of the simplified acquisition threshold, Reclamation is required to review the SAM.gov database and consider all information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. §2313).

Optionally, applicants may review information in the designated integrity and performance systems accessible through SAM and comment on any information that a Federal awarding agency previously entered and that is currently in the designated integrity and performance system. Reclamation will consider any comments in making a judgement about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk as described in 2 CFR §200.206, "Federal awarding agency review of risk posed by applicants."

E.4. Anticipated Announcement and Federal Award Dates

Anticipated Award Date: Summer 2025

Reclamation estimates contacting potential award recipients and unsuccessful applicants within 180 days of the NOFO closing or soon after. Grants or cooperative agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Awards are based on the application submitted to, and approved by, Reclamation and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to the following: Federal regulations, program legislation or regulation, and special award terms and conditions. *The duration of an agreement is based on the period of performance as stated on the project proposal.*

The certifying Grants Management Officer will notify the recipient via email with a fully executed and signed Notice of Award with the required terms and conditions. Recipient acceptance of a Federal award from Reclamation carries with it the responsibility to be aware of and compliance with all terms and conditions applicable to the award. Recipients indicate their acceptance of the Federal award by starting work, drawing down funds, or accepting the award via electronic means. Awards cannot be finalized, until the recipient completes enrollment in the Department of the Treasury, [Automated Standard Application for Payments \(ASAP\) System](#).

If the applicant's organization is not enrolled in ASAP, contact the Grants Officer in the Federal Awarding Agency Contacts of this NOFO.

F.2. Administrative and National Policy Requirements

See the "DOI Standard Terms and Conditions" for the administrative and national policy requirements applicable to Departmental awards.

F.2.1. Automated Standard Application for Payments Registration

The ASAP staff will send the information on the enrollment process for recipients, including the enrollment initiation form, to the recipient if selected for an award. All applicants must be willing to process payments through the system. Completion of registration is mandatory before recipients can receive payments. All recipients with active financial assistance agreements with Reclamation must be enrolled in the ASAP system 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 bureau.

Note that if the applicant's entity is currently enrolled in the ASAP system with a bureau *other* than Reclamation, they must enroll specifically with Reclamation in order to process payments.

F.2.1.1. Environmental and Cultural Resources Compliance

All projects that Reclamation considers for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. The Federal Government requires the applicant to comply with all applicable Federal, State, and local environmental, cultural, and paleontological resource protection laws and regulations. These may include the Clean Water Act, Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA); consultation with potentially affected Tribes; and consultation with the State Historic Preservation Office.

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

Reclamation will be responsible for evaluating technical information and ensuring that the project appropriately addresses natural resources, cultural concerns, and socioeconomic concerns. Where multiple federal agencies are involved, designation of the lead Federal agency for NEPA compliance will be made; otherwise, Reclamation will be the lead. The lead Federal agency for NEPA compliance will determine the appropriate level of NEPA compliance. Reclamation will be responsible for ensuring that findings under NEPA, and consultations pursuant to ESA and NHPA and their implementing regulations, as appropriate, will support Reclamation's decision on whether to fund the project.

Environmental and cultural compliance activities will be completed for the proposed project activities, with costs incurred by Reclamation and/or the recipient, as outlined in Section D.6.1. Note that data collection is often required to complete the compliance (such as wildlife or cultural surveys). These surveys can be completed by a qualified contractor hired by the recipient under direction of Reclamation. Further, be aware that in some instances (such as cultural resource surveys), separate compliance is required for those activities.

Note: if the project requires mitigation to lessen environmental impacts, the applicant may, at Reclamation's discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly. Level of environmental and/or cultural resources compliance issues and the ability to mitigate will be considered during the red-flag review.

F.2.2. Approvals and Permits

Applicants will adhere to Federal, State, Tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Note that field surveys may be required to obtain such approvals or permits. Applicants will also coordinate and obtain approvals from site owners and operators.

F.2.3. 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. The Department requires fully compliant metadata on all Geographic Information Systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government’s needs and are available at no cost before acquiring or collecting additional geospatial data.

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

F.2.4. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see 2 CFR §200.59, *Intangible Property*). The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR §200.313(e), *Equipment*.

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*.

The Federal government has the right to:

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

Section F. Federal Award Administration Information

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

F.2.5. Real Property (2 CFR §200.311)

Real property, equipment, and intangible property that is 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, per [2 CFR §200.316](#). 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 the Federal awarding agency, 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 the Federal awarding agency or pass-through entity. As required by [2 CFR §200.330](#), Reporting on real property, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.6. Wage Rate Requirements (Davis-Bacon Act)

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

F.2.7. Buy America Preference

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project 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 that 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 that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

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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 construction material standards are listed below.

Incorporation into an infrastructure project. 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.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) 15 Manufactured products; (iii) Construction materials; or (iv) Section 70917 (c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- a) For components purchases by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

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- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- (3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- (4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- (5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- (6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.
- (7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- (8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from the requirements. Information on the process for requesting a waiver from these requirements can be found at <https://www.doi.gov/grants/buyamerica>.

When DOI has determined that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

1. applying the Buy America Preference would be inconsistent with the public interest;
2. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. 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.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Office of Management and Budget (OMB) Made in America Office.

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There may be instances where an award qualifies, in whole or in part, for an existing waiver described at the Approved DOI General Applicability Waivers website located at <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>.

Definitions

“Buy America preference” means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“*Construction materials*” means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of the definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

(1) The listed items are:

- i. non-ferrous metals,
- ii. plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),
- iii. glass (including optic glass),
- iv. fiber optic cable (including drop cable)
- v. optical fiber
- vi. lumber
- vii. engineered wood; and
- viii. drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

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

“*Infrastructure project*” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) and 2 CFR 184.4.

“*Iron or steel products*” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

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“*Manufactured products*” means:

- (1) Articles, materials, or supplies that have been:
 - a. Processed into a specific form and shape; or
 - b. Combined with other articles, materials, or supplies to create a product with different properties than the individuals articles, materials, or supplies.
- (2) If an item is classified as an iron or steel product, a construction material, or a Section 70917 (c) material under 2 CFR 184.4 (e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4 (e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917 (c) materials.

“*Predominantly of iron or steel or a combination of both*” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill productions (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“*Section 70917 (c) materials*” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917 © of the Build America, Buy America Act.

F.3. Reporting Requirements and Distribution

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

F.3.1. Financial Reports

All recipients must use the [SF-425, Federal Financial Report](#), form for financial reporting. Recipients must submit a fully completed SF-425 form on a regular schedule as determined by Reclamation and indicated in the grant agreement document; this schedule is typically semi-annually or quarterly. A person legally authorized to obligate the recipient must sign the SF-425.

F.3.2. Interim Performance Reports

The financial assistance agreement will include specific terms and conditions pertaining to reporting requirements.

Recipients will submit interim performance reports on a schedule determined by Reclamation (typically semi-annually or quarterly, listed in the grant agreement document). While the

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recipient may provide additional detail, these reports must—at a minimum—include the following information:

- a comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period,
- the reasons why the project did not meet established milestones, if applicable,
- the status of milestones not met from the previous reporting period, 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, and
- photographs documenting the project (appreciated, although not required). Note: Reclamation may print photos with appropriate credit to the applicant.

F.3.3. Final Performance Report

Recipients must 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:

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

Please note that final reports are public documents and may be made available on Reclamation's website. Reclamation may print photos with appropriate credit to the applicant. Before posting recipient's project information on Reclamation's website, Reclamation will work with recipients to assure that proprietary, sensitive Tribal cultural, religious and/or historic information is not compromised.

F.3.4. Real Property Reports

Recipients must submit reports at least annually on the status of real property in which the Federal Government retains an interest. For instances where the Federal interest extends for a period beyond 15 years, the reporting frequency may be lessened per the guidelines in [2 CFR §200.330](#).Disclosures

F.3.5. 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

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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. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See [U.S. Office of Government Ethics website](#) for more information on these restrictions. Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in [2 CFR §200.338, Remedies](#), for noncompliance, including termination of the award.

Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in [2 CFR §200.339](#) for noncompliance, including termination of the award.

F.3.6. Other Mandatory Disclosures

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

F.4. 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 availability in a manner 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

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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.4.1. Freedom of Information Act (FOIA)

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

Definitions

“Published research finding” 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” 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 held as confidential by a researcher until they are published, or similar information, which is protected under law, and
- personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

F.5. Recipient Service Delivery Option

2 CFR Part 200 does not prohibit recipients of Federal financial assistance from imposing uninterrupted service delivery requirements on subrecipients. Under 2 CFR§200.319(b)(1) it is reasonable for a recipient or subrecipient, acting in accordance with its own sound business judgment, to include uninterrupted service delivery requirements in its contracts under Federal

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financial assistance awards, as necessary, and when otherwise consistent with Federal law. This is a case-by-case determination made by the recipient or subrecipient based on the particular project or services in question.

Section G. Federal Awarding Agency Contact(s)

G.1. Reclamation Financial Assistance Contact

Please submit any questions regarding application and submission information and award administration to the attention of the NOFO Team, at bor-sha-fafoa@usbr.gov.

Please note that staff availability on the day of the NOFO closing will be limited. Reclamation advises prospective applicants to start the application process early and reach out with any questions at least a week prior to the deadline.

G.2. Reclamation Program Coordinator Contact

Indian Tribes and tribal organizations with questions regarding this NOFO, applicant and project eligibility, and the application review process or learning more about the other forms of technical assistance that Reclamation provides to Tribes and Tribal organizations, should direct questions to the appropriate Regional point of contact.

Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions

Douglas Davis
Native American Affairs Program Manager
Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Office
PO Box 36900
Billings, MT 59107-6900
douglasdavis@usbr.gov
(406) 247-7710

List of Tribes in the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions:
<https://www.usbr.gov/native/support/Tribes/GreatPlainsTribes.pdf>

Lower Colorado Basin Region

Genevieve Johnson
Acting Native American Affairs Program Manager
Lower Colorado Basin Regional Office
PO Box 61470
Boulder City, NV 89006-1470
kdnelson@usbr.gov
(702) 293-8073

List of Tribes in the Lower Colorado Basin Region
<https://www.usbr.gov/native/support/Tribes/LowerColoradoTribes.pdf>

California-Great Basin Region

Kevin Clancy
Native American Affairs Program Manager
California-Great Basin Regional Office
2800 Cottage Way, Federal Office Building
Sacramento, CA 95825-1898
kclancy@usbr.gov
(916) 978-5194

List of Tribes in the California-Great Basin Region:

<https://www.usbr.gov/native/support/Tribes/Mid-PacificTribes.pdf>

Columbia-Pacific Northwest Region

Melinda Hernandez-Burke
Native American Affairs Program Manager
Columbia-Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234
mhernandezburke@usbr.gov
(208) 215-0065

List of Tribes in the Columbia-Pacific Northwest Region:

<https://www.usbr.gov/native/support/Tribes/PacificNorthwestTribes.pdf>

Upper Colorado Basin Region

Ernest Rheume
Native American Affairs Program Manager
Upper Colorado Basin Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138-1102
erheume@usbr.gov
(970) 317-1487

List of Tribes in the Upper Colorado Basin Region:

https://www.usbr.gov/native/support/Tribes/UpperColoradoTribes_508.pdf

Section H. Other Information

H.1. Environmental and Cultural Resource Considerations

Environmental and cultural resources issues will be considered when evaluating the feasibility of the proposal. To facilitate this evaluation, and to allow Reclamation to assess the potential costs of environmental and cultural resource compliance, please provide, to the best of your ability, answers to the following questions in your application; if any question is not applicable to the project, please explain why:

- Has the applicant previously received federal funding for this project or a project(s) adjacent to the proposed project? If so, provide environmental compliance and permitting documentation.
- Have previous environmental analyses been completed for this project? If so, attach reports or summaries of findings.
- Have biological studies, inventories, or literature searches been conducted (wildlife, fish, vegetation, soils, habitat, noxious weeds, invasive species, etc.)? If so, please provide reports.
- What measures will be taken to minimize potential for spread of invasive plant species and/or noxious weeds?
- What measures will be taken to minimize potential for spread of aquatic invasive species?
- Is the project area located in/on, crosses or is adjacent to a lake, river, stream, wetland, or other waterbody? If so, describe or show on map and describe if the project would modify or impact the waterbody in any way (e.g. dredge or fill within the ordinary high water mark of a waterbody or wetland or discharge of materials into a waterbody).
- Does the project contain or is it adjacent to existing facilities (e.g. irrigation system or other works), buildings, or other structures? If so, please list and provide estimated age of facilities or structures if known (county assessors property records are a good source).
- Describe if the proposed project would result in any modification of or changes to the existing facilities, buildings, and/or structures (e.g. would the project modify individual features of an irrigation system; would a building or pipeline need to be moved, etc.)
- Provide a brief history, if applicable, of the facilities or structures being modified or changed (e.g. irrigation system or other works) and approximate age. Include dates if possible and note age of any features/structural elements (such as headgates, check dams, flumes, etc.) that could be affected by your proposed project that may have been replaced or modified since the system was built.
- Have archaeological or cultural resources surveys been conducted yet for the project area? If so, were any concerns or sites identified? (Due to sensitivity of data, please do not send reports or locations).
- Is the applicant aware of any tribal concerns or interests in or near the project area?

H.2. Environmental Statutes

This section provides background and context for the NEPA, ESA, and NHPA compliance requirements. Reclamation's Regional or area offices will work with you to determine the appropriate level of compliance for your project. The ability to adapt and have flexibility in project elements or methods to minimize potential impacts is encouraged, and sometimes required, through these environmental and cultural compliance processes.

H.2.1. 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 provide funding for ground disturbing activities under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

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

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. Applicants are encouraged to contact their regional or area Reclamation office. See <https://www.usbr.gov/index.html> with questions regarding NEPA compliance issues. Applicants may also contact the Program Coordinator for further information (see Section G., “Federal Awarding Agency Contact(s)” of this NOFO).

H.2.2. National Historic Preservation Act

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

If a proposal is selected for initial award, the recipient will work with Reclamation to complete the Section 106 process. Compliance with Section 106 of the NHPA requires Reclamation to consult with potentially affected tribes, potential interested parties (e.g., local governments, historical societies, etc.), and with the appropriate State Historic Preservation Office(s)/Tribal Historic Preservation Office(s). Compliance can be accomplished in several ways, depending on how complex the issues are, including the following.

- 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 1 month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time-consuming. The process includes:
 - a determination as to whether additional information is necessary,
 - evaluation of the significance of identified cultural resources,
 - assessment of the effect of the project on historic properties,
 - a determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects, and
 - a memorandum of agreement to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about 2 months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO are historic irrigation systems and archaeological sites. An irrigation system

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

Applicants should contact their State Historic Preservation Office and their local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See <https://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.3. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the 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. Compliance with Section 7 of the ESA requires Reclamation to consult, when warranted, with U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration (NOAA) Fisheries. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. Below is a rough overview of the possible course of ESA compliance.

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 1 day to 1 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.

Section H. Other Information

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 a parallel process to NEPA compliance and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Applicants should contact their regional or area [Reclamation office](#), with questions regarding ESA compliance issues.

Appendix A: Project Location Map Guidance

Provide at least one map with sufficient details to understand the location of all proposed project elements. Multiple maps may be necessary to accurately depict the proposal in its entirety. Maps should preferably be a USGS 7.5-minute topographic map; additional illustrative maps, depicting specific features not depicted on USGS maps, may also be submitted.

Clear, detailed maps of the project proposal will help reviewers understand the project, potential environmental constraints, and costs for environmental compliance. The following list of features are recommended for inclusion in project location maps, where applicable. Note, however, that inclusion of this information will not influence the applicant's eligibility or scoring and may be subject to public disclosure under FOIA requests. If you are selected for funding, Reclamation may request additional detail regarding the project location.

- a. project boundary
- b. location of all proposed ground-disturbance and project elements (preferably depicted as points and polygons) including, but not limited to:
 1. proposed infrastructure/improvements,
 2. access routes (e.g., nearest public roads and travel routes for proposed activities),
 3. monitoring areas,
 4. staging areas,
 5. borrow areas,
 6. existing ancillary facilities/ infrastructure related to the proposal (e.g. electrical, water, sewer),
 7. rights-of-ways needed.
- c. point(s) for referenced latitude and longitude coordinates (if UTM, provide in NAD83).
- d. Public Land Survey System (PLSS) information (township, range, and section) (either on the map or in narrative form)
- e. north arrow, scale, and legend
- f. state and county
- g. land ownership
- h. date of map/aerial photo (if applicable)
- i. existing rights-of-way, easements, etc. associates with proposal
- j. geographic details, such as nearby cities, river basins, watersheds, rivers, streams, wetlands and floodplains, roads, important landmarks.
- k. GIS (.shp, .gdb, etc.) or Google Earth (.kmz) files, if available

Appendix B: Project Description Guidance

Below is a list of recommended project details to provide in your application, as applicable. This level of detail will allow for a comprehensive understanding and evaluation of the proposal but will not influence the applicant's eligibility or scoring.

- Identify type of action (e.g. planning activity, design, research/inventories/assessments, construction, operation and maintenance/repair).
- Describe type of project (e.g. small water storage, stream restoration, drought resiliency, water efficiency, etc.)
- Identify preferred project construction timing (if applicable) and any timing restrictions.
- Identify all aspects of the proposed project including work areas, staging areas, borrow areas, and access routes. Provide size/length of areas/routes if known.
- Identify steps necessary (construction, clearing, trenching, grading, equipment removal/replacement, demolition, stabilization, replanting, etc.) to complete the proposed project. Describe all earth-disturbing work (and size of disturbance if known).
- Identify any managing partners or agencies involved (such as other state or federal agencies, NGOs, etc.) for this proposed project, if applicable and note if they have been contacted about this project. Has consent been provided by other entities, if needed for this project?