



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00324

Desalination and Water Purification Research Program: Pitch to Pilot FY 2024



Mission Statements

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

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

Cover Photo – Reclamation's Expeditionary Unit Water Purifier in 2011. (Bureau of Reclamation)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Research and Development Office
Funding Opportunity Title:	Desalination and Water Purification Research Program: Pitch to Pilot FY 2024
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R24AS00324
Assistance Listing Number:	15.560
Dates: (See NOFO Sec. D.4)	Application due dates: Phase I - Technical Proposal: July 24, 2024, at 4:00 p.m. Mountain Daylight Time Phase II - Virtual pitch presentation for selected applicants: October 16-17, 2024
Eligible Applicants: (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: state governments, county governments, city or township governments, special district governments, Native American tribal governments, institutions of higher education, nonprofits, individuals, and for profit organizations. Foreign entities are not eligible to apply. Federal agencies are not eligible to apply.
Recipient Cost-Share: (See NOFO Sec. C.2)	Cost share is not required, but strongly encouraged. Non-federal cost share is a Phase I evaluation criterion.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$300,000 per application
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.4)	Approximately \$1,500,000 is available under this NOFO. The number of awards will depend on the amount requested by each applicant, quality of the applications received, and the amount of Federal funding available.
Intergovernmental Review: (See NOFO Sec. 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 www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf

Application Checklist

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

✓	Mandatory Application Components	Section	Page
X	Mandatory Federal Forms: SF-424 : Application for Federal Assistance, Office of Management and Budget (OMB) SF-424A : Budget Information—Non-Construction Programs (OMB) SF-424B : Assurances—Non-Construction Programs (OMB) OR SF-424D : Assurances—Construction Programs (OMB) 4040-0019 : Project Abstract Summary (OMB)	See Sec. D.2.1.	9
X	Unique Entity Identifier and System for Award Management (SAM) registration	See Sec. D.3.	16
X	Technical Proposal (use Project Narrative Attachment Form to upload in grants.gov)	See Sec. E.1.	23
X	Budget Narrative (use Budget Narrative Attachment Form to upload in grants.gov)	See Sec D.2.1.6.	12

✓	Recommended Application Components	Section	Page
X	Environmental and cultural resources compliance	See Sec. F.2.1.1.	32
X	Required permits or approvals	See Sec. D.2.2.2.	13
X	Overlap or duplication of effort statement	See Sec D.2.2.3.	13
X	Conflict of interest disclosure statement	See Sec D.2.2.4.	14
X	Uniform audit reporting statement	See Sec D.2.2.5.	15
X	Certification Regarding Lobbying	See Sec. D.2.2.6.	15
X	SF-LLL : Disclosure of Lobbying Activities (required, if applicable) (OMB)	See Sec. D.2.2.7.	15
X	Letters of Support	See Sec. D.2.2.8.	15
X	Letter of Funding Commitment	See Sec. D.2.2.9.	15
X	Personnel Qualifications	See Sec. D.2.2.10.	16

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Section A. Program Description

A.1. Authority

This NOFO is issued under the authority of the Reclamation Act of 1902, Sec.1 and Sec.2, and the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111- 11, §9509, Research Agreement Authority.

A.2. Background, Purpose, and Program Requirements

The United States Department of the Interior (Department), Bureau of Reclamation's (Reclamation) Desalination and Water Purification Research Program (DWPR) works with Reclamation researchers and partners to develop innovative, cost-effective, and technologically efficient ways to desalinate and treat water.

DWPR funding plays a critical role in iterating an idea from the lab to a real-world demonstration, yielding products that serve the water treatment community and attract commercialization interest. Reclamation is interested in research where the benefits are widespread but where private-sector entities are not able to make the full investment and assume all the risks. Reclamation is also interested in research that has a national significance—where the issues are of large-scale concern and the benefits accrue to a large sector of the public.

The goal of the DWPR program is to address the need to reduce the costs, energy requirements, and environmental impacts of treating impaired and unusable water. The program also aligns with Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” by investing in development and application of advanced water treatment technologies that expand access to otherwise unusable water resources, thereby increasing water supply flexibility under the risks of long-term climate change and shorter-term drought. For further information on the DWPR Program, see www.usbr.gov/research/dwpr.

The funds provided through this NOFO will be available for selected recipients to design, construct, install, and test a pilot-scale process at an already known location using a real water source. Reclamation's Brackish Groundwater National Desalination Research Facility (BGNDRF) in Alamogordo, New Mexico, and Water Quality Improvement Center (WQIC) in Yuma, Arizona, may be available if a location for testing is needed.

This NOFO's objectives are to develop innovative and disruptive new technologies or processes to:

- Reduce the costs, energy requirements, and/or environmental impacts of treating impaired and unusable water to standards necessary for an identified beneficial use.
- Improve efficiency of water treatment processes—either by improvements to pre-treatment, post-treatment, monitoring, sensors, or other innovative process/technology.

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- Increase effectiveness of concentrate and residuals management by reducing cost, energy, and/or environmental impacts.
- Treat brackish groundwater in a less energy-intensive way than current processes and technologies.
- Address costs, energy usage, and/or environmental impacts of seawater desalination, including intakes and/or outfalls
- Improve the detection, characterization, monitoring, separation, or destruction of per- and polyfluoroalkyl substances and other contaminants of concern.

In Phase I, applicants submit technical proposals in the required format and length as specified in *Section D.2.1.5 Project Proposal* as well as with the required content. Submission to Phase I is required for Phase II consideration.

Reclamation's application review committee (ARC) will select a set of highly qualified applications from Phase I to move to Phase II of the application process. Submission to Phase I is required for Phase II consideration. If the selected applicants are not present for Phase II, their proposals are automatically disqualified from proceeding further and will be ineligible for an award. Phase II will entail a 30-minute virtual (web meeting) project/proposal "pitch" presentation to a review panel, followed by 20 minutes of question and answer with the review panel.

A.3. Other Related Funding Opportunities

Reclamation provides funding for other related projects through several other NOFOs under [WaterSMART](#) and the [Desalination and Water Purification Research Program](#):

- **DWPR Research:** This NOFO supports projects at the laboratory and pilot scale to determine the viability of a novel process, new materials, or process modifications. See www.usbr.gov/research/dwpr/index.html.
- **Title XVI Water Reclamation and Reuse Program:** Through this NOFO, funding is available for projects to apply commercially available water reclamation and reuse technologies. See www.usbr.gov/watersmart/title/index.html.
- **WaterSMART: Desalination Construction Projects Under the Water Infrastructure Improvements for the Nation (WIIN) Act:** Through this NOFO, funding is available for planning, design, and construction of desalination projects eligible under Section 4009(a) of the WIIN Act. See www.usbr.gov/watersmart/desalination/index.html.
- **WaterSMART: Water Recycling and Desalination Planning:** Through this NOFO, funding is available for planning and pre-construction activities to facilitate project development and to provide assistance with the preparation of water recycling and desalination feasibility studies. See <https://www.usbr.gov/watersmart/title/planning.html>.

Section B. Federal Award Information

B.1. Total Funding

Approximately \$1,500,000 is available for this NOFO. The total amount of funding for awards under this NOFO will depend on FY 2025 appropriations.

B.2. Expected Award Amount

Maximum Award:

\$300,000

Minimum Award:

No minimum award amount

B.3. Anticipated Award Funding and Dates

Agreements are not effective until fully executed with signature from the Grants Officer. Reclamation may award the maximum award amount in Federal funds to an applicant over the 18-month project period.

Anticipated award date: March 31, 2025

Reclamation expects to contact Phase I applicants if selected/not selected for Phase II in September 2024 and expects to contact potential award recipients and unsuccessful Phase II participants in December 2024 (or later if necessary), subject to the timing of final FY 2025 appropriations.

Anticipated project completion date: September 30, 2026

B.4. Number of Awards

Approximately five to six awards, depending on the amount requested by each applicant and the amount of Federal funding available under this NOFO.

B.5. Type of Award

Project awards will be made through cooperative agreements. Under cooperative agreements, the successful applicant should expect Reclamation to have substantial involvement in the project. This includes:

- collaboration and participation with the successful applicant in the management of the project and close oversight of the successful applicant's activities to ensure that the program objectives are achieved, and
- possible oversight, including review, input, and approval at key interim stages of the project.

Section C. Eligibility Information

This section addresses the considerations or factors that determine applicant or application eligibility. This includes the eligibility of particular types of applicant organizations, any factors affecting the eligibility of the principal investigator or project director, and any criteria that make particular projects ineligible. Federal agencies should make clear whether an applicant's failure to meet an eligibility criterion by the time of an application deadline will result in Reclamation returning the application without review or, even though an application may be reviewed, will preclude Reclamation from making a Federal award.

C.1. Eligible Applicants

C.1.1. Eligible Applicants:

- ☒ 00—State governments
- ☒ 01—County governments
- ☒ 02—City or township governments
- ☒ 04—Special district governments
- ☒ 06—Public and State controlled institutions of higher education
- ☒ 07—Native American Tribal governments (Federally recognized)
- ☒ 11—Native American Tribal organizations (other than Federally recognized Tribal governments)
- ☒ 12—Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
- ☒ 13—Nonprofits without 501(c)(3) status with the IRS, other than institutions of higher education
- ☒ 20—Private institutions of higher education
- ☒ 21—Individuals
- ☒ 22—For profit organization other than small businesses
- ☒ 23—Small businesses
- ☒ *25—Others (see text field entitled “Additional Information on Eligibility” for clarification)

C.2. Cost Sharing or Matching

Non-Federal cost share is not required but is strongly encouraged. Cost sharing may be made through direct cash contributions, third-party in-kind contributions, or combinations thereof. Cost share funding is an evaluation criterion; see *Section E.1.7 Evaluation Criterion G: Non-Federal Cost Share*. Note that cost share amounts will be verified for projects considered for funding. If the reported cost share cannot be verified, funding for the project may be subject to change or delay. As such, it is strongly recommended that reported cost share complies with requirements and regulations found in this section and its sub-sections.

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

See *Section D.2.1.6 Budget Detail and Narrative* for information on reporting cost share funding in your application. All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200.

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

C.3. Other

Reclamation conducts a review of the [SAM.gov Exclusions Database](https://www.sam.gov) for all applicant entities and their key personnel prior to award and ineligibility condition apply to this Federal program. If the SAM.gov Exclusions Database identifies any entities or key personnel as ineligible, prohibited/restricted, or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

The program office will review all proposed projects to determine whether the application is an eligible activity under the NOFO and can proceed to merit review evaluation.

Eligible projects are innovative pilot-scale technologies or processes tested at flow rates above one gallon per minute using natural water sources (rather than synthetic or laboratory-made feed water). Innovative is defined herein as an approach, process, and/or technology that is not being implemented at full scale in the United States but shows promise for scaled-up implementation in the field of water treatment. This pilot testing is typically used to determine the technical, practical, and/or economic feasibility of a process or technology.

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

- Proposals for planning activities eligible under the WaterSMART: Water Recycling and Desalination Planning funding opportunity.
- Proposals of work currently funded under an existing Reclamation financial assistance agreement.
- Proposals for the construction of permanent research facilities.
- Proposals for the testing of established water treatment processes for the purposes of generating site specific information.

Section D. Application and Submission Information

This section informs potential applicants how to get application forms, kits, or other materials necessary for them to apply.

D.1. Address to Request Application Package

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

D.2. Content and Form of Application Submission

All applications must conform to the requirements described in this section. There will be two phases in this application process:

Phase I: A technical proposal, budget narrative, and all mandatory federal forms are required to be submitted in the required format and length as specified in *Section D.2.1. Mandatory Federal Forms* through *2.1.6. Budget Detail and Narrative* (Attachment B-Suggested Format). A set of highly qualified applications from Phase I will be selected by the application review committee (ARC) to move to Phase II of the application process. The criteria described in *Section E.1 Technical Proposal: Phase I Evaluation Criteria* will be used to make that determination.

Phase II: Phase II applicants are required to prepare a Microsoft PowerPoint presentation for a virtual pitch presentation for the ARC. Presentations will be evaluated using the criteria described in *Section E.2. Technical Presentation: Phase II Evaluation Criteria*.

D.2.1. Mandatory Federal Forms

Failure to submit all mandatory forms will result in the elimination of the application from further consideration.

D.2.1.1. SF-424 Application for Federal Assistance

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

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

Applicants must submit and complete the [SF-424A, Budget Information](#).

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

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

D.2.1.4. Project Abstract Summary

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

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

If selected for an award, information provided on this form will be used to create a summary of your project to be posted on Reclamation's [DWPR website](#). Reclamation will transmit this information to [USASpending.gov](#) and be viewable by the public.

D.2.1.5. Project Proposal

The project proposal must be no longer than 12 pages, with a typeface no smaller than 11-point, and have at least 1-inch margins on all sides. The 12-page limit applies to all information described in *Section D.2.1.5 Project Proposal*.

The project proposal should include:

Title Page

The title page should provide a brief and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name, address, e-mail address, and telephone of the project manager.

Table of Contents

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

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- Describe the problem to be solved, the proposed solution, and how the proposed solution is superior to currently available technologies or approaches.

- Summarize the proposed project activities and how these activities address one or more objectives of this NOFO. Describe how project success will be measured and the potential impacts of a successful project.
- State the proposed project length and estimated completion date for the proposed project.
- Identify the proposed project location(s) and state if any work will be conducted at a federal facility or on federal land.

Project Location

The project location should provide specific information on the area in which the applicant will work including a map showing the geographic location and a brief narrative. For example: the {project} is located in {state and county} approximately {distance} miles {direction, e.g., northeast} of {nearest town} in {township, range, and section}. If selected for funding, Reclamation may request additional detail regarding the applicant's project location.

Problem Statement

Describe the problem to be addressed by the proposed project, including why current approaches or technologies are insufficient and how the proposed approach or technology improves on current shortcomings. Include information on what is already known, either from previous research efforts or a literature review. Describe how the proposed work aligns with one or more of the objectives shown in *Section A.2. Background, Purpose, and Program Requirements*.

Prior work and results

Describe previous research and/or technology development that supports the need for the proposed pilot testing. Identify relevant experience of key project team members for the proposed work. Identify the current technology readiness level (TRL) of the proposed technology (using the TRL definitions provided in *Section E.1.2. Evaluation Criterion B: Project Readiness*).

Technical approach and project activities

Describe the technical approach and proposed research and testing activities to be conducted under the project. Include enough detail on the proposed technology or approach to permit a comprehensive evaluation of the proposal. The applicant's understanding will be established not only by the proposed approach, but also by identifying potential technical challenges that may be faced throughout the proposed testing, and mitigation strategies for these challenges.

Describe in detail the tasks to be conducted, including the development of the final technical report. For each task, describe planned activities and expected outcomes and milestones. Describe the staff levels, expertise, and number of staff hours required for the proposed project. Provide the location(s) of the proposed pilot testing, water type(s) to be tested, and system flow rate.

As applicable, provide figures and/or calculations to represent a flow diagram, mass/energy balance, and/or similar ways to describe the proposed technology or approach, including process inputs and outputs demonstrating a knowledge of feed, product, and residual streams.

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Identify the TRL that can be achieved if the proposed project is implemented (using the TRL definitions in *Section E.1.2. Evaluation Criterion B: Project Readiness*).

Work Plan and Schedule

Provide a work plan based on the technical approach and project activities. Clearly describe the proposed duration of pilot testing at a flow rate(s) sufficient to inform operational sizing of full-scale units, identify operational difficulties, identify potential process foulants and mitigation, and appropriateness of test duration ultimately demonstrating technological viability. Identify any potential schedule risks and mitigation strategies for addressing these risks. The work plan should include a schedule showing individual tasks with significant milestones identified for the work to be accomplished. Clearly and concisely convey this schedule using a table, Gantt chart, project network diagram, or other visual format. Time for final report preparation (using a Reclamation provided template) should be included in the work plan. The final report will be posted publicly.

Quality Assurance and Quality Control (QA/QC) Plan

Identify the proposed QA/QC protocols to be used throughout the project, including but not limited to data checks, peer review, instrument calibration, etc.

Responses to Evaluation Criteria

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

The responses to evaluation criteria portion of your application should clearly describe how the proposed project addresses each criterion (in the order presented) to assist in the complete and accurate evaluation of your application. It is not necessary to repeat information provided in other sections of the proposal. Rather than repeating information, provide a reference to other sections of the proposal.

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

D.2.1.6. Budget Detail and Narrative (Attachment B-Suggested Format)

Budget Detail and Narrative

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

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

complete the project. Applicants must include detailed descriptions of all cost justifications (see Reclamation's suggested format in Attachment B for more detail). Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in [2 CFR, §200](#).

Please note that the costs for preparing and applying in response to this NOFO, including the development of data necessary to support the proposal, are not eligible Project costs under this NOFO, nor are they eligible for cost-share contributions, and must not be included in the Project budget.

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

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

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

D.2.2. Recommended Application Components

D.2.2.1. Environmental and Cultural Resources Compliance

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

D.2.2.2. Required Permits or Approvals

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

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

D.2.2.3. Overlap or Duplication of Effort Statement

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

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Applicants must state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been, or will be, submitted for funding consideration to any other potential funding source—whether it be Federal or non-Federal. If such a circumstance exists, the applicant must detail when the other duplicative proposal(s) were submitted, to what Agency or financial assistance program, and when funding decisions are expected to be announced. If at any time another Federal awarding agency awards funds to the applicant that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the program coordinator immediately.

D.2.2.4. Conflict of Interest Disclosure Statement

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

Applicability

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

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

Notification

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

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

Restrictions on Lobbying

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

Review Procedures

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

Enforcement

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

D.2.2.5. Uniform Audit Reporting Statement

All U.S. States, local governments, Federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD, or more, in Federal award funds within an applicant's fiscal year, must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#) in accordance with [2 CFR §200 Subpart F](#). U.S. State and local governments, Federally recognized Indian Tribal governments, and non-profit applicants must state if their organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If the applicant's organization was required to submit a Single Audit report for the most recently closed fiscal year, the applicant must provide the Employer Identification Number associated with that report and state if the number is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.6. Certification Regarding Lobbying

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

D.2.2.7. Disclosure of Lobbying Activities (if applicable)

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

D.2.2.8. Letters of Support

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

D.2.2.9. Letters of Funding 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:

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- 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.2.2.10. Personnel Qualifications

Identify key personnel (including sub-awardees) that will directly work on project tasks and describe the type of work to be performed by each individual. Provide a statement of assurance that the proposed personnel will be available for work on the project, and a list of alternative personnel to be used in the event proposed personnel are not available as planned. Provide a brief resume (maximum two pages each) for all key personnel named.

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

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

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

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

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

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

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

D.3.2. Obtain a UEI Number

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

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

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

D.3.4. Current Responsibilities/Qualifications Information

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

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

D.4. Submission Date and Time

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

The applicant may submit a paper application if approved by the Reclamation Grants Officer and if the applicant is found to be under exigent circumstances (e.g., Federally declared disaster area). Applications sent by mail without prior approval will be rejected and deemed ineligible.

The applicant may request an exemption from the required electronic application submission due to exigent circumstances, by submitting an email request to the Reclamation Grants Officer for approval. Applicants may email exemption requests to [bor-sha-fafoa@usbr.gov]. All emailed exemption requests must include the following information:

1. the NOFO Number and the language: "Exigent Circumstances Request for Fiscal Year (FY) [insert year]" in the subject line of the email,
2. the NOFO title and number,
3. the application due date of the specified NOFO,
4. the Assistance Listing number,
5. the name of the applicant organization and UEI number(s),
6. the authorized organizational representative name and contact information (phone and email address),
7. the name and email of the point of contact regarding matters involving the application, and
8. the exigent circumstances justification to prevent an electronic application submission.

The Grants Officer must receive exigent circumstances requests no later than 2 weeks or 14 days before the application due date listed within the NOFO. Reclamation will acknowledge requests for exemption from required electronic application submission with a written approval or disapproval via email from the Grants Officer within 7 business days.

Unless the applicant has received an approved exemption, applicants must use grants.gov to submit proposals. Under no circumstances will Reclamation consider applications received through any other method (such as e-mail or fax) as eligible for award.

Applicant resource documents and a full set of instructions for registering with grants.gov and completing and submitting applications online are available on grants.gov. Application submission requires prior registration through grants.gov, which may take up to 21 days. In addition, please note the grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative. Applicants have experienced significant delays when attempting to submit applications through grants.gov.

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

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

D.4.1. Due Date for Applications

July 24, 2024, at 4:00 pm MDT

D.5. Intergovernmental Review (if applicable)

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

D.6. Funding Restrictions

Pre-award costs are those incurred prior to the effective date of a Federal award and are necessary for the efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award. In no case will costs incurred prior to notification of selection for an award be considered for reimbursement or non-Federal cost share purposes.

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

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

D.6.1. Environmental and Regulatory Compliance Costs

Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). When applicable, every project funded under this program will have environmental compliance activities undertaken by the applicant and Reclamation, should the application be successful (see *Sections F.2.1.1. Environmental and Cultural Resources Compliance* and *H. Other Information*).

Environmental and regulatory costs may be incurred by both Reclamation and the successful applicant. Depending on the type and complexity of the project and level of potential environmental and cultural impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Reclamation will identify any costs to the applicant associated with compliance during the process of developing a final project budget for inclusion in the financial assistance agreement. Provision of a clear, detailed project description (*Section D.2.1.5 Project Proposal*) will better enable Reclamation to understand the level of effort and estimate the cost required for environmental compliance. A portion of Reclamation's estimated cost to complete

environmental compliance activities may be withheld from the initial obligation of Federal funding. After compliance activities are completed, any remaining Federal funding will be obligated to the agreement.

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

D.6.2. Indirect Costs

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

If the applicant has never received a Federal negotiated indirect cost rate, the project budget may include a de minimis rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to [2 CFR 200.1](#).

If the applicant does not have a Federally approved indirect cost rate agreement and are proposing a rate greater than the de minimis 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on Preparing and Submitting Indirect Cost Proposals is available from the Department's Interior Business Center, Office of Indirect Cost Services.

If Reclamation does select the proposed project for award, applicant must submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to the applicant's organization is the cognizant agency for indirect costs, unless otherwise assigned by OMB. If the Department of the Interior is the applicant's organization's cognizant agency, the Interior Business Center will negotiate the indirect cost rate. Contact the Interior Business Center by phone at 916-930-3803 or email at ICS@ibc.doi.gov. Visit the IBC website, for information regarding email submission forms.

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

Section E. Application Review Information

E.1. Technical Proposal: Phase I Evaluation Criteria

Applications should thoroughly address each criterion and any sub criterion in the order presented below. Applicants should copy and paste the below criteria into applications to ensure that all criteria are addressed. Applications will be evaluated directly against the evaluation criteria listed below. If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget, not the larger project.

Phase I Evaluation Criteria: Scoring Summary	Maximum Points
A. Impact of the proposed work	25
B. Project readiness	20
C. Innovation	15
D. Familiarity in the field of work	15
E. Schedule and Quality Assurance / Quality Control	10
F. Alignment with NOFO objectives	5
G. Non-Federal cost share	10
Total	100

E.1.1. Evaluation Criterion A: Impact of the proposed work (25 points)

Impact of the proposed work on the field of water treatment, including technical, environmental, and economic considerations. Impacts can be measured by the potential for future adoption, broad applicability of the solution, the severity of the problem being addressed, and the likelihood for project success. Examples include energy and cost reduction, impact on water supply, and/or ease of use on operation of the technology.

E.1.2. Evaluation Criterion B: Project Readiness (20 points)

Describe prior research on the proposed technology or approach and how this prior work supports the need for pilot testing. Information such as a process flow diagram, mass and energy balances, and data from previous testing will help support the need for pilot testing. Provide the location of the proposed pilot testing, water type(s) to be tested, and system flow rate (one gallon per minute minimum).

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Using the definitions below, briefly identify what technology readiness level (TRL) the proposed technology is currently at, and what technology readiness level will be achieved if the proposed project is implemented. This funding opportunity is targeting technologies that are currently at TRLs 4-6, but technologies at other TRLs will also be considered if sufficient justification is provided for the need for pilot testing.

TRL	Definition
1	Basic principles observed and reported
2	Technology concept and/or application formulated
3	Analytical and experimental critical function and/or characteristic proof of concept
4	Component and/or system validation in laboratory environment
5	Laboratory scale, similar system validation in relevant environment
6	Pilot-scale system validation in relevant environment
7	Full-scale system demonstrated in relevant environment
8	Actual system completed and qualified through test and demonstration
9	Actual system operated over the full range of expected conditions

E.1.3. Evaluation Criterion C: Innovation (15 points)

Describe how the proposed work and/or technology development is innovative in the water treatment industry. Innovative is defined herein as an approach, process, and/or technology that is not being implemented at full scale in the United States but shows promise for scaled-up implementation in the field of water treatment.

E.1.4. Evaluation Criterion D: Familiarity in the Field of Work (15 points)

Demonstrate familiarity with current technology and approaches in the field of work. Clearly state the problem being solved and how the proposed approach differs from current solutions. Describe the qualifications, capabilities, and experience of the proposed Project Manager and other key personnel who are critical to achievement of the proposed objectives.

E.1.5. Evaluation Criterion E: Schedule and Quality Assurance/Quality Control (10 points)

Describe the schedule, task phasing, and milestones for the proposed project, with the schedule directly tied to tasks. The identified work should be realistic for completion within the period of 18 months. Describe anticipated project risks and how these risks will be managed throughout the proposed project. Describe QA/QC protocols to be used throughout the project, including statistical data analysis, peer review, instrument calibration, etc.

E.1.6. Evaluation Criterion F: Alignment with Objectives (5 points)

Describe how the proposed work aligns with one or more of the objectives shown in *Section A.2. Background, Purpose, and Program Requirements*. Clearly identify which objective(s) are supported by the proposed project. Points will be allocated based on the degree to which the proposed work supports one or more of the stated objectives, and not the number of objectives identified. It is not necessary to address objectives that are not applicable to your proposed work.

E.1.7. Evaluation Criterion G: Non-Federal Cost Share (10 points)

Non-Federal cost share points will be awarded for voluntarily committed non-Federal cost share. A breakdown of these points by percentage of cost share for the total cost of the project is below. For example, a project providing \$200,000 in non-federal cost share and requesting \$300,000 in federal funding will have a cost share of 40% and score eight points for this criterion.

Project Non-Federal Cost Share Percentage	Points
0%	0
1% - 4%	1
5% - 10%	2
11% - 20%	4
21 - 35%	6
36 - 49%	8
>= 50%	10

Note: projects selected for award will have reported cost-share amounts verified. If reported cost share is found to be ineligible, there may be impacts to award amount and timing. Accordingly, please ensure reported cost share amounts are accurate and eligible. See Section C.2. Cost Sharing or Matching for guidance.

E.2. Pitch Presentation: Phase II Evaluation Criteria

Phase II Evaluation Criteria: Scoring Summary	Maximum Points
A. Impact of the proposed work	30
B. Project readiness	25
C. Innovation	15
D. Familiarity in the field of work	15
E. Schedule and Quality Assurance / Quality Control	15
Total	100

Phase II provides the opportunity to provide more in-depth information where presentations will be evaluated directly against the evaluation criteria listed above. Descriptions of each criterion are provided above in *Section E.1. Technical Proposal: Phase I Evaluation Criteria*.

E.3. Review and Selection Process

The Federal government reserves the right to reject any application that does not meet the requirements 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.3.1. First Level Threshold Screening

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

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

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

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

E.3.2. Application Review Committee

An Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation and Federal agency partners, will review the technical merit of the application. Evaluation criteria will comprise the total evaluation weight as stated in *Section E.1., Technical Proposal: Phase I Evaluation Criteria*.

Reclamation will score applications using the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

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

The ARC will make recommendations for a select group of applications to proceed to Phase II. The ARC will provide comments and feedback to the selected group of applications that will be moving forward to Phase II. These applicants will have an opportunity to review the comments in preparation for their phase II presentation. Those selected to advance to Phase II will be notified of the presentation requirements and logistics with a minimum 4 weeks' notice.

During the Phase II virtual pitch event each applicant will have 30 minutes to present their proposal and address the comments from the Phase I ARC to a Phase II review panel. After the presentation there will be a 20-minute Question and Answer (Q&A) session where the review panel will have the ability to ask questions, the information gathered from the Q&A session will be used for the evaluation of the proposal. The review panel will then score all presentations against the evaluation criteria in *Section E.2. Presentation: Phase II Evaluation Criteria* and make a final recommendation.

Submission to Phase I is required for Phase II consideration. If the applicant is not present for Phase II, the proposal is automatically disqualified from proceeding further and will be ineligible for an award.

E.3.3. 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

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issues, legal issues, or financial position. Additionally, the Red-Flag Review will address several of the determinations listed in *Section A.2. Background, Purpose, and Program Requirements*.

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

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

E.3.4. 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, and any Congressional direction for appropriations. 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.3.5. Anticipated Announcement and Federal Award Dates

Reclamation expects to contact applicants moving to Phase II and unsuccessful Phase I applicants in September 2024. The potential award recipients and unsuccessful applicants from Phase II should expect to be contacted in December 2024 (or later if necessary) subject to the timing of final FY 2025 appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Reclamation will contact any award recipients individually to discuss the time frame for the completion of their agreement.

E.3.6. Pre-Award Clearances and Approvals

The applicant must obtain the following pre-award clearances and approvals before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, Reclamation will make an award of funding 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, Reclamation may withdraw consideration of funding for the project.

E.3.6.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation regional or area office for completion of environmental compliance, if applicable. The financial assistance agreement will describe how Reclamation will carry out environmental compliance. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality surveys and monitoring, excavation or other construction activities, etc.) may not occur until environmental compliance is complete and the awarding Reclamation Grants Officer issues a Notice to Proceed.

E.3.6.7. 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, and
- adequacy of personnel practices, procurement procedures, and accounting policies and procedures, as established by applicable OMB circulars.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

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

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

F.2. Administrative and National Policy Requirements

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

F.2.1. Automated Standard Application for Payments Registration

The ASAP staff will send the information on the enrollment process for recipients, including the enrollment initiation form, to the recipient if selected for an award. All applicants must be willing to process payments through the system. Completion of registration is mandatory before recipients can receive payments. All recipients with active financial assistance agreements with Reclamation must be enrolled in the ASAP system under the appropriate Agency Location Code(s) and UEI number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI number and/or bureau.

Note that if the applicant's entity is currently enrolled in the ASAP system with a bureau *other* than Reclamation, they must enroll specifically with Reclamation in order to process payments. If the applicant's organization is not enrolled in ASAP, contact the Grants Officer in the Federal Awarding Agency Contacts of this NOFO.

F.2.1.1 Environmental and Cultural Resources Compliance

All projects that Reclamation considers for award funding will require compliance with the NEPA, ESA, and NHPA before any ground-disturbing activity may begin. The Federal Government requires the applicant to comply with all applicable Federal, State, and local environmental, cultural, and paleontological resource laws and regulations. See *Section H. Other Information* for further details on NEPA, ESA, and NHPA.

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

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

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

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

F.2.2. Approvals and Permits

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

F.2.3. Geospatial Data and Data Tools

All geospatial data collected for or produced through a Departmental financial assistance agreement is required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. Reclamation requires all geospatial data collected for or produced through a Departmental financial assistance agreement to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. The Department requires fully compliant metadata on all geographic information systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government’s needs and are available at no cost before acquiring or collecting additional geospatial data.

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

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

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

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

The Federal government has the right to:

- obtain, reproduce, publish, or otherwise use the data produced under a Federal award, and
- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.2.5. Real Property (2 CFR §200.311)

Real property, equipment, and intangible property that is acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved, per [2 CFR §200.316](#). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. As required by [2 CFR §200.330](#), Reporting on real property, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

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

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

F.2.7. Financial Reports

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

F.2.8. Buy America Domestic Procurement Preference

Reclamation must include the requirements of this section in all subawards, including all contracts and purchase orders for work or products under this program. As required by Section 70914 of the BIL, PL 117-58, on or after May 14, 2022,

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

1. all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States,
2. all manufactured products used in the project are produced in the United States—this means 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, and
3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

For further information on the Buy America preference, please visit the [Department's Buy America website](#). Additional information can also be found at the [White House's Made in America Office website](#).

F.2.7.1 Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from the requirements in the preceding paragraph, subject to review by the Made in America Office. The Department may waive the application of the domestic content procurement preference in any case in which one of the below circumstances apply.

1. 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.
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing Department general applicability waiver as described on the [Department's Applicability Waivers Page](#). If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets

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the criteria of an existing general applicability waiver within the defined limitations defined, 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, the recipient may submit a request to waive the application of the domestic content procurement preference to the financial assistance awarding officer, in writing. The waiver request shall not include any Privacy Act information, sensitive data, or proprietary information. The Department will post all waiver requests to the Department's Buy America Grants webpage and are subject to public comment periods of no less than 15 days. The Made in America Office will also review all waiver requests. Waiver requests must include the below information:

1. Type of waiver requested (non-availability, unreasonable cost, or public interest),
2. requesting entity and UEI submitting the request,
3. Department bureau or office who issued the award,
4. Federal financial assistance listing name and number (reference block 2 on the Department's Notice of Award),
5. financial assistance title of project (reference block 8 on the Department's Notice of Award),
6. Federal Award Identification Number,
7. Federal funding amount (reference block 11.m. on the Department's 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 Professional Services Council or North American Industry Classification System code for each,
11. 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 nonproprietary communications with the prime contractor,
12. 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), and

13. the anticipated impact if no waiver is issued.

The Department will post all approved waivers will be posted on the [Buy America Approved Waiver webpage](#). An awarding officer will notify recipients requesting a waiver of their waiver request determination.

Please direct any questions pertaining to waivers to the financial assistance awarding officer.

F.7.2.2 Definitions

Construction materials: articles, materials, or supplies that are, or consist 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: do not include cement and cementitious materials, aggregates such as stone, sand, gravel, or aggregate binding agents or additives. Domestic content procurement preference: 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: 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: the construction, alteration, maintenance, or repair of infrastructure in the United States.

F.3. Reporting Requirements and Distribution

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

F.3.1. Interim Performance Reports

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

Recipients will submit interim performance reports on a schedule determined by Reclamation (typically semi-annually or quarterly, listed in the grant agreement document). While the recipient may provide additional detail, these reports must—at a minimum—include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period,
- the reasons why the project did not meet established milestones, if applicable,
- the status of milestones not met from the previous reporting period, if applicable,
- whether the project is on schedule and within the original cost estimate,
- any additional pertinent information or issues related to the status of the project, and
- photographs documenting the project (appreciated, although not required). Note: Reclamation may print photos with appropriate credit to the applicant.

F.3.2. Final Performance Report

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

A brief description of the components of the project and the work completed, including each element of the scope of work and the work completed at each stage of the project,

- The goals and objectives of the project and whether each of these was met; the reasons why goals and objectives were not met (if appropriate); and any problems, delays encountered in completing the project, and if the project was completed within cost,

- future tracking of project benefits,
- a description of how the project demonstrates collaboration, stakeholder involvement or the formation of partnerships, if applicable, and
- any other pertinent issues involving the project.

Please note that final reports are public documents and may be made available on Reclamation's website. Reclamation may print photos with appropriate credit to the applicant.

F.3.3. Final Technical Report

Recipients will use the provided template and provide a final report in Microsoft Word format. Recipients will address review comments from Reclamation in a timely manner for Reclamation to publish. Note that final technical reports are public documents and will be made available on Reclamation's website.

F.3.4. Real Property Reports

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

F.3.5. Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term "employee" means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See [U.S. Office of Government Ethics website](#) for more information on these restrictions. Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in [2 CFR §200.338, Remedies](#), for noncompliance, including termination of the award.

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

F.3.6. Other Mandatory Disclosures

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

F.4. Data Availability (2 CFR §1402.315)

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

The Federal Government has the right to:

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

F.4.1. Freedom of Information Act (FOIA)

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made

available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA ([5 U.S.C. 552\(a\)\(4\)\(A\)](#)).

F.4.1.1. Definitions

Published research findings:

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

Research data: the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also does not include: trade secrets, commercial information, materials held as confidential by a researcher until they are published, or similar information, which is protected under law, and

- personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

F.5. Recipient Service Delivery Option

2 CFR Part 200 does not prohibit recipients of Federal financial assistance from imposing uninterrupted service delivery requirements on subrecipients. Under 2 CFR §200.319(b)(1) it is reasonable for a recipient or subrecipient, acting in accordance with its own sound business judgment, to include uninterrupted service delivery requirements in its contracts under Federal financial assistance awards, as necessary, and when otherwise consistent with Federal law. This is a case-by-case determination made by the recipient or subrecipient based on the particular project or services in question.

Section G. Federal Awarding Agency Contact(s)

G.1. Reclamation Financial Assistance Contact

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

Name: Christina Munoz

Email: bor-sha-fafoa@usbr.gov

Phone: 720-614-2192

Please note that staff availability on the day of the NOFO closing will be limited. Please include the NOFO number R24AS00324 in the subject correspondence. Reclamation advises prospective applicants to start the application process early and reach out with any questions at least a week prior to the deadline.

G.2. Reclamation Program Coordinator Contact

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.

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Andrew Tiffenbach, Research and Development Office, as follows:

Mail: Bureau of Reclamation
Research and Development Office
Attn: Andrew Tiffenbach
P.O. Box 25007, MS 86-69100
Denver, CO 80225

Email: atiffenbach@usbr.gov

Phone: 303-445-2393

G.3. Application System Technical Support

Name: Grants.gov Customer Support

Telephone: 1-800-518-4726

Email: Support@grants.gov

Section H. Other Information

H.1. Environmental and Cultural Resource Considerations

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

- Has the applicant previously received federal funding for this project or a project(s) adjacent to the proposed project? If so, provide environmental compliance and permitting documentation.
- Have previous environmental analyses been completed for this project? If so, attach reports or summaries of findings.
- Have biological studies, inventories, or literature searches been conducted (wildlife, fish, vegetation, soils, habitat, noxious weeds, invasive species, etc.)? If so, please provide reports.
- What measures will be taken to minimize potential for spread of invasive plant species and/or noxious weeds?
- What measures will be taken to minimize potential for spread of aquatic invasive species?
- Is the project area located in/on, crosses or is adjacent to a lake, river, stream, wetland, or other waterbody? If so, describe or show on map and describe if the project would modify or impact the waterbody in any way (e.g., dredge or fill within the ordinary high-water mark of a waterbody or wetland or discharge of materials into a waterbody).
- Does the project contain or is it adjacent to existing facilities (e.g., irrigation system or other works), buildings, or other structures? If so, please list and provide estimated age of facilities or structures if known (county assessors property records are a good source).
- Describe if the proposed project would result in any modification of or changes to the existing facilities, buildings, and/or structures (e.g., would the project modify individual features of an irrigation system; would a building or pipeline need to be moved, etc.)
- Provide a brief history, if applicable, of the facilities or structures being modified or changed (e.g., irrigation system or other works) and approximate age. Include dates if possible and note age of any features/structural elements (such as headgates, check dams, flumes, etc.) that could be affected by your proposed project that may have been replaced or modified since the system was built.

- Have archaeological or cultural resources surveys been conducted yet for the project area? If so, were any concerns or sites identified? (Due to sensitivity of data, please do *not* send reports or locations).
- Is the applicant aware of any tribal concerns or interests in or near the project area?

H.2. Environmental Statutes

This section provides background and context for the NEPA, ESA, and NHPA compliance requirements, as described in *Sections D.2.1.5, D.6.1, E.2.5.1, and F.2.2*. Reclamation's Regional or area offices will work with you to determine the appropriate level of compliance for your project. The ability to adapt and have flexibility in project elements or methods to minimize potential impacts is encouraged, and sometimes required, through these environmental and cultural compliance processes.

H.2.1. National Environmental Policy Act

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

Some projects may fit within a recognized Categorical Exclusion (CE) to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). Use of a CE involves identification of an applicable Department of the Interior CE or documentation of a Reclamation CE with a Categorical Exclusion Checklist (CEC). If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 to 60 days, depending upon the specific situation. Note that ESA and NHPA compliance still need to be addressed for projects that fit within a CE.

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

The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental impacts, is completion of an EIS and Record of Decision. An EIS requires 1-2 years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents.

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

Reclamation, if they are the lead agency, has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. Applicants are encouraged to contact their regional or area Reclamation office. See <https://www.usbr.gov/index.html> with questions regarding NEPA compliance issues. Applicants may also contact the Program Coordinator for further information (see *Section G.*, “*Federal Awarding Agency Contact(s)*” of this NOFO).

H.2.2. National Historic Preservation Act

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

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

- If Reclamation determines that the proposed project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to 1 month.
- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time-consuming. The process includes:

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- a determination as to whether additional information is necessary,
 - a survey to determine if cultural resources are in fact present,
 - evaluation of the significance of identified cultural resources,
 - assessment of the effect of the project on historic properties,
 - a determination as to whether the project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects, and
 - a memorandum of agreement if an adverse effect is unavoidable and mitigation measures are necessary. At a minimum, completion of the multi-step Section 106 process takes about 2 months.
-
- Among the types of historic properties that might be affected by projects proposed under this NOFO are historic irrigation systems and archaeological sites. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

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

H.3. Endangered Species Act

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

Before Reclamation can approve funding for the implementation of a proposed project, it is required to comply with Section 7 of the ESA. *Compliance with Section 7 of the ESA requires Reclamation to consult, when warranted, with U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration (NOAA) Fisheries.* The steps necessary for

ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed project. Below is a rough overview of the possible course of ESA compliance.

If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from 1 day to 1 month.

If Reclamation determines that endangered or threatened species may be affected by the project, then a Biological Assessment must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action is not likely to adversely affect any endangered or threatened species. If the USFWS and/or NOAA Fisheries 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 weeks to months. The USFWS and NOAA Fisheries generally respond to requests for concurrence within 30 days.

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

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

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