



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00089

WaterSMART Environmental Water Resources Projects for Fiscal Year 2023



Mission Statements

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

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

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

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Environmental Water Resources Projects for Fiscal Year 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R23AS00089
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507, 15.554
Dates: (See NOFO section D.4)	Application due date: Tuesday, April 5, 2023, at 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See NOFO section C.1)	<p>Applicants eligible to receive financial assistance to fund activities under this NOFO include:</p> <p>Category A applicants: States, Indian Tribes, irrigation districts, and water districts; State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority.</p> <p>All applicants must be located in one of the following States or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.</p> <p>Category B applicants: Non-profit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001, that are acting in partnership with, and with the agreement of, an entity described in Category A. Category B applicants must include with their application a letter from the Category A partner stating that the Category A partner: (1) is acting in partnership with the applicant, (2) agrees to the submittal and content of the application, and (3) intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.</p> <p>All Category B applicants must be in the United States or the territories identified above, and the Category A partner must be located in one of the following States or territories: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico.</p> <p>Category C applicants: Non-profit conservation organizations submitting an application for a project to improve the condition of a natural feature, such as wetlands on Federal land, without a Category A partner must demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project.</p> <p>All Category C applicants must be in the United States, or the specific territories identified above.</p>
Recipient Cost Share: (See NOFO section C.4)	25 percent or more of total project costs. Applicants must meet the requirements listed in Section C.4 "Cost-Sharing Requirements."
Federal Funding Amount: (See NOFO section B.1)	Up to \$3,000,000 per project for a project that can be completed within 3 years. Total project costs shall not exceed \$6,000,000.
Estimated Number of Agreements to be Awarded: (See NOFO section B.1)	Approximately 20–40 projects contingent upon available Federal appropriations and demand for this NOFO and other WaterSMART activities.
Intergovernmental Review: (See NOFO section D.5)	This NOFO is subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf

Application Checklist

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

✓	Mandatory Application Components:	Required content	Page
	Mandatory Federal forms:	See section D.2.2.1	19
	<ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget [OMB]) 	See section D.2.2.1.1	19
	<ul style="list-style-type: none"> SF-424C: Budget Information - Construction Programs (OMB) 	See section D.2.2.1.2	19
	<ul style="list-style-type: none"> SF-424D: Assurances - Construction Programs (OMB) 	See section D.2.2.1.3	19
	Unique Entity Identifier and System for Award Management	See section D.3	29
	Project Narrative Attachment Form (Technical Proposal and evaluation criteria)	See section D.2.3.1	23
	Budget Narrative Attachment Form (Project Budget):	See section D.2.2.3	23
	Budget proposal	See section D.2.2.3.2	24
	Funding plan	See section D.2.2.3.1	25
	Budget narrative	See section D.2.2.3.3	25
✓	Recommended Application Components:	Required content	Page
	Environmental and cultural resources compliance	See section D.2.2.5	26
	Required permits or approvals	See section D.2.2.6	26
	Overlap or duplication of effort statement	See section D.2.2.7	26
	Conflict of interest disclosure statement	See section D.2.2.8	26
	Uniform audit reporting statement	See section D.2.2.9	27
	SF-LLL: Disclosure of Lobbying Activities (if applicable)		
	Letters of support and Letters of Partnership	See section D.2.2.10	27
	Official resolution	See section D.2.2.11	28
	OMB Form 4040-0019: Project Abstract Summary		

Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
DM	Departmental Manual
DOI	United States Department of the Interior
DUNS	Data Universal Numbering System
EA	Environmental Assessment
e.g.	for example
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
GIS	Geographic Information System
IBC	Interior Business Center
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
OM&R	operations, maintenance, and replacement

P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SCADA	supervisory control and data acquisition
SF	Standard Form
UEI	Unique Entity Identifier
U.S.C.	United States Code
USFWS	U.S Fish and Wildlife Service

Symbols

§ section(s)

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Section A: Program Description

A.1 Authority

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

A.2 Background and Program Requirements

The United States Department of the Interior’s (DOI’s) WaterSMART (Sustain and Manage America’s Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of DOI’s priorities. Through WaterSMART, Reclamation leverages Federal and non-Federal funding to work cooperatively with States, Tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts.

WaterSMART’s Environmental Water Resources Projects provide support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad*, and is aligned with other priorities such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The Environmental Water Resources Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership.

Drought conditions across the West impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. The Western United States is experiencing its worst drought this century—historic in both duration and severity—threatening to kill crops, spark wildfires, and harm public health. As of November 2022, the U.S. Drought Monitor indicates that more than 73 percent of the land in the 17 Western States is experiencing drought conditions, and nearly 50 percent of the area is experiencing severe to exceptional drought. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and to accomplish other benefits that contribute to sustainability in the Western United States.

This NOFO for Environmental Water Resources Projects provides funding for water conservation, water management, and restoration projects that provide significant environmental benefits and have been developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources.

For further information on the WaterSMART Program, see www.usbr.gov/WaterSMART.

A.3 Notice of Funding Opportunity Purpose and Objectives

The objective of this NOFO is to invite eligible applicants (Section C.1. “Eligible Applicants”) to leverage their money and resources by cost sharing with Reclamation on Environmental Water Resources Projects, including water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values or watershed health, water management or infrastructure improvements to benefit ecological values or watershed health, and restoration projects benefitting ecological values or watershed health that have a nexus to water resources or water resources management.

A.4 Other Related Funding Opportunities

- **WaterSMART Drought Resiliency Project Grants.** Reclamation provides funding on a 50/50 cost-share basis for the construction of projects that increase water supply flexibility and improve water management to build long-term resilience to drought and are supported by an existing drought contingency plan.
- **WaterSMART Grants: Water and Energy Efficiency Grants.** Financial assistance is provided on a 50/50 cost-share basis for the construction of projects that conserve and use water more efficiently, increase the production of hydropower, mitigate conflict risk in areas at a high risk of future water conflict, and accomplish other benefits that contribute to water supply reliability in the Western United States.
- **WaterSMART Cooperative Watershed Management Program).** Reclamation provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the program for watershed group development, restoration planning, and watershed management project design.

For information on the NOFOs listed above, visit the WaterSMART Program website at www.usbr.gov/waterSMART.

Section B: Federal Award Information

B.1 Total Funding

This NOFO will allocate available program funds, including fiscal year 2023 enacted appropriations for WaterSMART Grants and the Cooperative Watershed Management Program, and funding available under the BIL, P.L. 117-58, in fiscal year 2022 or fiscal year 2023. This NOFO will be used to allocate BIL funding for projects that will improve the condition of a natural feature or nature-based feature, BIL funding for the Cooperative Watershed Management Program, and BIL funding for multi-benefit projects to improve watershed health under Section 40907 of the BIL. Funds made available under this NOFO are subject to the Buy America Act (see Section F.2.11. “Buy America Domestic Procurement Preference for additional information regarding the Buy America preference.

The amount of funding available for awards under this NOFO will depend on the demand for funding under this and other categories of funding. Any awards are subject to a determination by Reclamation that fiscal year 2023 appropriations and/or fiscal year 2023 BIL funds are available. Applications submitted under this NOFO may also be considered if other funding becomes available in fiscal year 2023 or subsequently.

Category A applicants are limited to a total of \$5,000,000 in Federal funding through Fiscal year 2023 NOFOs for Drought Resiliency Projects, Water and Energy Efficiency Grants, and Environmental Water Resources Projects. For example, a Category A applicant may receive \$3,000,000 through the fiscal year 2023 Environmental Water Resources Projects NOFO and \$2,000,000 through the fiscal year 2023 Water and Energy Efficiency Grant NOFO, for a total of \$5,000,000 in Federal funding. However, if a Category A applicant receives \$5,000,000 through the fiscal year 2023 Water and Energy Efficiency Grants NOFO, then it would be precluded from seeking additional funding through fiscal year 2023 NOFOs for either Environmental Water Resources Projects or Drought Resiliency Projects. This limitation does not apply to Category B applicants, who may be considered for more than \$5,000,000 across programs if they are partnering with multiple Category A entities.

B.2 Expected Award Amount

Maximum Award: \$3,000,000

Minimum Award: \$0

Up to \$3,000,000 in Federal funds may be awarded over the period of performance for projects with total project costs no greater than \$6,000,000. The budget must include the cost of all equipment, materials and supplies, and labor or contractual costs to complete the project. The Application Review Committee (ARC) (see Section E.2.2 “Application Review Committee”) has final discretion to determine whether a project has total project costs of no greater than \$6,000,000.

Multiple applications for funding may be submitted for consideration. **In general, no more than \$3,000,000 will be awarded per fiscal year to any one applicant under this NOFO; however, a Category B applicant may receive funding up to \$15,000,000 total if Category A partners are different.**

The Federal share (Reclamation's share in addition to any other sources of Federal funding) of any one proposed project shall not exceed 75 percent of the total project costs. Generally, the non-Federal share of project costs must be expended at the same or a greater rate as the Federal share of project costs.

B.3 Expected Award Funding and Anticipated Dates

Anticipated award date: 12/31/2023

Reclamation expects to contact potential award recipients and unsuccessful applicants in summer 2023 (or later if necessary), subject to the timing of final fiscal year 2023 appropriations.

Anticipated project completion date: 12/31/2026

B.4 Number of Awards

Approximately 20–40 awards, depending on the amount requested by each applicant and the amount of Federal funding available, will be awarded under this NOFO.

B.5 Type of Award

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

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

B.6 Technical Assistance

At your request, Reclamation can provide technical assistance after award of the project. If you receive 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.2 "Reclamation Program Coordinator Contact."

Section C: Eligibility Information

C.1 Eligible Applicants

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

C.1.1 Category A Applicants

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

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

C.1.2 Category B Applicants

Non-profit conservation organizations, including watershed groups as defined in the Cooperative Watershed Management Act, Section 6001(6) (see Section C.3 “Watershed Group Definition”), that are acting in partnership with, and with the agreement of, an entity described in Category A.

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

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

Note: Partners do not necessarily need to contribute cost-share funding.

A watershed group is eligible to apply for 50-percent cost-shared funding without a Category A partner but must include a Category A partner to be eligible for 75-percent Federal funding.

Letters of Partnership from Category A entities must be submitted with the application for Category B applicants to be eligible. Partners do not necessarily need to contribute cost-share funding.

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

C.1.3 Category C Applicants

Non-profit conservation organizations submitting an application for a project to improve the condition of a natural feature, such as wetlands on Federal land, without a Category A partner must demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project.

Category C applicant documentation must be submitted with the application for Category C applicants to be eligible.

All Category C applicants must be in the United States or one of the territories identified above.

C.1.4 Ineligible Applicants

Ineligible applicants include, but are not limited to, the following entities:

- Federal Governmental entities
- Individuals
- Commercial/industrial organizations
- Institutes of higher education
- 501(c)(6) organizations

C.1.5 Watershed Group Definition

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

- Is a grassroots, non-regulatory entity that addresses water availability and quality issues within the relevant watershed

- Is capable of promoting the sustainable use of water resources in the watershed
- Makes decisions on a consensus basis
- Represents a diverse group of stakeholders representing different water use sectors, including hydroelectric producers; livestock grazing; timber production; land development; recreation or tourism; irrigated agriculture; the environment; municipal water supplies; private property owners; Federal, State and local governments; Tribes; and disadvantaged communities¹

C.2 Cost-Sharing or Matching

Projects that fit one of the eligible project types AND meet the requirements listed in this section are eligible for up to a 75-percent Federal cost-share contribution. To qualify for this cost share, the application must demonstrate that the project meets the following requirements:

- The project must increase water supply reliability for ecological values. This may include projects that improve the timing or quantity of water available, improve water quality or temperature, or that improve stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, or ecosystems. This does not exclude projects expected to result in benefits to multiple sectors, such as projects or project components that benefit ecological values AND agricultural, municipal, Tribal, or recreational water uses.
- The project must be developed as part of a collaborative process by: (1) a watershed group (as defined in Section 6001(6) of the Cooperative Watershed Management Act) or (2) by a water user and one or more stakeholders with diverse interests.
- The majority of project benefits must be for the purpose of advancing one or more components of an established strategy or plan to increase the reliability of a water supply for consumptive and non-consumptive ecological values.

Applications that meet these requirements must be capable of cost sharing **25 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.

For projects that do not meet the requirements necessary to qualify for a 75-percent Federal cost-share contribution, applicants must be capable of cost sharing 50 percent or more of the total project costs. Applicants will be notified prior to selection if their project is

¹ A disadvantaged community, as defined in Section 6001(2) of the Cooperative Watershed Management Act, is a community (including a city, town, county, or reasonably isolated and divisible segment of a larger municipality) with an annual median household income that is less than 100 percent of the Statewide annual median household income for the State in which the community is located, according to the most recent decennial census. See Section 6001(6) of the Cooperative Watershed Management Act for the statutory definition of a watershed group.

being considered for award but does not qualify for the 75-percent Federal cost-share contribution. Such applicants will be given an opportunity to commit to a 50-percent non-Federal cost-share contribution or withdraw their application. The Application Review Committee (see Section E.2.2 “Application Review Committee”) will determine whether each application qualifies for a 75-percent Federal cost-share contribution based on responses to the evaluation criteria (see Section E.1 “Criteria”).

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 include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties without charge. Cost-share funding from sources outside the applicant’s organization (e.g., loans or State grants) should be secured and available to the applicant prior to award. See Section D.2.3.2 “Project Budget” and Section D.2.3.6 “Official Resolution” for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

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

Note: This cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

C.2.1 Cost-Share Regulations

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

C.2.2 Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefitting and specifically identifiable to the proposed project. Applicants may not include as part of their cost share for projects funded under this NOFO the cost or value of third-party in-kind contributions that have been, or will be, relied on to satisfy a cost-sharing or matching requirement for another Federal

financial assistance agreement, a Federal procurement contract, or any other award of Federal funds. Applicants should refer to 2 CFR §200.434 for regulations regarding the valuation of third-party in-kind contributions.

C.3 Other

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award, and ineligibility conditions apply to this Federal program. If entities or key project personnel are identified in the database as ineligible, prohibited/restricted, or otherwise excluded from receiving Federal contracts, certain subcontracts, or certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4 Eligible Projects

Projects eligible under this NOFO include on-the-ground implementation projects for the primary purpose of benefitting ecological values or improving watershed health that have a nexus to water resources management. This includes projects that benefit plant and animal species; fish and wildlife habitat; riparian areas; ecosystems; commercial, recreational, subsistence, or Tribal ceremonial fishing; and river-based recreation, which are supported by rivers, streams, or other water sources, or that are directly influenced by water resources management. This may include, but is not limited to, projects that improve the timing or quantity of water available; improve water quality and temperature; improve stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, watershed health, and ecosystems; restore a natural feature or use a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flooding; and projects that otherwise mitigate against the impacts of climate change to fish and wildlife habitats. This includes projects that provide benefits to multiple sectors, including projects that benefit ecological values or watershed health AND agricultural, municipal, Tribal, or recreation water uses. Additionally, projects with multiple benefits to watershed health are encouraged and prioritized.

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

Applicants can apply for funding for project components in one or more of the following three categories (A, B, or C). The project types identified below are eligible for funding under this NOFO. Other projects that are similar to the types listed below may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization, prioritization criteria, and goals.

C.4.1 Category A: Water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values or watershed health

To be eligible under this category, projects must be for the primary purpose of providing more reliable water supplies to benefit ecological values or watershed health. Some means of ensuring that the conserved water will be made available for these types of benefits is required. This could include a formal mechanism to commit conserved water to instream flows or other types of assurances. **Note: For projects including an improvement to conserve irrigation water, an agreement will not be awarded unless the applicant agrees to the terms of Section 9504(a)(3)(B) of P.L. 111-11. See Section F.2.4 “Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B).”**

These projects include:

- Canal lining or piping
- Irrigation flow measurements
- Supervisory Control and Data Acquisition (SCADA) automation
- Municipal and industrial water use efficiency improvements

C.4.2 Category B: Water management or infrastructure improvements to benefit ecological values or watershed health

To be eligible under this category, projects must be for the primary purpose of benefitting ecological values or watershed health.

These projects include:

- Improving fish passage, including installation and/or modification of fish screens, ladders, bypasses, or removing small barriers to fish passage (e.g., diversion dams).
- Improving fish hatcheries (e.g., chillers, holding pens, transport, disease control, or prevention).
- Water management changes or infrastructure improvements that will improve water supply reliability and benefit ecological value or watershed health (e.g., upgrading a headgate to improve water supply reliability and ecological value or watershed health, installing a new diversion location downstream from critical temperature control points, treating return flows to improve water quality, water storage to improve streamflow, or improving the timing or volume of available flows at particular locations).

- Salinity or temperature control projects to benefit ecological values or watershed health (e.g., salinity barriers, temperature curtains, dam temperature shutters, powerplant bypass structures) and to aerate ecologically sensitive areas where dissolved oxygen levels are low.

C.4.3 Category C: Restoration projects benefitting ecological values or watershed health that have a nexus to water resources or water resources management

To be eligible under this category, projects must have a nexus to water resources or water resources management.

These projects may include:

- Improving stream channel structure and complexity.
- Improving channel/flood plain connectivity.
- Protecting and stabilizing streams and riverbanks and other restoration projects to reduce erosion.
- Restoration projects influencing water temperature or improving the timing or volume of available flows at particular locations to improve aquatic conditions.
- Stream restoration to improve groundwater recharge and riparian habitat.
- Restoring backwater/flood plain areas (for larval and juvenile fish and other wildlife species) to enhance and maintain rearing as well as feeding and foraging habitats.
- Restoring a natural feature or use of a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flood, including restoring natural wetlands, construction or improving wetlands for treatment of irrigation water or stormwater flows, or otherwise using or restoring natural features to address water management issues.
- Restoration projects that enhance commercial, recreational, subsistence, or Tribal ceremonial fishing, and river-based recreation.
- Removing invasive species, protection against invasive species, and restoration of native species.
 - **Invasive Species – Vegetation:** Projects that include removal of invasive vegetation must include revegetation with native species at the removal site OR must provide a clear explanation of why revegetation is not necessary for the specific ecosystem in which the project is located. These activities must be part of a broader watershed restoration project and have a clear nexus to water resources or water resource management to be eligible.

- **Invasive Species – Other Taxa:** Projects that include removal of non-vegetation invasive species must include measures to prevent reintroduction (e.g., fencing). These activities must be part of a broader watershed restoration project and have a clear nexus to water resources or water resource management to be eligible.
- Reclamation can only provide funding for invasive species removal one time per geographic footprint; secondary removal is considered operations and maintenance and is not eligible (see Section C.8.1 “Operations, Maintenance, and Replacement”).
- Forest management activities to protect water resources. Eligible activities include:
 - **Fuels Management** – Fuels management to reduce the risk of severe wildland fire, through mechanical and/or chemical treatments. These activities must be part of a broader watershed restoration project and have a clear nexus to water resources or water resource management to be eligible. Reclamation can only provide funding for fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible (see Section C.8.1 “Operations, Maintenance, and Replacement”).
 - **Post-Wildland Fire Restoration** – Post-wildland fire restoration activities, including measures to stabilize soil, reduce erosion, and remove post-fire sedimentation; invasive species removal; planting and seeding native vegetation; forest stabilization; and reforestation. Projects that include removal of post-wildland fire sediment must also (1) complete revegetation/reforestation and erosion control techniques to reduce future sedimentation and (2) complete habitat restoration in any river or reservoir from which sediment is removed. Reclamation can only provide funding for post-wildland fire sediment removal one time per geographic footprint following a fire; secondary removal is considered operations and maintenance and is not eligible see (see Section C.8.1 “Operations, Maintenance, and Replacement”).
- Other restoration projects that will benefit ecological values or watershed health and have a nexus to water resources or water resources management.

C.4.4 Eligibility of Monitoring Activities

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

C.5 Ineligible Projects

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

C.5.1 Operations, Maintenance, and Replacement

Proposals for the design of projects considered normal operations, maintenance, and replacement (OM&R) are ineligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement.

Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components
- Improving an existing facility to operate as originally designed
- Performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval)
- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed
- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws
- Replacing broken meters with new meters of the same type
- Replacing leaky pipes with new pipes of the same type
- Completion of one-time leak detection surveys
- Dredging of reservoirs, canals, and/or rivers to remove normally occurring sediment accumulation
- Reclamation can only provide funding for invasive species removal and fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible.

Applicants with questions regarding OM&R are encouraged to contact the Program Coordinator (see Section G. “Federal Awarding Agency Contact(s)”) prior to the application deadline for further information.

C.5.2 Water Reclamation, Reuse, and Desalination

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

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

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

C.5.4 Water Purchases

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

For more information about the requirements for receiving emergency drought assistance, see www.usbr.gov/drought or contact the Program Coordinator (see Section G “Federal Award Agency Contact(s)”).

C.5.5 Land Purchase and Easements

A project that proposes using Federal funding for the purchase of land, or with the primary purpose to secure an easement, is not eligible under this NOFO.

C.5.6 Building Construction

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

C.5.7 Pilot Projects

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

C.5.8 Removal and Prevention of Invasive Mussel Species

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

C.5.9 Prescribed Burns

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

C.5.10 On-Farm Irrigation Efficiency Improvements

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

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

C.5.11 New Conveyance Infrastructure for Municipal or Agricultural Water Delivery

A project that proposes to construct new conveyance infrastructure to allow for the distribution of additional or new water supplies for municipal or agricultural use is not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.12 Mine Remediation Projects

Projects to complete remediation activities in or around a mine site are not eligible for funding under this NOFO.

C.5.13 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 “Federal Awarding Agency Contact(s)” prior to the application deadline.

C.5.14 Training, Education, and Outreach Activities

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

C.5.15 Training, Education, and Outreach Activities

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

C.6 Construction Start Date Restriction

Proposed projects shall not have a construction start date that is prior to September 30, 2023, for funding under this NOFO.

Section D: Application and Submission Information

D.1 Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance Operations Section staff at bor-sha-fafoa@usbr.gov.

D.2 Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.2.1 Application Format and Length

The total technical proposal and criteria section (defined below) shall be limited to a maximum of **35** consecutively numbered pages. If this section exceeds **35** pages, only the first **35** pages will be evaluated. **The full application, including all attachments, should not exceed 125 pages. If the application exceeds 125 pages, only the first 125 pages will be considered in the evaluation.**

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

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

D.2.2 Application Content

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

Mandatory Federal Forms Note: Applications submitted by consultants must contain an SF-424 and SF-424D that is signed by an authorized representative of the entity applying. These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

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- Mandatory Federal Forms, which must include:
 - SF-424: Application for Federal Assistance with a Unique Entity Identifier
 - SF-424C: Budget Information - Construction Programs
 - SF-424D: Assurances for Construction Activities
 - SF-LLL: Disclosure of Lobbying Activities (if applicable)

These forms are available at www.grants.gov/web/grants/forms/sf-424-family.html.

- Technical proposal and evaluation criteria (required; limited to **35** pages), which should include:
 - Title Page (recommended; not counted toward page limit)
 - Table of Contents (recommended; not counted toward page limit)
 - Executive summary
 - Project location
 - Technical project description
 - Responses to evaluation criteria
 - Applicant Category and Eligibility of Applicant
 - Performance measures
 - Project budget (required):
 - Funding plan
 - Budget proposal
 - Budget narrative
 - Letters of funding commitment (if applicable)
 - Environmental and cultural resources compliance (recommended)
 - Required permits or approvals (recommended)
 - Official resolution (recommended)

Letters of support and letters of partnership (recommended)

- Conflict of interest disclosure statement (recommended)
- Uniform audit reporting statement (recommended)
- Overlap or duplication of effort statement (recommended)
- OMB Form 4040-0019 Project Abstract Summary Form (recommended)

To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified above.

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete or noncompliant applications, or applications not meeting the formatting criteria or not including required materials will be eliminated from competition.

This information will be used to create a summary of your project for our website if the project is selected for funding. Following awards of funding, Reclamation may post successful applications on the Reclamation website, www.usbr.gov/waterSMART, after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.5.1 “Freedom of Information Act.”

D.2.2.1 Mandatory Federal Forms

The application must include the following standard Federal forms for an application to be considered complete. Incomplete applications will be screened as ineligible and will not proceed to a merit evaluation by the Application Review Committee. Questions regarding forms should be referred to the Financial Assistance Point of Contact under Section G Agency Contacts.

D.2.2.1.1 SF-424: Application for Federal Assistance

A fully completed SF-424, Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. The SF-424 must contain a valid Unique Entity Identifier (UEI). See Section D.3 for additional information. Applications that fail to include a SF-424 with a valid UEI will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official’s signature on the appropriate SF-424, Application for Federal Assistance form represents the entity’s certification of the statements in 43 CFR Part 18, Appendix A.

Failure to submit a signed SF-424 with a valid UEI number will result in the elimination of the application from further consideration.

D.2.2.1.2 SF-424C: Budget Information - Construction Programs

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

Failure to submit a completed SF-424C will result in the elimination of the application from further consideration.

D.2.2.1.3 SF-424D: Assurances for Construction Activities

A SF-424D: Assurances for Construction Programs form 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 signed SF-424D will result in the elimination of the application from further consideration.

D.2.2.1.4 SF-LLL: Disclosure of Lobbying Activities (if Applicable)

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

D.2.2.2 Technical Proposal Content

Submission of a technical proposal is mandatory. Applications that fail to fully disclose this information will be considered ineligible and will not pass initial screening.

The technical proposal and evaluation criteria (limited to 35 pages) should include the following sections:

D.2.2.2.1 Title Page

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

D.2.2.2.2 Table of Contents

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

D.2.2.2.3 Technical Proposal and Evaluation Criteria

Submission of a technical proposal is mandatory. Applications that fail to fully submit a technical proposal will be considered ineligible and will not pass initial screening. The technical proposal and evaluation criteria must be submitted, and it should (limited to **35** pages) include:

- Executive summary
- Project location
- Technical project description
- Applicant category and eligibility of applicant
- Performance measures
- Evaluation criteria

D.2.2.2.4 Executive Summary

The executive summary should include:

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

Example:

The Eagle Creek Watershed Council, in conjunction with Trout Unlimited, Colorado Parks and Wildlife, and Buckhorn Valley Metropolitan District, will improve instream flows in Abrams Creek, southwest of Eagle, Colorado. Abrams Creek, which supports a core conservation population of Green-Lineage cutthroat trout, suffers from low flows, affecting habitat for the trout and other aquatic species. The Council will pipe a 21,790 linear feet section of the JPO ditch and use the approximately 300 acre-feet of saved water for instream use. This increase to base flows in Abrams Creek will benefit the target trout species as well as other aquatic resources. This project, supported by the Eagle Creek Watershed Plan, has been endorsed by numerous elected officials, conservation groups, government agencies, and water users.

- The length of time and estimated completion date for the proposed project (month/year). **Note: Proposed projects shall not have an estimated construction start date that is prior to September 30, 2023.**
- Whether or not the proposed planning efforts are focused on a Federal facility or will involve Federal land.

D.2.2.2.5 Project Location

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

D.2.2.2.6 Technical Project Description

The project description should describe the work, including specific activities that will be accomplished. This section provides an opportunity for you to provide a clear description of the technical nature of the project and to address any aspects of the project that reviewers may need additional information to understand. 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. This section provides an

opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspects of the project that reviewers may need additional information on to understand.

Do not include your project schedule and milestones here; that information is requested in response to the Project Implementation criterion below. In addition, avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria. This section is solely intended to provide an understanding of the technical aspects of the project.

Note if the work for which you are requesting funding is a phase of a larger project. Only describe the work that is reflected in the budget, and exclude any descriptions of other activities or components of the overall project.

D.2.2.2.7 Applicant Category and Eligibility of Applicant

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

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

If you are a Category C applicant, submit documentation to demonstrate that Category A entities in the service area have been notified and do not object to the project. Category C documentation must be submitted with the application for Category C applicants to be eligible. See Section D.2.3.5 “Letters of Support and Letters of Partnership” for additional information regarding documentation requirements.

D.2.2.2.8 Performance Measures

All applicants are required to provide a brief summary describing the performance measure that will be used to quantify actual benefits upon completion of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts as well as the overall effectiveness of the project. Describe the performance measures for your project within the evaluation criteria section of your application (see Section E.1.5 “Evaluation Criterion E: Performance Measures”).

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to 6 months of post-implementation monitoring activities of conservation outcomes after implementation of the on-the-ground project. Costs for these activities shall not exceed 25 percent of the total project cost. Program

funding may not be used to complete long-term (i.e., more than 6 months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

D.2.2.2.9 Evaluation Criteria

Section E.1 “Criteria” provides a detailed description of each criterion and subcriterion and the 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.

Copying and pasting the evaluation criteria and subcriteria in Section E.1 “Criteria” into your applications is suggested to ensure that all necessary information is adequately addressed.

Failure to submit a technical proposal will result in the elimination of the application from further consideration.

D.2.2.3 Project Budget

The project budget must be submitted, and it should include:

- (1) Funding Plan and Letters of Commitment (if applicable)
- (2) Budget proposal
- (3) Budget narrative

Note: Costs for preparing and submitting an application in response to this NOFO, including developing data necessary to support the proposal, are not eligible project costs and must NOT be included in the project budget.

D.2.2.3.1 Funding Plan and Letters of Commitment

Describe how the non-Federal cost share of project will be obtained. Reclamation will use this information when making a determination of financial capability. Project funding provided by a source other than the applicant should be supported with letters of commitment from these additional sources and should identify the following elements:

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

Commitment letters from third-party funding sources should be submitted with your project application. If commitment letters are not available at the time of the application submission, provide a timeline for submitting all commitment letters. Cost-share funding from sources outside the applicant’s organization (e.g., loans or State grants) should be secured and available to the applicant prior to award.

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

D.2.2.3.2 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 contributions, that are necessary to complete the project. Include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

Table 1.—Summary of Non-Federal and Federal funding sources

Funding sources	Amount
Non-Federal entities	
1.	\$
2.	\$
3.	\$
Non-Federal subtotal	\$
REQUESTED Reclamation funding	\$

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 (Table 2).

Table 2.—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 contributions	\$
TOTAL project cost	\$

D.2.2.3.3 Budget Narrative

The budget narrative provides a discussion of, or explanation for, items included in the SF-424C. The types of information to describe in the narrative include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO. Applicants may elect to use the Budget Detail and Narrative spreadsheet for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

In addition, please identify whether the budget proposal includes any project costs that 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

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

D.2.2.4 Pre-Award Costs

Incurrence of pre-award costs is not authorized without prior written approval of the awarding Grants Officer. Per 2 CFR 200.458, pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

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 Part 200 and all other requirements of this NOFO. **In no case will costs incurred prior to July 1, 2022, be considered for inclusion in the proposed project budget. In addition, proposed projects should not have an estimated construction start date that is prior to September 30, 2023 (see Section C.9 “Construction Start Date Restrictions”).**

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

In addition, please ensure that the budget proposal includes any project costs that 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

D.2.2.5 Environmental and Cultural Resources Compliance

Answer the questions from Section H.1 “Environmental and Cultural Resource Considerations” and Section H.2. “Endangered Species Act” in this section.

D.2.2.6 Required Permits or Approvals

You should 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 NOFO 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. 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 Overlap or Duplication of Effort Statement

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

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

D.2.2.8 Conflict of Interest Disclosure Statement

As stated in 2 CFR §1402.112, you should disclose in your application if any actual or potential conflict of interest exists at the time of submission.

D.2.2.8.1 Applicability

This section is intended 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.

D.2.2.8.2 Notification

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

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

D.2.2.8.3 Restrictions on Lobbying

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

D.2.2.8.4 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. If it does, an appropriate means for resolving it should be developed.

D.2.2.8.5 Enforcement

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

D.2.2.9 *Uniform Audit Reporting Statement*

All U.S. States, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 U.S. dollars or more in Federal award funds in your organization's fiscal year must submit a Single Audit Report for that year through the [Clearinghouse's Internet Data Entry System](#) in accordance with 2 CFR §200 subpart F.

U.S. State, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit Report for the most recently closed fiscal year. If your organization was required to submit a Single Audit Report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Audit Clearinghouse](#) website.

D.2.2.10 *Letters of Support and Letters of Partnership*

Include letters from interested stakeholders supporting the proposed project. To ensure your application is accurately reviewed, attach all letters of support/partnership as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in

the evaluation of the proposed project. These letters do not count toward the 35-page maximum for the technical proposal and criterion section; however, they do count toward the 125-page maximum for the full application.

Category B applicants must submit a Letter of Partnership from the Category A partner, stating that they are acting in partnership with the applicant, agree to the submittal and content of the application, and intend to participate in the project (see Section C.1 “Eligible Applicants”). Letters of Partnership must be submitted with the application by the application deadline for this NOFO; otherwise, the Category A applicant will be considered ineligible, and the proposed project will not be evaluated.

Category C applicants must submit documentation to demonstrate that entities described in Category A from the applicable service area have been notified and do not object to the project (see Section C.1 “Eligible Applicants”). Documentation may include a copy of a letter that has been sent to Category A entities in the service area and a self-certification that no written objections to the project were received. Category C applicant documentation must be received with the application by the application deadline for this NOFO; otherwise, the Category C application will be considered ineligible, and proposed project will not be evaluated.

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

D.2.2.11 Official Resolution

Include an official resolution adopted by your organization’s Board of Directors or governing body, or, for State government entities, an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO, verifying:

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

An official resolution meeting the requirements set forth above is mandatory. If you are 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 to bor-sha-fafoa@usbr.gov up to 30 days after the application deadline. This resolution does not count toward the 35-page maximum for the technical proposal and criterion section; however, it does count toward the 125-page maximum for the full application.

D.2.2.11.1 OMB Form 4040-0019: Project Abstract Summary

Submission of the OMB Form 4040-0019: Project Abstract Summary within the application is recommended, but not required. The Project Abstract Summary shall include the purpose of the project, the activities to be performed, the expected deliverables or outcomes, the intended beneficiaries, and any subrecipient activities, if known.

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

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

D.3.1 Register with the System for Award Management

Each applicant must be registered in SAM before submitting its application. Register on the [SAM.gov](https://sam.gov) website. The “Help” tab on the website contains User Guides and other information to assist you with registration. The [Grants.gov](https://grants.gov) “[Register with SAM](#)” page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity’s Internal Revenue Service information.

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

There is no cost to register with SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.**

NOTE: An organization's SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date. Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.

D.3.2 Obtain a UEI Number

Provide a valid unique entity identifier in its application. You are required to register in SAM.gov prior to submitting a Federal award application and obtain a [Unique Entity Identifier](#) (UEI). A UEI will be assigned to entities upon registering with SAM.

D.3.3 Maintain an Active SAM Registration and UEI Number

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. The Federal awarding agency may 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 Federal awarding agency is ready to make a Federal award, the Federal awarding agency 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 deadline: April 5, 2023, at 4:00 Mountain Daylight Time.

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

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](#) application system. *Note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM.gov registration are not considered technical issues with the Grants.gov system.* To document a delay due to a technical issue in Grants.gov, you must furnish a Grants.gov helpdesk ticket number to sha-dro-fafoa@usbr.gov that validates the delay prior to the submission deadline.

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

D.4.1 Application Delivery Instructions

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

By mail or United States Postal Service overnight services:

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

By all other express delivery and courier services:

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

D.4.2 Instructions for Submitting the Project Application

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

D.4.2.1 Applications Submission

Applications must be submitted through Grants.gov (www.grants.gov/applicants/apply-for-grants.html.) Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available 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. Applicants are encouraged to submit applications several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov

Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below.

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

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

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

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

D.4.2.3 Acknowledgement of Application Receipt

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov.

D.5 Intergovernmental Review

This NOFO is subject to E.O. 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process are listed on the Office of Management and Budget's website, <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are also listed on the Office of Management and Budget's website, <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

D.6 Funding Restrictions

D.6.1 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 (“environmental compliance”). Every project funded under this program will have environmental compliance activities undertaken by Reclamation and the successful applicant. Reclamation requires that applicants under this NOFO include costs associated with compliance in the application budget.

Some of the projects funded under this NOFO typically incur relatively high compliance costs (e.g., between \$30,000 and \$90,000 per project). Contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include Reclamation’s estimated costs associated with compliance activities and costs associated with any compliance activities that will need to be completed by a contractor in your budget. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient. In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient.

In no case may the total amount requested from Reclamation exceed the maximum of \$3,000,000 as provided in this NOFO. The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be reallocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained. ***In no case will pre-award costs incurred prior to a recipient’s notification of selection be considered for reimbursement or non-Federal cost-share purposes.***

D.6.2 Indirect Costs

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

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If you have never received a Federal negotiated indirect cost rate, your budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the *de minimis* 10-percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on preparing and submitting indirect cost proposals is available from the DOI's Interior Business Center (IBC), Office of Indirect Cost Services, at <https://ibc.doi.gov/ICS/icrna>.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House OMB. If the DOI is your organization's cognizant agency, the IBC will negotiate your indirect cost rate. Contact the IBC by phone at 916-930-3803 or email ICS@ibc.doi.gov. You can visit their website, <https://ibc.doi.gov/ICS/icrna>, for information regarding email submission forms.

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

Section E: Application Review Information

E.1 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 subcriterion in the order presented below. **Applications will be evaluated against this evaluation criteria.** 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.

Information provided in response to these criteria will also be used to make a determination on whether the proposed project qualifies for up to 75-percent Federal cost-share contribution based on the requirements described above.

Evaluation Criteria Scoring Summary	Points
A. Project benefits	25
B. Collaborative planning	20
C. Stakeholder support for proposed project	15
D. Readiness to proceed	20
E. Performance measures	5
F. Presidential and DOI priorities	15
Total	100

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

E.1.1 Evaluation Criterion A: Project Benefits (25 Points)

Up to **25 points** may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will benefit ecological values and watershed health that have a nexus to water resources or water resources management. Proposals containing a well-supported description and quantification of project benefits will receive more points under this criterion.

E.1.1.1 Subcriterion A.1: Project Benefits

Explain the extent of project benefits. Only respond to the section(s) of this subcriterion that are relevant to your project.

E.1.1.1.1 General Project Benefits

Address the following questions for all project types as applicable to your project. Proposals containing a well-supported description and quantification of benefits will receive more points.

- Explain how the project will *benefit ecological values that have a nexus to water resources or water resources management*, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems that are supported by rivers, streams, and/or other water sources, or that are directly influenced by water resources management.
 - In your response, identify the specific ecological values benefitted and how those ecological values depend on, or are influenced by, water resources or water resources management.
 - Explain whether the project will increase water supply reliability for ecological values by improving the timing or quantity of water available; improving water quality and temperature; or improving stream or riparian conditions for the benefit of plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems; or through similar approaches.
- Will the project *improve watershed health* in a river basin that is adversely impacted by a Reclamation water project?
- Is the project for the purpose of meeting *existing environmental mitigation or compliance obligations* under Federal or State law?
- If the project will benefit *aquatic or riparian ecosystems* within the watershed (e.g., by reducing flood risk, reducing bank erosion, increasing biodiversity, or preserving native species), explain the extent of those benefits (i.e., magnitude and geographic extent). Estimate expected project benefits to ecosystems and provide documentation and support for this estimate, including a detailed explanation of how the estimate was determined.
- If the project will benefit specific *species and habitats*, describe the species and/or type of habitat that will benefit and the status of the species or habitat (e.g., native species, game species, federally threatened or endangered, State listed, or designated critical habitat). Describe the extent (i.e., magnitude and geographic extent) to which the project will benefit the species or habitat, including an estimate of expected project benefits and documentation and support for the estimate.
- If the proposed project will benefit *federally listed threatened or endangered species*, address the following:
 - Is the species subject to a recovery plan or conservation plan under the ESA?
 - What is the relationship of the species to water supply?

- What is the extent of the proposed project that would reduce the likelihood of listing or would otherwise improve the status of the species?
- Is the species adversely affected by a Reclamation project?
- Will the project address *drought conditions or drought-related impacts* on water supplies, habitat, species, or the ecosystem as a whole? If yes, describe past and current drought conditions and impacts and forecasted drought conditions and anticipated impacts. How will this project help build resilience to drought?
- If the project will result in *long-term improvements to water quality* (e.g., decrease sediment or nutrient pollution, improve water temperature, or mitigate impacts from floods or drought), explain the extent of those benefits (i.e., magnitude and geographic extent). Estimate the expected project benefits to water quality and provide documentation and support for this estimate, including a detailed explanation of how the estimate was determined.
- Are there project benefits not addressed in the preceding questions? If so, what are these benefits?

E.1.1.1.2 Water Conservation and Efficiency Project Benefits

If the proposed project includes a water conservation and efficiency project component, address the following questions in addition to addressing the general questions above. Proposals containing a well-supported description and quantification of benefits will receive more points.

- Describe the amount of estimated water savings (in acre-feet per year) that are expected to result directly from the project. Include a specific quantifiable water savings estimate; do not include a range of potential water savings. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.
- Explain where the water that will be conserved is currently going (e.g., back to the stream, spilled at the end of the ditch, seeping into the ground) and how the water is currently being used. For example, are current losses returning to the system and being used by others? Are current losses entering an impaired groundwater table, becoming unsuitable for future use? Are there any known benefits associated with where the current losses are going? For example, is seepage water providing additional habitat for fish or animal species?
- Explain, in detail, how water conserved as a result of the project will be used to increase water sustainability for ecological values. Will the project commit conserved water to remain instream? If so, provide detailed support for that commitment. Will a formal mechanism (e.g., collaboration with a State agency or non-profit organization, or other mechanisms allowable under State law) be used? Or, if a formal mechanism will not be used, describe the arrangement proposed to contribute conserved water for ecological benefits. Explain the roles of any partners in the process and attach any relevant supporting documents.

- Describe the benefits that are expected to result from increased instream flows. Will increased instream flows assist in reducing basin-wide water supply and demand imbalances or in complying with an interstate compact? Will increased instream flows result in benefits to fish and wildlife? If so, describe the species and expected benefit of the project. Will the increased instream flows result in benefits to habitat or other ecological benefits? If so, describe these benefits. Will the flows specifically benefit federally designated critical habitat?

E.1.1.1.3 Water Management and Infrastructure Improvements Benefits

If the proposed project includes a water management or infrastructure improvement project component, address the following question, as applicable to your project, in addition to addressing the general questions above. Proposals containing a well-supported description and quantification of benefits will receive more points.

- If the project will make more water available, or make water available at a more advantageous time or location, how much additional water will be made available? Describe the amount of estimated water (in acre-feet per year) expected to be made available directly from the project. Include a specific quantifiable water contribution estimate and describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined.

E.1.1.1.4 Restoration Project Benefits

If the proposed project includes a restoration project component, address the following questions, as applicable to your project, in addition to addressing the general questions above. Proposals containing a well-supported description and quantification of benefits will receive more points.

- **Invasive Species – Vegetation:** For projects that include removal of invasive vegetation, will the project include revegetation with native species at the removal site? If not, explain why revegetation is not necessary for the specific ecosystem in which the project is located. In addition, describe how removal of invasive vegetation will benefit water resources or water resource management. Provide references and citations.
- **Invasive Species – Other Taxa:** For projects that include removal of non-vegetation invasive species, explain what measures will be used to prevent reintroduction and why. In addition, describe how removal of invasive species will benefit water resources or water resource management. Provide references and citations.
- **Forest Fuels Management Activities:** For projects that include fuels management activities to reduce the risk of severe wildland fire, describe the current conditions of the forest, the likelihood of a severe wildland fire, and risks to water quality, water supply infrastructure, aquatic and riparian ecosystem health, and watershed health.

- **Post-Wildland Fire Sediment Removal:** For projects that include post-wildland fire sediment removal, address the following:
 - Has the rate of sedimentation changed due to a wildland fire event? Describe and quantify the rate of sedimentation pre- and post-fire.
 - How is the post-fire sedimentation impacting, or anticipated to impact, water quality, water supply infrastructure, aquatic and riparian ecosystem health, and watershed health?

E.1.1.2 Subcriterion A.2: Multiple Benefits

Explain how and to what extent the project will benefit multiple water uses. Address the following:

- If the project will benefit multiple water uses (e.g., benefits to ecological values AND benefits to other water uses, including municipal; agricultural; Tribal; commercial, recreational, subsistence, or Tribal ceremonial fishing; and river-based recreation), explain how and to what extent the project will benefit multiple water uses.
- If the project will provide multiple restoration benefits (e.g., benefits to ecological values or watershed health; fish and wildlife habitat; protection against invasive species; enhancement to commercial, recreational, subsistence, or Tribal ceremonial fishing; enhancement of river-based recreation), explain how.
- Will the project reduce water conflicts within the watershed? If so, explain how.

E.1.2 Evaluation Criterion B: Collaborative Planning (20 Points)

Up to **20 points** may be awarded based on the extent to which the proposed project was developed as part of a collaborative process and advances an existing plan or strategy. Priority under this criterion will be given to proposed projects that are supported by a collaboratively developed strategy or plan. Attach a copy of the applicable strategy or plan as an appendix to your application, or provide a link, **and identify the sections relevant to the project within your application narrative.**

- **Strategy or Plan:** Is your proposed project supported by a specific strategy or planning document? If so, identify the strategy or planning document by name and address the following questions:
 - When was the plan or strategy prepared and for what purpose?
 - What types of issues are addressed in the plan? For example, does the plan address water quantity issues, water quality issues, and/or issues related to ecosystem and watershed health or the health of species and habitat within the watershed?
 - Is one of the purposes of the strategy or plan to increase the reliability of a water supply for ecological values?

- **Strategy or Plan Development:** Was the strategy or plan developed through a collaborative process?
 - Was the strategy or plan developed as part of a collaborative process by:
 - A watershed group, as defined in Section 6001(6) of the Cooperative Watershed Management Act?
 - OR**
 - A water user and one or more stakeholders with diverse interests (e.g., stakeholders representing different water use sectors such as agriculture, municipal, Tribal, recreational, or environmental)?
 - Describe who was involved in preparing the plan and whether the plan was prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses)? Describe the process used for interested stakeholders to provide input during the development of the strategy or plan. For some Tribal strategies or plans, collaboration could include working with entities representing multiple interests within the Tribe (e.g., Tribal water agencies; Tribal fish and wildlife agencies, cities, or towns on Tribal land; Tribal fisheries; Tribal industries; and agriculture).
 - If the strategy or plan was prepared by an entity other than the applicant, explain why it is applicable to the proposed project. Describe whether and how the applicant was involved in the development of the strategy or plan. If the applicant was not involved in the development, explain why.
 - For Tribal strategies or plans that were developed collaboratively with multiple Tribal interests, but did not include collaboration with external entities, provide an explanation as to why collaboration with entities external to the Tribe were not involved in the development of the strategy or plan.
- **Strategy or Plan Support for Project:** Describe how the plan or strategy provides support for your proposed project.
 - Does the proposed project implement a goal or need identified in the plan?
 - Describe how the proposed project is prioritized in the referenced plan or strategy.

E.1.3 Evaluation Criterion C: Stakeholder Support for Proposed Project (15 Points)

Up to **15 points** may be provided based on the level of stakeholder support for the proposed project. Applications that demonstrate support for the project from a diverse array of stakeholders will receive the most points under this criterion.

- Describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided? Are any stakeholders providing support for the project through cost-share contributions or through other types of contributions to the project?
- Explain whether the project is supported by a diverse set of stakeholders, as appropriate, given the types of interested stakeholders within the project area and the scale, type, and complexity of the proposed project. For example, is the project supported by entities representing agricultural, municipal, Tribal, environmental, or recreation uses?
- Is the project supported by entities responsible for the management of land, water, fish and wildlife, recreation, or forestry within the project area? Is the project consistent with the policies of those agencies?
- Is there opposition to the proposed project? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

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

Up to **20 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. 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, will receive the most points under this criterion).

- Describe the implementation plan for the proposed project. Include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates. This may include, but is not limited to, design, environmental and cultural resources compliance, permitting, and construction/installation.
- Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized under this criterion.
- Describe any permits and agency approvals that will be required along with the process and timeframe for obtaining such permits or approvals.
- Identify and describe any engineering or design work performed specifically in support of the proposed project. If additional design is required, describe the planned process and timeline for completing the design. Priority will be given to projects that are further along in the design process and ready for implementation.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, provide documentation. If the applicant does not yet have permission to access the project location, describe the process and timeframe for obtaining such permission.

- Identify whether the applicant has contacted the local Reclamation office to discuss the potential environmental and cultural resource compliance requirements for the project and the associated costs. Has a line item been included in the budget for costs associated with compliance? If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation's costs and the contractor's costs.
- Is the project completely or partially located on Federal land or at a Federal facility? If so, explain whether the agency supports the project and has granted access to the Federal land or facility, whether the agency will contribute toward the project, and why the Federal agency is not completing the project. **Note: Other sources of Federal funding cannot be included within the scope of the project proposed for Reclamation funding under this NOFO.** Other Federal agencies can contribute toward the completion of environmental and cultural resource compliance, provide access to land, and provide project oversight as necessary; however, any costs associated with these activities should not be included within the project budget.

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

E.1.5 Evaluation Criterion E: Performance Measures (5 Points)

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

Note: Program funding may be used to establish a monitoring and data management plan and to install necessary equipment to monitor progress and conservation outcomes. Program funding may not be used to complete long-term (i.e., more than 6 months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant). See Section C.7 "Eligibility of Monitoring Activities" for additional information.

- Describe the performance measures that will be used to quantitatively or qualitatively define actual project benefits upon completion of the project. Include support for why the specific performance measures were chosen.
- All applicants are required to include information about plans to monitor improved streamflows, aquatic habit, or other expected project benefits. Describe the plan to monitor the benefits over a 5-year period once the project has been completed. Provide details on the steps to be taken to carry out the plan.

E.1.6 Evaluation Criterion F: Presidential and DOI Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*. Points will be allocated based on the degree to which the project supports the priorities listed and whether the connection to the priority(ies) is well supported in the application. **Without repeating benefits already described in previous criteria, describe, in detail, how the proposed project supports a priority(ies) below.**

E.1.6.1 Subcriterion No. E1: Climate Change

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

For additional information on the impacts of climate change throughout the Western United States, see <https://www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf>. To describe how the project will address and build resilience to climate change, consider the following:

- How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Estimate the extent to which the project will build resilience to drought and provide support for your estimate.
- In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?
- Will the proposed project establish and use a renewable energy source?
- Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?
- Does the proposed project include green or sustainable infrastructure to improve community climate resilience, such as reducing the urban heat island effect, lowering building energy demands, or reducing the energy needed to manage water? Does this infrastructure complement other green solutions being implemented throughout the region or watershed?
- Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?

- Does the proposed project have a conservation or management component that will promote healthy lands and soils or serve to protect water supplies and its associated uses?
- Does the proposed project contribute to climate change resiliency in other ways not described above?

E.1.6.2 Subcriterion No. E2: Disadvantaged or Underserved Communities

Points will be awarded based on the extent to which the project serves economically disadvantaged or underserved communities in rural or urban areas.

- Will the proposed project serve or benefit a disadvantaged or historically underserved community? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, or economic growth opportunities.
- Describe, in detail, how the community is disadvantaged based on a combination of variables that may include the following:
 - Low income, high and/or persistent poverty
 - High unemployment and underemployment
 - Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
 - Linguistic isolation
 - High housing cost burden and substandard housing
 - Distressed neighborhoods
 - High transportation cost burden and/or low transportation access
 - Disproportionate environmental stressor burden and high cumulative impacts
 - Limited water and sanitation access and affordability
 - Disproportionate impacts from climate change
 - High energy cost burden and low energy access
 - Jobs lost through energy transition
 - Access to healthcare
- If the proposed project is providing benefits to an underserved community, provide sufficient information to demonstrate that the community meets the underserved definition in E.O. 13985, which includes populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

E.1.6.3 Subcriterion No. E.3: Tribal Benefits

Points will be awarded based on the extent to which the project will honor the Federal Government's commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for an Indian Tribe?
- Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits, such as improved public health and safety, by addressing water quality, new water supplies, or economic growth opportunities?

E.2 Review and Selection Process

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

E.2.1 Initial Screening

All application packages will be screened to ensure that:

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

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.

E.2.2 Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the Section E.1 Technical Proposal: Evaluation Criteria.”

Applications will be scored against the evaluation criteria by an ARC, which is made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure the project meets the description of eligible projects and meets the objective of this NOFO.

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

E.2.3 Red-Flag Review

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

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

E.2.4 Managerial Review

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

E.2.5 Pre-Award Clearances and Approvals

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of

funding will be made once the agreement is finalized (approximately 1 to 3 months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

E.2.5.1 Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation regional or area office for completion of environmental compliance, if applicable. To the extent possible, environmental compliance will be completed before a financial assistance agreement is signed by the parties; however, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a Notice to Proceed is issued by the awarding Reclamation Grants Officer.

Even in cases where environmental and cultural resource compliance work has been completed previously or is being completed by another Federal agency, Reclamation must still review and adopt such compliance and issue a Notice to Proceed before ground-disturbing activities may be initiated (see Section D.6.1 “Environmental and Regulatory Compliance Costs”) for additional information on compliance and associated costs.

E.2.5.2 Budget Analysis and Business Evaluation

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

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

E.3 Federal Award Performance Integrity

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a

Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

E.4 Anticipated Announcement and Federal Award Dates

Reclamation expects to contact potential award recipients and unsuccessful applicants in summer 2023, subject to the timing and number of final appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the timeframe for the completion of their agreement.

Section F: Federal Award Administration Information

F.1 Federal Award Notices

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

F.2 Administrative and National Policy Requirements

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

F.2.1 Automated Standard Application for Payments Registration

F.2.2 All applicants must also be registered with, and willing to process all Environmental and Cultural Resources Compliance

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

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

Some of the projects funded under this NOFO typically incur relatively high compliance costs (e.g., between \$30,000 and \$90,000 per project). Contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include Reclamation's estimated costs, associated with compliance activities and costs associated with any compliance activities that will need to be completed by a

contractor, in your budget. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient. In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient.

In no case may the total amount requested from Reclamation exceed the maximum of \$3,000,000 as provided in this NOFO. The actual amount of costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be reallocated to other project costs during the process of developing a financial assistance agreement so long as the non-Federal cost share contribution is maintained.

Note: If mitigation is required to lessen environmental impacts, the applicant may, 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/or other preliminary activities) on a project before environmental and cultural resources compliance is complete and a Reclamation Grants Officer provides written notification that all such clearances have been obtained. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3 Approvals and Permits

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

F.2.4 Requirements for Agricultural Operations under P.L. 111-11, Section 9504(a)(3)(B)

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

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

F.2.5 Title to Improvements P.L.111-11, Section 9504(a)(3)(D)

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

F.2.6 Operation and Maintenance Costs under P.L.111-11, Section 9504(a)(3)(E)(iv)

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

F.2.7 Liability under P.L.111-11, Section 9504(a)(3)(F)

F.2.7.1 *In General*

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

F.2.7.2 *Federal Tort Claims Act*

Nothing in this section increases the liability of the United States beyond that provided in Federal Tort Claims Act.

F.2.8 Geospatial Data and Data Tools

All geospatial data collected for, or produced through, the use of DOI financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by the Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. The DOI requires fully compliant metadata on all Geographic Information Systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful

applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local, or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

F.2.9 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). 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).

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, non-exclusive, 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.

F.2.10 Real Property, 2 CFR §200.311

Real property, equipment, and intangible property acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by Reclamation, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from Reclamation. As required by 2 CFR §200.329, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.11 Wage Rate Requirements (Davis-Bacon Act) (if applicable)

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair

work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

F.2.12 Buy America Domestic Procurement Preference

As required by Section 70914 of the BIL, P.L. 117-58, on or after May 14, 2022, none of the funds under a Federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- All manufactured products used in the project are produced in the United States—this means that the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, or supplies, such as temporary scaffolding brought to the construction site and removed at or before the completion of the infrastructure project, nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, or portable computer equipment used at or within the finished infrastructure project but not an integral part of the structure or permanently affixed to the infrastructure project.

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

F.2.12.1 Waivers

When necessary, recipients may apply for, and the DOI may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

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

There may be instances when an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic material meet the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. The waiver request shall not include any Privacy Act information, sensitive data, or proprietary information. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

Waiver requests shall include the following information:

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and UEI submitting the request.
3. DOI bureau or office that issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DOI Notice of Award).

8. Total cost of infrastructure expenditures (includes Federal and non-Federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant Product Service Code ([PSC](#)) or North American Industry Classification System ([NAICS](#)) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does **not** include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

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

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

F.2.13 Cost Share/Match Waiver for Insular Areas

In accordance with provisions of Public Law 95-134, Title V, § 501 (1977) (codified at 48 U.S.C. 1469a), as amended by Public Law 96-205, Title V, § 601, DOI has determined that any requirement for local matching funds to be provided by insular governmental entities shall be waived, notwithstanding any other provision of law. Any matching funds otherwise required by law to be provided by government entities of an insular area are waived.

The areas defined by Public Law 95-134, Title V, § 501 (1977), as amended (48 U.S.C. § 1469a), include the Virgin Islands, Guam, American Samoa, and the islands formerly referred to as the “Trust Territory of the Pacific Islands”: the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

F.3 Reporting Requirements and Distribution

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

F.3.1 Financial Reports

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

F.3.2 Interim Performance Reports

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

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

F.3.3 Final Performance Report

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

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits.
- How the project improves long-term ecological value.
- How the project demonstrates collaboration.
- Any work products developed as a result of funding provided under this agreement. These products may include, but are not limited to, any data or tools developed in the performance of the Project.
- Photographs documenting the project are also appreciated, but not required.

F.3.4 Sufficiency Report

For a watershed group, only a portion of funding will be made available when the financial assistance agreement is initially signed. As required by Section 6002 of the Cooperative Watershed Management Act (see Section A.1 “Authority” for the full citation), 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 NOFO, the applicant will be required to provide a sufficiency 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.3.5 Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal Government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. Reclamation will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4 Disclosures

F.4.1 Conflict of Interest Disclosures

Recipients must notify the WaterSMART Program immediately in writing of any conflict of interest that arises during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the WaterSMART Program in writing if any employees,² including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award.

F.4.2 Other Mandatory Disclosures

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

F.5 Data Availability (2 CFR §1402.315)

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

² The term “employee” means any individual engaged in the performance of work pursuant to the Federal award.

The Federal Government has the right to:

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

F.5.1 Freedom of Information Act

Note: Any application submitted for funding under this NOFO may be subjected to a FOIA request (5 U.S.C. §552, as amended by P.L. No. 110-175) and, as a result, may be made publicly available.

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so 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 and is in **addition** to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean that:

- 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:

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

Section G: Federal Awarding Agency Contact(s)

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO 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:

Name: Ned Weakland
Email: bor-sha-fafoa@usbr.gov
Phone: 720-762-9248

Note that staff availability on the day of the NOFO closing will be limited.

Please include the NOFO number R23AS00089 in the subject. Staff availability on the day of the NOFO closing will be limited.

G.2 Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Robin Graber, as follows:

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

By email: rgraber@usbr.gov

By phone: 303-445-2764

Section H: Other Information

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

H.1 Environmental and Cultural Resource Considerations

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

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. 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, 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.1.1 National Environmental Policy Act

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

Depending on 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 **DOI Categorical Exclusion** 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. *The process can take anywhere from 1 day to about 30 days depending on 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, when a CE does not apply, 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, in which a proposed project has potentially significant environmental effects, is completion of an **EIS** and **Record of Decision**. An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. It is not anticipated that projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 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 by context and 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.2 “Reclamation Program Coordinator Contact.”*

H.1.2 National Historic Preservation Act

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

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

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings, and the Section 106 process will be concluded. *This can take anywhere from a couple of days to 1 month.*
- If Reclamation determines that the proposed project could have effects on historic properties, a multistep 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 multistep Section 106 process takes about 2 months.*
- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources; however, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

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. See www.usbr.gov/cultural/crmstaff.html for a list of Reclamation cultural resource specialists.

H.2 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 1 day to 1 month.*

- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required, and the ESA compliance is complete. *Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.*
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with the 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. Non-discretionary **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 on 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 for ESA compliance in a particular project area is the local Reclamation environmental staff. They can help determine the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. In addition, you can contact your regional or area Reclamation office at www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.