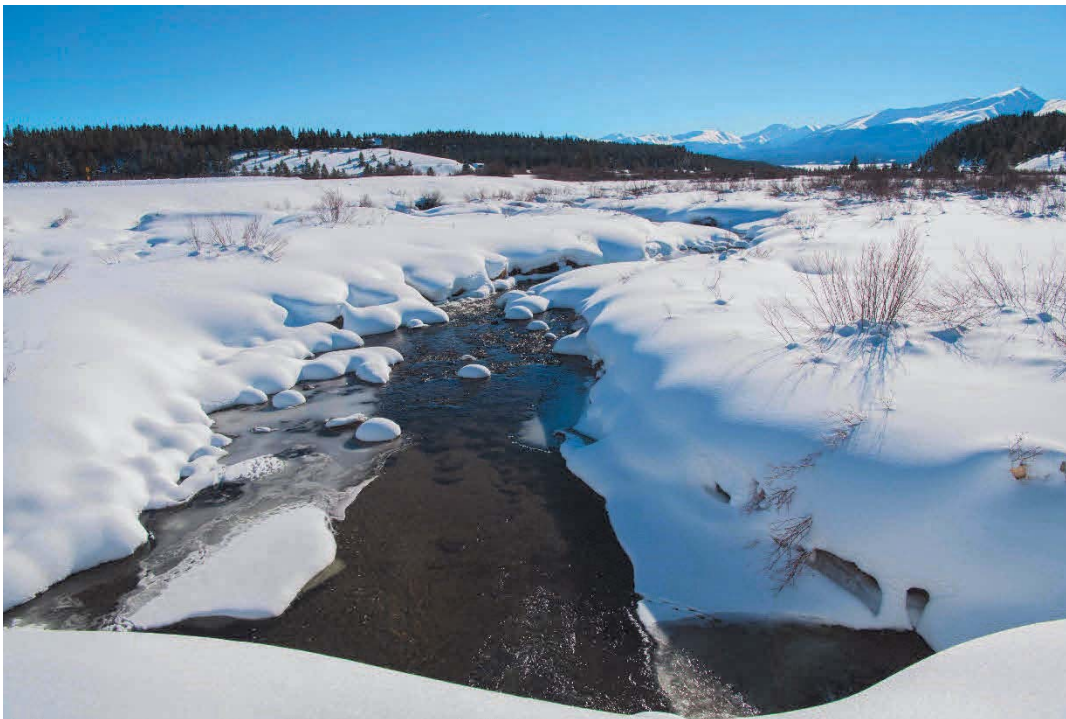




— BUREAU OF —
RECLAMATION

WaterSMART Cooperative Watershed Management Program Phase II

Funding Opportunity Announcement No. BOR-DO-21-F002



Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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

Cover Photo: Photo shows Tennessee Creek near the confluence of the East Fork Arkansas River in winter with snow on the Continental Divide in Colorado. (Reclamation/Alex Stephen)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resource and Planning Office
Funding Opportunity Title:	WaterSMART Cooperative Watershed Management Program (CWMP) Phase II
Announcement Type:	Funding Opportunity Announcement (FOA)
Funding Opportunity Number:	BOR-DO-21-F002
Catalog of Federal Domestic Assistance (CFDA) Number:	15.554
Dates: (See FOA Sec. D.4)	Application due date: Tuesday, November 17, 2020, 4:00 p.m. Mountain Standard Time
Eligible Applicants: (See FOA Sec. C.1)	Established watershed groups as defined in the Section 6001(5) of the Cooperative Watershed Management Act (Act) that also meet the requirements outlined in Section 6002(c)(2)(A)(iv) of the Act, and are located in the Western United States or United States Territories including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands, or a fiscal agent of an established watershed group as described in Section C.1. of this FOA
Recipient Cost Share: (See FOA Sec. C.2)	50 percent or more of project costs
Federal Funding Amount: (See FOA Sec. B.1)	Up to \$300,000 per applicant
Estimated Number of Agreements to be Awarded: (See FOA Sec. B.1)	It is anticipated that 6 - 10 awards may be funded under this FOA.

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Application Checklist

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

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424C, SF-424D and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.2.2.2	Page 13	*
	Table of contents	See Sec. D.2.2.3	Page 13	*
	Technical proposal:			*
	Executive summary	See Sec. D.2.2.4	Page 13	*
	Technical project description	See Sec. D.2.2.4	Page 14	*
	Performance Measures	See Sec. D.2.2.4	Page 14	*
	Evaluation Criteria	See Sec. E.1	Page 14	*
	Project Budget:			*
	Funding plan	See Sec. D.2.2.5	Page 15	*
	Budget proposal	See Sec. D.2.2.5	Page 16	*
	Budget narrative	See Sec. D.2.2.5	Page 18	*
	Environmental and cultural resources compliance	See Sec. B.3.	Page 3	*
	Required permits or approvals	See Sec. D.2.2.7	Page 21	*
	Letters of support	See Sec. D.2.2.9	Page 23	*
	Official Resolutions	See Sec. D.2.2.10	Page 23	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 23	***

* Submit materials with your application.

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

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

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Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
MTDC	Modified Total Direct Costs
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRCS	Natural Resources Conservation Service
NOAA	National Oceanic and Atmospheric Administration
OM&R	operations, maintenance and replacement
P.L.	Public Law
SAM	System for Award Management
SPOC	Single Point of Contact
Reclamation	Bureau of Reclamation
ROD	Record of Decision
USACE	United States Army Corp of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow

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Section A. Funding Opportunity Description

A.1. Program Information

The U.S. Department of the Interior’s (Department) WaterSMART (Sustain and Manage America’s Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department’s priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts. WaterSMART provides support for the Department’s priorities, including creating a legacy of conservation stewardship, sustainably developing our energy and natural resources, modernizing our infrastructure through public-private partnerships, striking a regulatory balance, and restoring trust with local communities by improving relationships and communication with states, tribes, local governments, communities, landowners, and water users. WaterSMART also supports Reclamation’s priorities, including increasing water supplies, leveraging science and technology to improve water supply reliability, addressing ongoing drought, and improving water supplies for tribal and rural communities.

Through the Cooperative Watershed Management Program (CWMP), Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their water management needs. By providing this funding Reclamation promotes water reliability and cooperation between stakeholders to reduce conflict, facilitate solutions to complex water issues, and stretch limited water supplies.

This Funding Opportunity Announcement (FOA) provides funding to watershed groups for Phase II projects to implement on-the-ground watershed management projects. For further information on the CWMP see www.usbr.gov/watersmart/cwmp/index.html

Through this FOA, Reclamation provides funding for projects that improve use of technology to increase water reliability consistent with section 4 of the October 19, 2018, Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.

A.2. Objective of this Funding Opportunity Announcement

The objective of this FOA is to invite established watershed groups comprised of a diverse group of stakeholders, which have completed a watershed restoration plan, and are capable of promoting the sustainable use of water resources to submit proposals for watershed management projects under Phase II of the CWMP. Funding provided under this FOA may be used to implement on-the-ground watershed management projects, collaboratively developed by members of a watershed group, that will address critical water supply needs, water quality concerns, and restoration needs, helping water users meet competing demands and avoid conflicts over water. A “watershed group,”

Section A: Funding Opportunity Description

as defined in Section 6001(5) (see *Section A.2. Statutory Authority* for full citation) of the Cooperative Watershed Management Act is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed, is capable of promoting the sustainable use of water resources in the watershed, makes decisions on a consensus basis, and represents a diverse group of stakeholders, including hydroelectric producers, livestock grazing, timber production, land development, recreation or tourism, irrigated agriculture, the environment, municipal water supplies, private property owners, Federal, state and local governments, and tribes. (See Section 6001(5) of the Cooperative Watershed Management Act for the statutory definition of a “watershed group”).

A.3. Statutory Authority

This FOA is issued under the authority of Section 6002 of the Cooperative Watershed Management Act, Subtitle A of Title VI of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364).

A.4. Other Related Funding Opportunities

Reclamation also provides financial assistance to watershed groups for watershed group development, restoration planning, and watershed management project design through Phase I of the CWMP.

In addition, Reclamation provides funding for water management projects through several other programs under WaterSMART. Through WaterSMART Grants, Reclamation provides three funding opportunities. Water and Energy Efficiency Grants focus on projects that result in quantifiable and sustained water savings and projects that increase hydropower use. The Small-Scale Water Efficiency Projects provides funding for small-scale water management projects (up to \$75,000 in Federal funding for each project) that have been identified through previous planning efforts. Finally, Water Marketing Strategy Grants provide support for entities exploring actions that can be taken to develop or facilitate water marketing.

Through the Drought Response Program, Reclamation provides funding to help build resilience to drought. Through Drought Contingency Planning, Reclamation supports the development of drought contingency plans with participation from a diverse set of stakeholders. Reclamation also provides funding for Drought Resiliency Projects supported by an existing drought contingency plan to build long term resilience to drought.

For information on the FOAs listed here, please visit the WaterSMART Program website: www.usbr.gov/watersmart.

Section B. Award Information

B.1. Total Project Funding

Approximately, \$2 million is available for this FOA. This FOA may be canceled if appropriations are insufficient to support new awards. Applications submitted under this FOA may also be considered if other funding becomes available in fiscal year (FY) 2021 or subsequently. Updated funding information is available at www.usbr.gov/watersmart/cwmp/index.html.

B.2. Project Funding Limitations

Up to \$300,000 in Federal funds per applicant will be available through this FOA to implement on-the-ground watershed management projects that will address critical water supply needs, water quality concerns, and restoration needs. A more detailed description of eligible projects is included in *Section C.3 Eligible Projects*.

For projects funded under this FOA, up to \$300,000 in Federal funds may be awarded over the period of performance.

Multiple applications for funding may be submitted for consideration. *However, no more than \$300,000 may be awarded to any one applicant under this FOA.*

B.3. Environmental and Cultural Resource Compliance

All projects selected for funding under this FOA will be required to comply with the National Environmental Policy Act (NEPA) and other Federal environmental and cultural resource laws and other regulations.

B.4. Assistance Instrument

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the project.

Substantial involvement by Reclamation may include:

- 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.

Section B: Award Information

- Oversight may include review, input, and approval at key interim stages of the project.

At the request of the recipient, Reclamation can provide technical assistance after award of the project. If you anticipate requesting Reclamation's assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

An eligible applicant is an established watershed group as defined in Section 6001(5) of the Cooperative Watershed Management Act that has met the requirements outlined in Section 6002(c)(2)(A)(iv) of the Cooperative Watershed Management Act (see *Section A.3. Statutory Authority* for full citation). An established watershed group may also apply through a fiscal agent as defined below. The watershed group must be a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed, represents a diverse group of stakeholders, and be capable of promoting water supply reliability in the watershed. The watershed group must also have either approved articles of incorporation and bylaws, or a fiscal agent; have an approved mission statement; hold regular meetings; and have developed a restoration plan and project concepts for the watershed (see *Section D.2.2.8. Documentation in Support of Applicant Eligibility*).

Applicants, including an established watershed group or their fiscal agent, must also be located in the Western United States or Territories specifically: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

To be eligible to apply, a fiscal agent must have permission to apply on behalf of an eligible watershed group. A fiscal agent must also be capable of applying for, accepting and administering Federal funding on the group's behalf. A fiscal agent includes states, Indian tribes, local and special districts (e.g., irrigation and water districts, conservation districts), local governmental entities, interstate organizations, institutes of higher education, and non-profit organizations, that otherwise meet the requirements in this section.

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

- Governmental entities
- 501(c)(4) organizations
- 501(c)(6) organizations
- Individuals

C.2. Cost Sharing Requirements

Applicants must be capable of cost sharing **50** percent or more of the total project costs. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost-share contributions, including third-party contributions.

Cost share 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. Cost share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Section D.2.2.10. Official Resolution* and *Section D.2.2.5. Funding Plan and Letters of Commitment* for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended. *If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed project.*

C.2.1. Cost-Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) §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. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this FOA. 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. Eligible Projects

C.3.1. Eligible Projects

Reclamation will provide funding for projects that implement local solutions to address critical water supply needs, water quality concerns, and restoration needs in a watershed; conserve water for multiple uses; and reduce conflicts over water through collaborative conservation efforts in the management of local watersheds.

The project types section below describes projects eligible for funding under this FOA. Other projects that are similar to the types listed below may be submitted for consideration and will be allowed to the extent consistent with program authorization and goals. In general, if you are seeking funding for multiple projects (for example, a project to restore and enhance floodplains and a water management project) and the projects are interrelated or closely related, they should be combined in one application.

C.3.1.1. Project Types

Eligible projects include watershed management activities that address critical water supply needs, water quality concerns, and restoration needs that will benefit multiple water uses in the watershed (e.g., agricultural, municipal, tribal, environmental, recreation).

Eligible projects may include, but are not limited to:

- Improving stream channel structure and complexity;
- Improving channel/floodplain connectivity;
- Protecting and stabilizing stream and riverbanks;
- Reducing erosion;
- Improving water delivery systems to increase efficiency or other projects to address water supply needs;
- Providing fish passage;
- Removing invasive species and restoring vegetation;
- Influencing water temperature or improving the timing or volume of available flows at particular locations to improve aquatic conditions; and
- Other watershed management projects that will address water supply needs, water quality concerns, and restoration needs in the watershed.

Note: Projects may include some monitoring, mapping, and modeling activities to support the primary on-the-ground project components. However, costs for these activities should not exceed 30 percent of the total project cost.

C.3.1.2. Eligibility of Training, Education and Outreach Activities

To be considered eligible activities, all stakeholder education and outreach activities must be directly linked to the proposed on-the-ground watershed management project. General education activities, the implementation of citizen science training programs, or general staff training are not eligible under this FOA. Note: The Application Review Committee (ARC) has the discretion to determine whether a specific education activity, training, or conference is eligible (see Section E.2.2. *Application Review Committee*).

C.3.2. Ineligible Projects

Projects not eligible for funding under this FOA include scientific research and the project types identified immediately below.

C.3.2.1. Operations, Maintenance, and Replacement

Projects that are considered normal operations, maintenance and replacement (OM&R) are not eligible. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components
- Improving an existing facility to operate as originally designed

Section C: Eligibility Information

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

Applicants that have questions regarding OM&R are encouraged to contact the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline for further information.

C.3.2.2. Projects to Adhere to Specific Regulatory Requirements

Projects or elements of projects addressing specific regulatory requirements mandated by a state or Federal agency action or a court order, and project components that are required to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are not eligible for funding under this program. However, funding may be used to support more general activities, including recovery actions under the Endangered Species Act (ESA). For more information, contact the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline.

C.3.2.3. Reclamation, Reuse, and Desalination

Water reclamation, reuse, and desalination projects are not eligible for funding under this FOA. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project, please contact Amanda Erath at 303-445-2766 or aerath@usbr.gov.

C.3.2.4. Water and Land Purchases and Easements

A project that proposes using Federal funding primarily for the purchase of water or land, or to secure an easement, is not eligible under this FOA.

C.3.2.5. Building Construction

A project that proposes to construct a building is not eligible for Federal funding under this FOA (e.g., a building to house administrative staff or to promote public awareness of water conservation).

C.3.2.6. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this FOA. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture (USDA) and Natural Resources Conservation Service (NRCS) to investigate opportunities for

Section C: Eligibility Information

Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or visit www.nrcs.usda.gov for further contact information in your area.

C.3.2.7. Pilot Projects

A project that proposes to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology is not eligible for Federal funding under this FOA.

C.3.3. Construction Start Date Restrictions

Proposed projects shall not have a construction start date that is prior to September 1, 2021, for funding under this FOA.

C.3.4. Length of Projects

In general, proposed projects should be completed within two years of award. Applications for projects requiring three years to be completed may be considered if support can be provided for why more time is required (e.g., additional time is needed for permitting, land access, environmental and cultural resources compliance, or for more complex projects).

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Section D. Application and Submission Information

D.1. Address to Request Application Package

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

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

By mail: Bureau of Reclamation
Financial Assistance Operations
Attn: Mr. Edmund Weakland
P.O. Box 25007, MS 84-27814
Denver, CO 80225

By e-mail: eweakland@usbr.gov

By telephone: 303-445-3757

D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

D.2.1. Application Format and Length

The technical proposal and evaluation criteria section (defined below) shall be limited to a maximum of **35** consecutively numbered pages. If this section of the application exceeds **35** pages, only the first **35** pages will be evaluated. Other required application content will not count towards the page limitation. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

Applications will be prescreened for compliance to the page number limitation.

D.2.2. Application Content

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

- Mandatory Federal Forms
 - SF-424 Application for Federal Assistance
 - SF-424C Budget Information Construction Programs
 - SF-424D Assurances Construction Programs
 - SF-LLL Disclosure of Lobbying Activities (if applicable)

Section D: Application and Submission Information

These forms may be obtained at
www.grants.gov/web/grants/forms/sf-424-family.html

- Title page
- Table of contents
- Technical proposal and evaluation criteria (limited to **35** pages)
 - Executive summary
 - Project Location
 - Technical project description
 - Performance measures
 - Evaluation criteria
- Project budget
 - Funding plan and letters of commitment
 - Budget proposal
 - Budget narrative
- Environmental and cultural resources compliance
- Required permits or approvals
- Documentation in support of applicant eligibility
 - Watershed group that meets the Definition of a “Watershed Group,” as defined in Section 6001(5) of the Cooperative Watershed Management Act, or the fiscal agent of a watershed group that meets this definition Articles of incorporation and bylaws
 - Mission statement
 - Meetings
 - Watershed management and/or restoration plan
- Letters of project support
- Official resolution

It is highly recommended that application packages be structured in the order identified above.

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms:

SF-424 Application for Federal Assistance

A fully completed SF-424, Application for Federal Assistance signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.

SF-424C Budget Information

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

SF-424D Assurances

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

SF-LLL Disclosure of Lobbying Activities

A fully completed and signed SF-LLL, Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

D.2.2.2. Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, e-mail address, and telephone of the project manager. Note: The project manager should be either an employee or Board Member.

D.2.2.3. Table of Contents

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

D.2.2.4. Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (35 pages maximum) includes:

- (1) Executive summary
- (2) Project Location
- (3) Technical project description
- (4) Performance Measures
- (5) Evaluation Criteria

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state
- A one paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, watershed concerns in your project area and how this project is expected to help alleviate impacts of those conditions, and identify any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

Section D: Application and Submission Information

***Example:** The Southern Idaho Water Quality Coalition based in Twin Falls, Idaho, will construct a series of sediment and phosphorous removal ponds on the O Coulee Canal and the Auger Falls Lateral 43 Canal. The project is expected to prevent approximately 1,150 tons of sediment and 2,385 pounds of phosphorus from entering the Snake River annually and will help the Twin Falls Canal company meet their reduction requirement under the Snake River Total Maximum Load Management Plan. The project will improve water quality in the Middle Snake River downstream of the project, which will benefit downstream water users and aquatic habitat conditions for freshwater snail and trout species. The Coalition prioritized this project as part of its collaboratively developed Middle Snake River Watershed Master Plan, which serves as a guide for collaborative efforts to restore the Middle Snake River. The Coalition includes representatives of canal companies, municipalities, county governments, local businesses, environmental consultants, and groups representing environmental, agricultural, and aquaculture interests.*

- State the length of time and estimated completion date for the proposed project including the construction start date (mm/year). **Note, proposed projects should not have an estimated construction start date that is prior to September 2021.**
- Whether or not the proposed project is located on a Federal facility or Federal Land.

Project Location

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

Technical Project Description

Provide a more comprehensive description of the technical aspects of your project, including the work to be accomplished and the approach to complete the work. This description should provide detailed information about the project including materials and equipment and the work to be conducted to complete the project. Briefly describe how the project will address critical water supply needs, water quality concerns, and restoration needs of the watershed; and identify the expected outcomes of the project. *Please note, if the work for which you are requesting funding is a phase of a larger project, please only describe the work that is reflected in the budget and exclude description of other activities or components of the overall project.*

Performance Measures

All applicants are required to propose a method (performance measure) of quantifying the benefits of their proposed project once it is implemented. Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts, as well as the overall effectiveness of the project.

Program funding may be used to establish a monitoring and data management plan or to install necessary equipment to monitor progress. However, program funding may not be used to measure performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

Evaluation Criteria

(See Section E.1. Technical Proposal: Evaluation Criteria for additional details, including a detailed description of each criterion and subcriterion and points associated with each.)

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal.

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

D.2.2.5. Project Budget

The project budget includes:

1. Funding plan and letters of commitment
2. Budget proposal
3. Budget narrative

Project costs for environmental and cultural compliance and engineering/design that were incurred or are anticipated to be incurred prior to award should be included in the proposed project budget. If the proposed project is selected, the awarding Reclamation Grants Officer will review the proposed 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, available at www.ecfr.gov, and all other requirements of this FOA. **In no case will costs incurred prior to July 1, 2020, be considered for inclusion in the proposed project budget. Note, proposed projects should not have an estimated construction start date that is prior to September 2021 (see Section C.3.3. Construction Start Date Restrictions).**

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

Funding Plan and Letters of Commitment

Describe how the non-Federal share of project costs will be obtained. Reclamation will use this information in making a determination of financial capability.

Project funding provided by a source other than the applicant shall be supported with letters of commitment from these additional sources. Letters of commitment shall identify the following elements:

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

Commitment letters from third-party funding sources should be submitted with your application. If commitment letters are not available at the time of the application submission, please provide a timeline for submission of all commitment letters. Cost share funding from sources outside the

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applicant's organization (e.g., loans or State grants), should be secured and available to the applicant prior to award.

Reclamation will not make funds available for an award under this FOA until the recipient has secured non-Federal cost share. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

Please identify the sources of the non-Federal cost-share contribution for the project, including:

- Any monetary contributions by the applicant towards the cost-share requirement and source of funds (e.g., reserve account, tax revenue, and/or assessments).
- Any costs that will be contributed by the applicant.
- Any third-party in-kind costs (i.e., goods and services provided by a third party).
- Any cash requested or received from other non-Federal entities.
- Any pending funding requests (i.e., grants or loans) that have not yet been approved and explain how the project will be affected if such funding is denied.

In addition, please identify whether the budget proposal includes any project costs that have been or may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the Project

Budget Proposal

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party in-kind contributions, that are necessary to complete the project.

Table 1 - Total Project Cost Table

SOURCE	AMOUNT
Costs to be reimbursed with the requested Federal funding	\$
Costs to be paid by the applicant	\$
Value of third-party in-kind contributions	\$
TOTAL PROJECT COST	\$

The budget proposal should include detailed information on the categories listed below and must clearly identify **all** items of cost, including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must be provided for all budget items, including the cost of services or other work to be

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provided by consultants and contractors. Applicants are strongly encouraged to review the standards for procurement transactions for Federal awards found at 2 CFR §200.317 through §200.326 before developing the budget proposal.

It is also strongly advised that applicants use the budget proposal format shown below in Table 2 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 2 - Sample Budget Proposal Format

BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Salaries and Wages				
Employee 1				\$
Employee 2				\$
Employee 3				\$
Fringe Benefits				
Full-Time Employees				\$
Part-Time Employees				\$
Travel				
Trip 1				\$
Trip 2				\$
Trip 3				\$
Equipment				
Item A				\$
Item B				\$
Item C				\$
Supplies and Materials				
Item A				\$
Item B				\$

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BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Contractual/Construction				
Contractor A				\$
Contractor B				\$
Third-Party In-Kind Contributions				
Contributor B				
Contributor A				\$
Other				
Other				\$
TOTAL DIRECT COSTS				\$
Indirect Costs				
Type of rate	percentage	\$base		\$
TOTAL ESTIMATED PROJECT COSTS				\$

Budget Narrative

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

Salaries and Wages

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

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The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.4 Reporting—Requirements and Distribution* for information on types and frequency of reports required.

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

Fringe Benefits

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

Travel

Identify the purpose of each anticipated trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation.

Equipment

If equipment will be purchased, itemize all equipment valued at or greater than \$5,000. For each item, identify why it is needed for the completion of the project and how the equipment was priced. *Note: if the value is less than \$5,000, the item should be included under materials and supplies.*

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased.

If the applicant intends to use their own equipment for the purposes of the project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers (USACE) within their Construction Equipment Ownership and Operating Expense Schedule (EP 1110-1-8) at www.publications.usace.army.mil/USACE-Publications/Engineer-Pamphlets/u43545q/313131302D312D38/%20/. *Note: If the equipment will be furnished and installed under a construction contract, it should be included in the construction contract cost estimate.*

Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, invoices from a previous similar project, engineering estimates, or other methodology). *Note: if the items will be furnished and installed under a construction contract, the materials/supplies should be included in the construction contract cost estimate.*

Contractual

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

Third-Party In-Kind Contributions

Identify all work that will be accomplished by third-party contributors or volunteers, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task.

Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations (“compliance”). Every project funded under this program will have compliance activities undertaken by Reclamation and the recipient. The types of projects funded under this FOA (i.e., watershed management projects) typically incur relatively high compliance costs (e.g., between \$30,000 and \$50,000 per project). While Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient, in cases where compliance requires significant participation by Reclamation, such costs will be added as a line item to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). To account for this uncertainty, we require that you include a line item in the project budget in your proposal for compliance, using 5 percent of the total project costs as the estimated amount that will be cost-shared by the recipient and Reclamation. For example, if your total project costs (including funding requested from Reclamation plus the non-Federal cost share contribution) are equal to \$600,000, your budget should include a line item of \$30,000 for environmental compliance costs, to be cost-shared by you and Reclamation. Note: In no case may the total amount requested from Reclamation exceed the maximum of \$300,000 as provided in this FOA. The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your proposal for compliance is not needed for compliance activities, that amount may be re-allocated to other project costs during the process of developing a financial assistance agreement, so long as the 50 percent non-Federal cost share contribution is maintained.

Other Expenses

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. Profit and fees are not allowable.

Indirect Costs

Indirect costs are costs incurred by the applicant for a common or joint purpose that benefit more than one activity of the organization and are not readily assignable to the activities specifically benefitted without undue effort. Costs that are normally treated as indirect costs include, but are not limited to, administrative salaries and fringe benefits associated with overall financial and organizational administration, operation and maintenance costs for facilities and equipment, and payroll and procurement services. If indirect costs will be incurred, identify the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the applicant’s organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs (MTDC). For further information on modified total direct costs, refer to 2 CFR §200.68 available at www.ecfr.gov.

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If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from the Department’s Interior Business Center, and Indirect Cost Services, at www.doi.gov/ibc/services/finance/indirect-cost-services. If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

D.2.2.6. Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this FOA must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR §429, and that the development will not impact or impair project operations or efficiency.

D.2.2.7. Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any project awarded funding through this FOA must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR §429, and that the development will not impact or impair project operations or efficiency.

D.2.2.8. Documentation in Support of Applicant Eligibility

The application must include documentation to demonstrate that the applicant is eligible to receive an award under this FOA. ***If the watershed group is applying through a fiscal agent, the watershed group must provide some of the following information to be included in the application.*** Note: documentation of applicant eligibility will not count toward the page limit discussed in *Section D.2.1. Application Format and Length*. Applications from an established watershed group or through a fiscal agent of an established watershed group must demonstrate the following:

Watershed group that meets the definition of a “Watershed Group,” as defined in Section 6001(5) of the Cooperative Watershed Management Act

To be eligible under this FOA, the watershed group must self-certify that it is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed, represents a diverse group of stakeholders, and is capable of promoting the sustainable use of water resources in the watershed. Please include a list of the members of the watershed group.

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Articles of Incorporation and Bylaws

If the watershed group itself is the applicant, attach a copy of the group's articles of incorporation and bylaws. If the watershed group is applying through a fiscal agent, explain the relationship between the fiscal agent and the watershed group and the mechanism by which the applicant serves as the watershed group's fiscal agent; attach a letter of support from the watershed group stating that the applicant is authorized to apply as a fiscal agent on behalf of the watershed group; and explain how the applicant meets the requirements to serve as a fiscal agent for the purposes of applying on behalf of a watershed group, described in *Section C.1.* of this FOA. Watershed groups that are not currently incorporated and do not have a fiscal agent may apply, but they will need to complete the incorporation process and adopt bylaws prior to an award of funding. If an applicant has not fully complied with this requirement by the time the Reclamation is ready to make an 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.

Mission Statement

To be eligible under this FOA, the watershed group must also have a mission statement. Attach a copy of the mission statement developed by the watershed group.

Meetings

To be eligible under this FOA, the watershed group must hold regular meetings. The proposal should include a self-certification from the watershed group stating that the watershed group holds regular meetings.

Watershed Restoration Plan

Attach a copy of the applicable watershed restoration plan as an appendix to your application, or include a link, and identify the sections of the plan that support the proposed project. A watershed restoration plan is a tool designed to help a watershed group plan for and implement restoration activities in their watershed. For the purposes of this FOA, a watershed restoration plan must describe the issues of concern related to water resources within the watershed and identify potential solutions. Such plans do not need to have been approved by Reclamation or developed under Phase I of the CWMP. In cases where the watershed group did not prepare the restoration plan itself, the applicant must provide documented support for the proposed project by the entity that authored the plan.

Reclamation understands that watershed restoration plans may take different forms, depending on the purpose for which they were developed. Rather than prescribing a particular format or set of elements, Reclamation will use the evaluation criteria to prioritize proposals based on watershed restoration plans that are more holistic, addressing multiple issues related to water resources within the watershed, and plans developed by stakeholders with diverse interests (see *Section E.1.1. Evaluation Criterion B: Watershed Restoration Planning*).

D.2.2.9. Letters of Support

Please include letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support/partnership letters as an appendix. Letters of support received after the application deadline for this FOA will not be considered in the evaluation of the proposed project. If you are applying as the fiscal agent of an established watershed group, you must provide a letter of support from the watershed group stating that the applicant is authorized to apply as a fiscal agent on behalf of the watershed group.

D.2.2.10. Official Resolution

Include an official resolution adopted by the applicant's board of directors or governing body, or, for State government entities, an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this FOA, verifying:

- The identity and the position of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan
- That the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

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

D.3. Unique Entity Identifier and System for Award Management

All applicants (unless the applicant has an exception approved by Reclamation under 2 CFR §25.110[d]) are required to:

- (i) Be registered in the System for Award Management (SAM) before submitting its application;
- (ii) Provide a valid unique entity identifier in its application; and
- (iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

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Meeting the requirements set forth above is mandatory. If the applicant is unable to obtain a unique entity identifier or complete SAM registration by the application deadline, the unique entity identifier must be obtained and SAM registration must be initiated within 30 days after the application deadline in order to be considered for selection and award.

Reclamation will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Reclamation is ready to make an 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

Application submission date deadline:

Tuesday, November 17, 2020, 4:00 p.m. Mountain Standard Time

Proposals received after the application deadline 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's Grants.gov profile (e.g., an incorrect organizational representative), the upload of documents to Grants.gov or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

Please note that any application submitted for funding under this FOA may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. Section 552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website, www.usbr.gov/watersmart/cwmp/examples.html, after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

D.4.1. Application Delivery Instructions

The applications may be submitted electronically through Grants.gov (www.grants.gov) or a hard copy may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

By mail or USPS overnight services:

Bureau of Reclamation
Financial Assistance Operations
Attn: Mr. Edmund Weakland
P.O. Box 25007, MS 84-27814
Denver, CO 80225

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All other express delivery:

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

By courier services:

Bureau of Reclamation
Attn: Mr. Edmund Weakland
Denver Federal Center
Bldg. 56, Rm. 1000
6th Avenue and Kipling Street
Denver, CO 80225

D.4.2. Instructions for Submission of Project Application

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

D.4.2.1. Applications Submitted by Mail, Express Delivery or Courier Services

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

- Applicants should submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. **Do not staple or otherwise bind application documents.**
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this FOA.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions.
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

D.4.2.2. Applications Submitted Electronically

If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov (www.grants.gov). Reclamation encourages applicants to submit their applications for funding electronically through the URL: www.grants.gov/applicants/apply-for-grants.html. Applicant resource documents and a full set of instructions for registering with Grants.gov (www.grants.gov) and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at www.grants.gov/applicants/apply-for-grants.html. **In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.**
- Applicants have experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov you are encouraged to submit your application several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.

Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in this FOA. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), the upload of documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

D.4.2.3. Acknowledgement of Application Receipt

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you in writing that your application was received.

If an application is submitted through Grants.gov, you will receive an email acknowledging receipt of the application from Grants.gov. In addition, Reclamation will notify you in writing whether your application was successfully downloaded from Grants.gov.

D.5. Intergovernmental Review

This FOA is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at www.whitehouse.gov/omb/management/office-federal-financial-management/. Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with

the state's process under Executive Order 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's website, www.whitehouse.gov/omb/management/office-federal-financial-management/.

D.6. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Data Universal Number System (DUNS) Number prior to the award of funds. Recipients with multiple DUNS numbers, must separately enroll within ASAP for each unique DUNS Number and/or Agency. For all the information on the enrollment process for recipients, including requesting the enrollment initiation form, contact the enrollment mailbox at [sha-dro-ASAP @usbr.gov](mailto:sha-dro-ASAP@usbr.gov).

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

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Section E. Application Review Information

E.1. Technical Proposal: Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. It is suggested that applicants copy and paste the below criteria and subcriteria into their applications to ensure that all necessary information is adequately addressed. **Applications will be evaluated against the evaluation criteria listed below.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget, not the larger project.

Evaluation Criteria: Scoring Summary	Points
A. Project Benefits	30
B. Watershed Restoration Planning	30
C. Stakeholder Support	15
D. Readiness to Proceed	10
E: Performance Measures	5
F: Department of the Interior and Reclamation Priorities	10
<i>Total</i>	<i>100</i>

E.1.1. Evaluation Criterion A—Project Benefits (30 points)

Up to **30 points** may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will address water supply needs, water quality concerns, and restoration needs for the rivers, streams, or riparian systems within the watershed, and whether the project will benefit multiple water uses (e.g., agricultural, municipal, tribal, environmental, and recreation) and issues within the watershed. Proposals containing a well-supported description of project benefits will receive more points under this criterion.

Please note, if the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from work discussed in your application and that is reflected in the budget and exclude discussion of benefits expected from the overall project.

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- Describe the expected benefits of the proposed project. Address all the following sub-bullets that apply to the project (the described benefits are not listed in order of priority). In your responses, describe the geographic extent and the magnitude of the benefits associated with the project. Project benefits that are supported and quantified will receive more points.
 - Will the project make more water available to meet water needs, or make water available at a more advantageous time or location? If so, how and to what extent?
 - Will the project result in long-term improvements to water quality? For example, will the project decrease sediment or nutrient pollution, improve water temperature, or mitigate impacts from floods or drought? If so, how and to what extent?
 - Will the project benefit aquatic or riparian ecosystems within the watershed? For example, will the project reduce flood risk, reduce bank erosion, increase biodiversity, or preserve native species? If so, how and to what extent?
 - Will the project benefit specific species and habitats? If so, describe the species and/or type of habitat that will benefit. How and to what extent will the project benefit the species or habitat? Please explain the status of species and habitat that will benefit (e.g., native species, game species, federally threatened or endangered, state listed, and whether critical habitat has been designated).
 - Will the project benefit multiple water uses within the watershed (e.g., agricultural, municipal, tribal, environmental, recreation uses)? If so, how and to what extent?
 - Will the project benefit watershed stakeholders in ways not addressed in the preceding questions? If so, how? Will the project reduce water conflicts within the watershed? Will the project increase resiliency to drought? Will the project provide benefits to other water uses not mentioned above? If so, how and to what extent?
- Will the project address multiple issues of concern within the watershed (e.g., both water supply and fish habitat issues)?
- Will the project benefit multiple water uses within the watershed (e.g., agricultural, municipal, tribal, environmental, recreation uses)? If so, how and to what extent?

E.1.2. Evaluation Criterion B—Watershed Restoration Planning (30 points)

Up to **30 points** may be awarded based on the extent to which the proposed project is supported by an existing watershed restoration plan (see *Section D.2.2.8. Documentation in Support of Applicant Eligibility* for more information regarding watershed restoration plan requirements). Reclamation will use the following criteria to prioritize proposals based on watershed restoration plans that are more holistic, address multiple issues related to water resources within the watershed, and that are developed by stakeholders with diverse interests. Please attach a copy of the applicable watershed restoration plan as an appendix to your application, or provide a link, and identify the sections relevant to the project. These pages will not be included in the total page count for the application.

- Describe your watershed restoration plan.
 - When was the restoration plan prepared and for what purpose?
 - What types of watershed management issues are addressed in the plan? For example, does the restoration plan address water quantity issues, water quality issues, and/or issues related to ecosystem health or the health of species and habitat within the watershed?
 - Who was involved in preparing the plan? Was the plan prepared with input from stakeholders with diverse interests (e.g., water, land or forest management interests, and agricultural, municipal, tribal, environmental, recreation uses)? What was the process used for interested stakeholders to provide input during the planning process?
 - If the restoration plan was prepared by an entity other than the watershed group, explain why the watershed group did not prepare its own plan. In cases where the applicant did not prepare the restoration plan, the applicant must provide documented support for the proposed project by the entity that authored the plan.
- Describe how the existing restoration plan provides support for your proposed watershed management project.
 - Does the proposed project implement a goal or need identified in the restoration plan?
 - Describe how the proposed project is prioritized in the referenced restoration plan.

E.1.3. Evaluation Criterion C—Stakeholder Support (15 points)

Up to **15 points** may be provided based on the level of stakeholder support for the proposed project and the extent to which the project will complement, and not duplicate, other ongoing efforts in the watershed. Proposals which demonstrate support for the project from a diverse array of stakeholders, and which will complement other ongoing activities, will receive the most points under this criterion.

- Please describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided (see *Section D.2.2.9. Letters of Support*)? Are any stakeholders providing support for the project through cost-share contributions, or through other types of contributions to the project?
- Please explain whether the project is supported by a diverse set of stakeholders (appropriate given the types of interested stakeholders within the watershed and the scale, type and complexity of the proposed project). For example, is the project supported by entities representing agricultural, municipal, tribal, environmental, or recreation uses?
- Is the project supported by entities responsible for the management of land, water, recreation, or forestry within the watershed? Is the project consistent with the policies of those agencies?

- Will the proposed project complement other ongoing watershed management activities by state, Federal, or local government entities, non-profits or individual landowners within the watershed? Please describe other relevant efforts, including who is undertaking these efforts and whether they support the proposed project. Explain how the proposed project will avoid duplication or complication of other ongoing efforts.
- Is the project completely or partially located on Federal land or a Federal facility? If so, explain whether the agency supports the project, whether the agency will contribute toward the project, and why the Federal agency is not completing the project?
- Is there opposition to the proposed project? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.4. Evaluation Criterion D—Readiness to Proceed (10 points)

Up to **10 points** may be awarded based upon the extent to which the watershed group is capable of proceeding with the proposed project upon entering into a financial assistance agreement.

Applicants that describe a detailed implementation plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates, and a detailed budget) will receive the most points under this criterion.

- Describe the implementation plan for the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates.
- The project budget outlining costs for specific tasks (required in *Section D.2.2.5. Project Budget*) should identify costs associated with the tasks in your project schedule, and all contractor costs should be broken out to identify the specific tasks included in those costs.
- Describe any permits and agency approvals that will be required, along with the process and timeframe for obtaining such permits or approvals.
- Identify and describe any engineering or design work performed specifically in support of the proposed project, or that will be performed as part of the project. Priority will be given to project that are further along in the design process and ready for implementation.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, please provide documentation. If the applicant does not yet have permission to access the project location, please describe the process and timeframe for obtaining such permission.
- Has the applicant included an amount equal to 5 percent of the total project costs in their project budget to cover costs associated with environmental and cultural resource compliance (see *Section 2.2.5. Project Budget* for additional information)?

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

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

Up to **5 points** may be provided based on the extent to which the proposal describes a plan to monitor the progress and effectiveness of the project once complete.

Note: program funding may be used to establish a monitoring and data management plan or to install necessary equipment to monitor progress. However, program funding may not be used to measure performance once the project is completed (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

- Please describe the performance measures that will be used to quantify actual project benefits upon completion of the project. Include support for why the specific performance measures were chosen.

E.1.6. Evaluation Criterion F—Department of the Interior and Bureau of Reclamation Priorities (10 points)

Up to **10 points** may be awarded based on the extent that the proposal demonstrates that the project supports the Department and Reclamation priorities. Please address 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.

Department of the Interior Priorities

1. *Creating a conservation stewardship legacy second only to Teddy Roosevelt*
 - a. Utilize science to identify best practices to manage land and water resources and adapt to changes in the environment
 - b. Examine land use planning processes and land use designations that govern public use and access
 - c. Revise and streamline the environmental and regulatory review process while maintaining environmental standards
 - d. Review the Department’s water storage, transportation, and distribution systems to identify opportunities to resolve conflicts and expand capacity
 - e. Foster relationships with conservation organizations advocating for balanced stewardship and use of public lands
 - f. Identify and implement initiatives to expand access to Department lands for hunting and fishing
 - g. Shift the balance towards providing greater public access to public lands over restrictions to access
2. *Utilizing our natural resources*
 - a. Ensure American energy is available to meet our security and economic needs
 - b. Ensure access to mineral resources, especially the critical and rare earth minerals needed for scientific, technological, or military applications
 - c. Refocus timber programs to embrace the entire “healthy forests” lifecycle
 - d. Manage competition for grazing resources

3. *Restoring trust with local communities*
 - a. Be a better neighbor with those closest to our resources by improving dialogue and relationships with persons and entities bordering our lands
 - b. Expand the lines of communication with governors, state natural resource offices, Fish and Wildlife offices, water authorities, county commissioners, tribes, and local communities
4. *Striking a regulatory balance*
 - a. Reduce the administrative and regulatory burden imposed on U.S. industry and the public
 - b. Ensure that ESA decisions are based on strong science and thorough analysis.
5. *Modernizing our infrastructure*
 - a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure
 - b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs
 - c. Prioritize Department infrastructure needs to highlight:
 - (1) Construction of infrastructure
 - (2) Cyclical maintenance
 - (3) Deferred maintenance

Bureau of Reclamation Priorities

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

E.2. Review and Selection Process

The Federal government reserves the right to reject any and all applications that do not meet the requirements or objectives of this FOA. 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 FOA. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1. Initial Screening

All application packages will be screened to ensure that:

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

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

E.2.2. Application Review Committee

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

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

E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward the completion of outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

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

E.2.4. Managerial Review

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this FOA. 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. Ground disturbing activities may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Grants Officer.

Even in cases where environmental compliance work has been completed previously or is being completed by another Federal agency, Reclamation must still review and adopt such environmental compliance and issue a notice to proceed before ground disturbing activities may be initiated.

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. Federal Award Performance Integrity Information System

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

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in May 2021 or slightly later if necessary. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

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Section F. Federal Award Administration Information

F.1. Federal Award Notices

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

F.2. Administrative and National Policy Requirements

F.2.1. Environmental and Cultural Resources Compliance

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

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

While Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient, in cases where compliance requires significant participation by Reclamation, such costs will be added as a line item to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount).

Note, if mitigation is required 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.

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

before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this FOA.

F.2.2. Approvals and Permits

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

F.2.3. 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
- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.2.4. Freedom of Information Act

In response to a Freedom of Information Act (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 USC 552(a)(4)(A)).

Published research findings means when:

- Research findings are published in a peer-reviewed scientific or technical journal; or

- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

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

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

F.3. Sufficiency Report

Only a portion of funding will be made available when the financial assistance agreement is initially signed. As required by §6002 of the Cooperative Watershed Management Act, for each year of the grant, Reclamation must make a determination on whether a recipient has made sufficient progress on its project during the year to justify any additional funding. If the applicant is awarded an agreement as a result of this FOA, the applicant will be required to provide a report that describes the progress made on the project since the effective date of the agreement. If it is determined that the progress during the year justifies additional funding, grant funds will be made available for the second year.

F.4. Reporting—Requirements and Distribution

If the applicant is awarded an agreement as a result of this FOA, the applicant will be required to submit the following reports during the term of the agreement.

F.4.1. Financial Reports

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

F.4.2. Interim Performance Reports

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

Recipients will be required to submit Interim performance reports on at least a quarterly basis which include the following information:

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

F.4.3. Final Performance Report

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

- Whether the project objectives and goals were met
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits
- How the project improves long-term resiliency
- How the project demonstrates collaboration, if applicable
- Photographs documenting the project are also appreciated
- If applicable, any data or data tools that were developed

Note: Reclamation may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on Reclamation's website.

F.5. Conflicts of Interest

F.5.1. Applicability

This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR §200.318 apply.

F.5.2. Requirements

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

In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last 1 year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

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

F.5.3. Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department's awarding agency or pass-through entity in accordance with 2 CFR §200.112, Conflicts of Interest. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

F.5.4. Restrictions on Lobbying

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

F.5.5. Review Procedures

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

F.5.6. Enforcement

Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR §180).

F.6. Data Availability

F.6.1. Applicability

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

F.6.2. Use of Data

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

F.6.3. Availability of Data

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

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

F.7. Releasing Applications

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

Section G. Agency Contacts

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

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of **Mr. Edmund Weakland**, Grants Management Specialist, as follows:

By mail: Bureau of Reclamation
Financial Assistance Operations
Attn: Mr. Edmund Weakland
Mail Code: 84-27814
P.O. Box 25007
Denver, CO 80225

By email: eweakland@usbr.gov

By phone: 303-445-3757

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of **Ms. Avra Morgan**, Cooperative Watershed Management Program Coordinator, or **Ms. Robin Graber**, Program Analyst, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Avra Morgan
Mail Code: 86-69200
P.O. Box 25007
Denver, Colorado 80225

By e-mail: aomorgan@usbr.gov

By phone: 303-445-2906

OR

Section G. Agency Contacts

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Robin Graber
Mail Code: 86-69200
P.O. Box 25007
Denver, CO 80225

By e-mail: rgraber@usbr.gov

By phone: 303-445-2764

Section H. Other Information

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

H.1. Environmental and Cultural Resource Considerations

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

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

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

H.2. Background on Federal Environmental and Cultural Resource Laws

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 make a decision to fund an award under this FOA, 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 **Interior CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

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

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

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? or 95 percent?). The best source of

information concerning the potentially significant issues in a project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

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

H.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 FOA. 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 can be accomplished in several ways, depending on how complex the issues are, including:

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

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

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

H.2.3. 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. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. A rough overview of the possible course of ESA compliance is:

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

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

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

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