



— BUREAU OF —  
RECLAMATION

**Notice of Funding Opportunity No. R25AS00013**

# **WaterSMART**

## **Drought Response Program: Drought Resiliency Projects for Fiscal Year 2025**



## **Mission Statements**

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; 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.

# Synopsis

<b>Federal Agency Name:</b>	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
<b>Funding Opportunity Title:</b>	WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year 2025
<b>Announcement Type:</b>	Notice of Funding Opportunity (NOFO)
<b>Funding Opportunity Number:</b>	R25AS00013
<b>Catalog of Federal Domestic Assistance Number:</b>	15.514
<b>Dates:</b> (See NOFO Sec. D.4)	Application Due Date: Paper Submissions: Monday, October 7, 2024, 4:00 p.m. Mountain Daylight Time Online Submissions: Monday, October 7, 2024, 4:00 p.m. Mountain Daylight Time
<b>Eligible Applicants:</b> (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance under this NOFO include: <b>Drought Resiliency Projects: Tasks A-C</b> <b>Category A:</b> States, Tribes, irrigation districts, and water districts; state, regional, or local authorities whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority. Category A applicants must be located in the Western United States or United States Territories, including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and Puerto Rico. <b>Category B:</b> Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described in Category A. Category B applicants must be in the United States or one of the Territories identified above. <b>Domestic Water Supply Projects: Task D</b> States, Tribes, irrigation districts, and water districts; state, regional, or local authorities whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority. Task D applicants must be located in one of the following states or territories: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.
<b>Recipient Cost-Share:</b> (See NOFO Sec. C.2)	Domestic Water Supply Projects for Tribes or disadvantaged communities (Task D projects) require a five percent non-Federal cost-share <sup>1</sup> . All other projects require a non-federal cost-share of at least 50 percent or more of total project costs.
<b>Federal Funding Amount:</b> (See NOFO Sec. B.1)	<b>Drought Resiliency Projects Tasks A-C:</b> Funding Group I: Up to \$750,000 per agreement for a project that can be completed within two years. Funding Group II: Up to \$3,000,000 per agreement for a project that can be completed within three years. Projects in this group may be funded on an annual basis. Funding for the second and third years of the project is contingent upon future appropriations. <b>Domestic Water Supply Projects Task D:</b> Up to \$10,000,000 per agreement that can be completed within three years.
<b>Estimated Number of Agreements to be Awarded:</b> (See NOFO Sec. B.1)	Approximately 20 to 40 projects contingent on available funding.

<sup>1</sup> Non-Federal cost-share for Domestic Water Supply Projects is waivable upon request. See Section C.2 for more information.

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<b>Intergovernmental Review:</b> (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants should contact their State's Single Point of Contact to comply with the state's process under <a href="#">Executive Order 12372</a> .
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# Application Checklist

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

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	Mandatory Federal forms: <ul style="list-style-type: none"> <li>• SF-424: Application for Federal Assistance (Office of Management and Budget [OMB])</li> <li>• SF-424A: Budget Information - Non-Construction Programs (OMB)</li> <li>• SF-424D: Assurances - Construction Programs (OMB)</li> </ul>	22
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	29
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	22
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# Acronyms and Abbreviations

AFY	acre-feet per year
ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CEJST	Climate and Economic Justice Screening Tool
CFR	Code of Federal Regulations
CWA	Clean Water Act
Department	Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
IBC	Interior Business Center
IRA	Infrastructure Reduction Act
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OM&R	operations, maintenance, and replacement
OMB	Office of Management and Budget
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
TAP	Technical Assistance Program
U.S.C.	United States Code
UEI	Unique Entity Identifier
USFWS	United States Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States
WIIN	Water Infrastructure Improvements for the Nation





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# **Section A. Funding Opportunity Description**

## **A.1. Authority**

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364), as amended; and the Inflation Reduction Act (IRA) of 2022, P.L. 117-169, Section 50231.

## **A.2. Background, Purpose, and Program Requirements**

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

Drought conditions across the Western United States (West) impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others. The WaterSMART Drought Response Program supports a proactive approach to drought by providing financial assistance to develop and update comprehensive drought plans (Drought Contingency Planning) and implement projects that will build long-term resilience to drought (Drought Resiliency Projects).

Collaboration with a multitude of customers, partners, and stakeholders is essential to identifying successful strategies to address complex water management issues such as drought.

Collaborations are central to Reclamation's approach to addressing drought in the West, and WaterSMART's Drought Response Program supports the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership formed in 2016 to enhance Federal coordination of drought activities.

The WaterSMART Drought Response also provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad. The WaterSMART Drought Response will advance the Biden-Harris Administration's Justice 40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that

40 percent of the overall benefits of certain federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.<sup>1</sup>

With the passage of the IRA, through the Drought Resiliency NOFO, Reclamation now offers an opportunity that provides up to 95 percent of the cost for the planning, design, and construction of domestic water supply projects that benefit disadvantaged communities or households that do not have reliable access to domestic water supplies. Tribes, territories, and other disadvantaged communities are encouraged to reach out to the Program Coordinator contact in *Section G. Federal Awarding Agency Contact(s)*, to learn more about this opportunity. Some technical assistance may be available for these projects, contingent on Reclamation staff availability.

For further information on the Drought Response Program, please see [www.usbr.gov/drought](http://www.usbr.gov/drought). For further information on the WaterSMART Program, please see [www.usbr.gov/WaterSMART](http://www.usbr.gov/WaterSMART).

### **A.3. Notice of Funding Opportunity Objectives**

This NOFO's objective is to invite eligible applicants to submit proposals for projects that can increase water management flexibility and reliability. to help entities prepare for and address the impacts of drought and water supply shortages. Projects that may be funded under this NOFO are divided into four task areas (Task A, B, C, or D), and a brief summary of each task area is provided below. For more detailed information regarding task areas, please see *Section C.4. Eligible Projects*.

Applicant eligibility and required non-federal cost-share vary by task area. Please see *Sections C.1. Eligible Applicants* and *Section C.2. Cost Sharing or Matching* for detailed information.

- **Drought Resiliency Projects: Tasks A-C (50 percent non-federal cost-share required)**
  - Task A: Increasing the Reliability of Water Supplies Through Infrastructure Improvements.
  - Task B: Increasing the Reliability of Water Supplies Through Groundwater.
  - Task C: Projects to Improve Water Management Through Decision Support Tools, Modeling, and Measurement.

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

- **Domestic Water Supply Projects: Task D (Five percent non-Federal cost-share is required<sup>1</sup>)**

Task D: Construction of domestic water supply projects for Tribes or disadvantaged communities that do not have reliable access to water supplies.

Proposals submitted under Task D need to demonstrate that the primary purpose of the proposed project is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies.

#### **A.4. Other Related Funding Opportunities**

**WaterSMART Drought Contingency Planning.** Financial assistance is provided under the Drought Response Program, on a 50/50 cost share basis, to develop a drought contingency plan or to update an existing plan.

**WaterSMART Environmental Water Resources Projects.** Projects focus on environmental benefits developed as part of a collaborative process to help carry out an established strategy to increase the reliability of water resources. Reclamation provides cost-share funding for projects that include water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values; water management or infrastructure improvements to mitigate drought-related impacts to ecological values; and watershed management or restoration projects benefitting ecological values that have a nexus to water resources or water resources management.

The Federal share of the cost of an infrastructure improvement or activity may be **up to 75 percent** of the cost of the infrastructure improvement or activity if certain conditions are met.

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

**WaterSMART Grants: Water and Energy Efficiency Grants.** Financial assistance is provided, on a 50/50 cost share basis for projects that conserve and use water more efficiently; increase the production of hydropower; mitigate conflict risk in areas at a high risk of future

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<sup>1</sup> Non-Federal cost-share for Domestic Water Supply Projects is waivable upon request. See Section C.2 for more information.

water conflict; and accomplish other benefits that contribute to water supply reliability in the West.

**WaterSMART: Title XVI Congressionally Authorized Water Reclamation and Reuse Projects.** Through this NOFO, funding is available for planning, design, and construction of congressionally authorized Title XVI Projects.

**WaterSMART: Title XVI Water Infrastructure Improvements for the Nation (WIIN) Water Reclamation and Reuse Projects.** Through this NOFO, funding is available for planning, design, and construction of Title XVI Projects and desalination projects that are eligible under Section 4009(c) of the WIIN Act.

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

For information on the funding opportunities listed above, visit the WaterSMART Program website at [www.usbr.gov/waterSMART](http://www.usbr.gov/waterSMART), or the Native American Affairs Program TAP website at [www.usbr.gov/native/programs/TAPprogram.html](http://www.usbr.gov/native/programs/TAPprogram.html).

## Section B. Award Information

### B.1. Total Funding

This NOFO will allocate available program funds including fiscal year (FY) 2024 and 2025 enacted appropriations<sup>1</sup> for the Drought Program and funding available through the IRA, P.L. 117-169. Applicants that are identified for IRA funding will need to meet additional requirements. See *Section F.2.11. Inflation Reduction Act Signage Requirement* for more information.

Funds made available under this NOFO are subject to the Build America, Buy America Act. Please see *Section G.2.11 Buy America Domestic Procurement Preference*.

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

### B.2. Expected Award Amount

Multiple applications for funding may be submitted for consideration under this NOFO, provided that the project scopes are not duplicative. See *Section C.3.1. Multiple Applications* for more information.

#### B.2.1. Drought Resiliency Projects: Tasks A-C

*Maximum Award: \$3,000,000 per project*

*Minimum Award: \$25,000 per project*

Applicants are invited to submit proposals under the following funding groups for Tasks A-C:

**Funding Group I:** Up to \$750,000 in Federal funds provided through this NOFO will be available for projects that generally should be completed in two years.

**Funding Group II:** Up to \$3,000,000 in Federal funds provided through this NOFO will be available for larger projects that may take up to three years to complete. Projects in this

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<sup>1</sup> Once appropriated.

group may be funded on an annual basis, and if so, funding for the second and third years of the project is contingent upon future appropriations.

If an applicant intends to submit applications for the same project under multiple funding groups, the project scope and overall project budget should be scaled accordingly.

Category A entities are limited to a total of \$3,000,000 in Federal funding through this NOFO. Category B applicants may be considered for multiple awards up to a total of \$15,000,000, if the Category A partners are different for each project selected. See Section C.3.1. Multiple Applications for more information.

### **B.2.2. Domestic Water Supply Projects for Tribes or Disadvantaged Communities: Task D**

*Maximum Award: \$10,000,000*

*Minimum Award: \$25,000*

Applicants are invited to submit proposals under Task D for the construction of domestic water supply projects for Tribes or disadvantaged communities that do not have reliable access to water supplies. In general, up to \$10,000,000 in Federal funds may be awarded for projects to be completed in three years.

## **B.3. Anticipated Announcement and Federal Award Date**

For proposals submitted by the October 7, 2024, deadline, Reclamation expects to contact potential award recipients and unsuccessful applicants in February 2025 (or later if necessary). The anticipated award and completion dates are as follows:

*Anticipated Award Date: September 1, 2025*

*Anticipated Project Completion Date: September 1, 2027 – September 1, 2028, dependent on Funding Group or Task.*

## **B.4. Number of Awards**

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



## B.5. Type of Award

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

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

## B.6. Technical Assistance

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



# Section C. Eligibility Information

## C.1. Eligible Applicants

Applicant eligibility varies by project category, otherwise referred to as Task Area; therefore, please carefully review applicant eligibility for the Task in which you are applying. For more detailed information regarding eligibility per Task, please see *Section C.4. Eligible Projects*.

### C.1.1. Eligible Applicants for Drought Resiliency Projects: Tasks A-C

#### *Category A applicants:*

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

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

#### *Category B applicants:*

Non-profit conservation organizations that are acting in partnership with, and with the agreement of, an entity described in Category A. All Category B applicants must be in the United States, or the specific Territories identified above.

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

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

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

### **C.1.2. Eligible Applicants for Domestic Water Supply Projects: Task D**

States, Tribes, irrigation districts, and water districts; state, regional, or local authorities whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority. Task D applicants must be located in one of the following states or territories: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

### **C.1.3. Ineligible Applicants**

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

- Federal Governmental entities.
- Individuals.
- Institutes of higher education.

## **C.2. Cost Sharing or Matching**

Applicant cost-share requirements for projects funded under this NOFO are dependent on the project type.

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

### **Drought Resiliency Projects Tasks A-C:**

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

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

Other sources of Federal funding may not be counted 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.*

### **Drought Resiliency Projects Task D:**

A **five percent (5%)** non-Federal cost-share or match is required.

For Task D projects only, applicants may request a cost-share waiver or reduction in cost-share as part of the proposal package. As part of the waiver request, include information and documentation addressing the criteria below. Reclamation will use this information when considering whether to reduce or waive the non-Federal cost share requirement.

- Overwhelming Federal Interest. Reclamation will make a determination of whether an overwhelming Federal interest exists based on factors such as the programs and policies of the President and the Secretary of the Department of the Interior.
- Financial Hardship. In determining whether a significant financial need exists the following factors will be considered:
  - The population-weighted median household income and average unemployment rate within the study area and the state based on the latest available data from the U.S. Census Bureau’s American Community Survey (<https://www.census.gov/programs-surveys/acs/data/data-tables.html>).
  - Family poverty level for the state as estimated by guidelines published annually by the U.S. Department of Health and Human Services (<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>)
  - A current financial statement of the applicant and a statement that the applicant does not possess sufficient funds or assets to pay for all or part of the required cost share.

For more information regarding cost share waivers, please contact the Program Coordinator identified in Section G. Agency Contacts.

### **C.2.1. Cost-Share Regulations**

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

### **C.2.2. Third-Party In-Kind Contributions**

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

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

## **C.3. Other**

### **C.3.1. Multiple Applications**

Multiple applications for funding may be submitted for consideration under NOFO (e.g., an applicant may submit a proposal for funding under Funding Group I and a separate proposal under Funding Group II), provided that the project scopes are not duplicative.

For Tasks A-C, Category A entities are limited to a total of \$3,000,000 in Federal funding under this NOFO. Category B applicants may be considered for multiple awards up to a total of \$15,000,000 under this NOFO, if the Category A partners are different for each project selected.

For Task D, in general, no more than \$10,000,000 will be awarded to any one entity.

In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to construct a new storage and conveyance system coupled with a decision support tool for operation of the system), you should combine these in one application. However, if the projects are only loosely related or are independently operated, you should submit them as separate applications.

### **C.3.2. Excluded Parties**

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

In general, under this NOFO, Reclamation will provide funding for projects that increase water supply reliability and build long-term resilience to drought. Proposed projects should aim to mitigate the necessity for emergency drought response actions, such as water hauling programs and temporary infrastructure, while providing sustained benefits that build long-term resilience.

To be eligible for funding under this NOFO, the proposed project should be beyond routine water management activities or activities required by state law for conservation and efficiency.

Applicants can apply for funding in one or more of the following four task areas (Task A, B, C, or D) described below. ***Please see Section C.1.1. Eligible Applicants for Drought Resiliency Projects: Tasks A-C and Section C.1.2. Eligible Applications for Domestic Water Supply Projects: Task D to ensure you are an eligible applicant for the task area in which you are applying.***

One phase of a larger project may be eligible for funding under this program, so long as the phase proposed for funding will generate benefits to address drought resiliency or water supply reliability, independent of completing additional phases. Certain restrictions apply to phased projects that include water reclamation, reuse, desalination, and water storage. Please see *Section C.5.3. Water Reclamation, Reuse, and Desalination* and *C.5.4. Small Surface Water and Groundwater Storage Projects* for more information.

Other projects that are similar to those tasks listed below may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

Proposed projects will be reviewed by the Program Office to determine whether the project type is eligible for evaluation.

***Projects may be prioritized to ensure balance among the program task areas (described below) and to ensure that the projects address the goals and objectives of the NOFO.***

#### **C.4.1. Task A: Increasing the Reliability of Water Supplies Through Infrastructure Improvements**

Even small investments in infrastructure can improve resiliency to drought by increasing water management flexibility and providing alternative sources of water supply. For example, constructing new surface water intakes or new conveyance system components, such as pipes or pumping plants, can provide water managers with much needed options to deliver water from alternative sources or support voluntary water transfers during drought. Likewise, aquifer recharge facilities can support water banking in wet years for use in dry years and sustainable conjunctive use programs. **(Please note that Task A projects do not include groundwater treatment or the construction or rehabilitation of wells. Please see Task B for well construction and rehabilitation.)**

Task A projects include, but are not limited to the following:

- **System modifications or improvements.** Projects that will increase flexibility of water conveyance and deliveries, facilitating access to water supplies in times of drought. Projects include, but are not limited to:
  - Constructing or modifying surface water intakes to access supplies when water levels are low (e.g., at dead pool), or to allow access at different locations.
  - Constructing new conveyance system components (pipelines, canals, pumping plants, etc.) to increase flexibility to deliver water from different sources, to facilitate voluntary water marketing or to deliver water from alternative sources.

- Constructing interties between water conveyance systems to increase options for water deliveries.
- Installing barriers or other facilities to prevent saltwater intrusion into surface supplies.
- **Storing water and/or recharging groundwater supplies.** Projects that enable the capture or storage of additional water supplies that can be made available during drought. Projects include, but are not limited to:
  - Developing or expanding small-scale surface water storage facilities such as off-stream storage ponds.
  - Installing water towers and storage tanks to store water for municipal and domestic use.
  - Installing recharge ponds or injection wells to increase recharge of surplus, inactive, or reclaimed water. Recharged water can serve multiple purposes such as sustainable conjunctive use in times of drought, deterring saltwater intrusion into freshwater aquifers, and limiting additional land subsidence.
- **Developing alternative sources of water supply including water treatment.** Projects that develop alternative water supplies to build resiliency to the impacts of drought. Projects include, but are not limited to:
  - Constructing or expanding small-scale water treatment facilities to treat impaired surface water, municipal wastewater or stormwater runoff for environmental, agricultural, potable, or other purposes.
  - Constructing stormwater capture and reuse systems, including green stormwater infrastructure solutions such as rain gardens, cisterns, and bioswales.
  - Installing residential grey water and rain catchment systems.

**Note for applicants applying for recharge basins:** Multiple recharge basins in one application will be considered as one project (or a phase of a larger project, if applicable) and the total project costs cannot exceed \$10 million (see *Section C.5.4. Small Surface Water and Groundwater Storage Projects*) to be eligible under this NOFO.

#### **C.4.2. Task B: Increasing the Reliability of Water Supplies Through Groundwater**

As water managers continue to face vulnerabilities due to drought and climate change, diversification of water supplies is critical for water security. The sustainable use of groundwater and recovery of recharged water are vital to building drought resiliency and supporting public health. Groundwater treatment and aquifer storage and recovery programs are becoming an important water management tool and the water recovered from these programs are being used for municipal and industrial water supplies, irrigation, and ecosystem restoration.



Wells funded under Task B of this NOFO are meant to be used for supplemental supplies during times of drought, to serve communities that are or are potentially facing a public health crisis due to a lack of potable water, or to recover previously recharged/stored water. This NOFO is not intended to provide funding for wells that are part of a long-term planning effort to support increased need due to population growth or increased irrigation demands. However, if you are a Tribe or disadvantaged community that doesn't currently have reliable access to domestic water supplies and are looking to construct a domestic water supply system, please see *Section C.4.4. Task D: Domestic Water Supply Projects for Tribes or Disadvantaged Communities* below.

**Projects under Task B may include, but are not limited to the following:**

- Constructing or rehabilitating a well to provide back-up water supplies during times of drought.
- Constructing an extraction well at groundwater banks or other recharge areas to improve extraction and return capabilities during dry years.
- Constructing an aquifer storage and recovery well)
- Treating impaired groundwater for beneficial use.
- **Note for applicants applying for groundwater projects:** Applications under Task B for groundwater projects (including rehabilitation and the treatment of well water) will be limited to two wells under this NOFO. If two wells are included in the same application, the application must describe their interdependency. This limitation does not apply to monitoring or injection wells.

### **C.4.3. Task C: Projects to Improve Water Management Through Decision Support Tools, Modeling, and Measurement**

Task C Projects are intended to help entities with water use information and tools to monitor the onset of drought, detect different levels of drought that may trigger certain drought mitigation and response actions, and identify potential strategies to address drought.

Task C Projects include, but are not limited to the following:

- **Developing water management, water marketing, and modeling tools to help communities evaluate options and implement strategies to address drought.**
  - Developing online decision support tools to help communities identify alternative water supplies or water management options in times of drought.
    - For example, in 2019, Reclamation awarded the Texas Water Development Board with a Drought Resiliency Grant to modify their existing drought prediction tool to provide more accurate probabilistic forecast of average May through July rainfall, reservoir levels, and reservoir storage across the state by county. The project was completed in 2022, and the forecasts are updated bi-weekly and made

accessible for water managers through the Water Data for Texas website:  
[www.waterdatafortexas.org/reservoirs/statewide](http://www.waterdatafortexas.org/reservoirs/statewide).

- Developing new models or improving existing models for analyzing and predicting drought conditions. Such models should be based on proven methods to analyze drought frequency, duration, and intensity, as opposed to research type efforts.
- Developing water budgets and tiered pricing programs that incentivize decreased consumptive use. Tiered pricing can be paired with water budgets to reward customers who use less water by charging lower rates for water in a lower tier. For example, Tier I pricing can include a relatively low price for indoor water use within a budgeted amount (e.g., 55 gallons per person per day). Reasonable water use above that amount—assumed to be for outdoor use—would be included within Tier 2 pricing at a higher cost than Tier 1. Tier 3 would establish an even higher price for all water use that exceeds the total water budget.
- Real-time operational modeling to track supply conditions and demands. Modeling can be used to analyze different operational scenarios to optimize pumping capacities, evaluate user restrictions, water delivery needs, etc., and determine how to best meet other compliance standards such as temperature control points, water quality, or Endangered Species Act (ESA)-related requirements.
- Assessing water quality with respect to the level of drought to determine appropriate measures to protect water quality for fish and wildlife, agriculture, and human consumption (e.g., water quality testing or constructing groundwater monitoring wells).
- Developing tools to facilitate water marketing, connecting willing sellers and willing buyers that want to participate in the buying, selling, leasing, or exchanging of water.
- **Installing water measurement equipment and monitoring instrumentation devices to accurately track water supply conditions** (e.g., stream flow measurement structures, flow meters, well level instruments, reservoir level monitors).

*Projects that primarily install meters or other water measurement devices are considered routine water management activities and are, therefore, not eligible for funding under this program as a standalone project.* However, meters or other measuring devices are eligible as a necessary sub-component of another eligible Drought Resiliency Project as described in Tasks A-C.

Eligible measurement projects may include, but are not limited to:

- Installing and/or modifying monitoring equipment associated with stream flow measurement devices, water level sensors, etc.

- Installing dual municipal meters to track indoor versus outdoor water use, allowing water purveyors to control or discourage landscape irrigation and other outdoor uses in times of drought.

#### **C.4.4. Task D: Domestic Water Supply Projects for Tribes or Disadvantaged Communities**

Task D projects are for the construction of domestic water supply projects of which the primary purpose is to provide domestic water supplies to Tribal or disadvantaged communities that do not have reliable access to water supplies. This can include the development of new supplies and/or associated infrastructure for treatment and delivery. Please note that total project costs under Task D cannot exceed \$10,000,000.

### **C.5. Ineligible Projects**

Projects that are not eligible for funding under this NOFO include, but are not limited to: scientific research, water hauling, education and outreach, land fallowing, cover cropping, and reimbursement for economic losses resulting from drought.

Other projects that are not eligible for funding under this NOFO are identified immediately below.

#### **C.5.1. Operations, Maintenance, and Replacement**

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

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

- Dredging of reservoirs, canals, and/or rivers to remove normally occurring sediment accumulation.

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

### **C.5.2. Water Conservation Projects**

Projects primarily focused on water conservation are not eligible under this NOFO, including:

- Lining or piping canals to conserve water.
- Installing landscape irrigation measures.
- Turf replacement.
- Water metering and measurement projects are ineligible as a standalone project but may be included if paired with another project that is eligible under Tasks A-C, as a necessary subcomponent of that task.

Projects that will result in water conservation as a secondary consideration, such as decision support tools that improve operational efficiency, are eligible under this NOFO, so long as they are consistent with the eligible projects described in Tasks A-C in *Section C.4. Eligible Projects*.

### **C.5.3. Water Reclamation, Reuse, and Desalination**

Any projects or project elements that are part of a congressionally authorized Title XVI Water Reclamation or Reuse Project are not eligible for funding under this NOFO.

Any projects or project elements that are part of a water desalination or recycling project eligible for funding under Section 4009(a) or 4009(c) of the WIIN Act, P.L. 114-322 are not eligible for funding under this NOFO.

In addition, if a water desalination, reclamation, or recycling project has a total estimated project cost of more than \$20 million, that project is not eligible under this NOFO and should be pursued under the Title XVI Water Reclamation and Reuse Program or the WaterSMART Desalination Planning and Construction Program. *Note, this applies to phases or project elements of a desalination, reclamation, or recycling project that are part of a larger project with a total estimated project cost of more than \$20 million.*

See the Title XVI-Water Reclamation and Reuse webpage, [www.usbr.gov/watersmart/title](http://www.usbr.gov/watersmart/title), for more information.

#### **C.5.4. Small Surface Water and Groundwater Storage Projects**

An application for funding of a small surface or groundwater storage project (including groundwater recharge) with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, is not eligible under this NOFO. Applicants proposing such projects may wish to consider Reclamation's Small Storage Program. See the Small Storage Program webpage, [www.usbr.gov/smallstorage](http://www.usbr.gov/smallstorage), for more information.

#### **C.5.5. Domestic Water Supply Projects**

An application proposing a domestic water supply project to serve Tribes or disadvantaged communities with a total estimated project cost of more than \$10 million, or that is a phase of a larger project that exceeds \$10 million, is not eligible under this NOFO.

#### **C.5.6. Water, Land Purchases, and Easements**

The purchase of water, land, or land with the primary purpose to secure a permanent easement, are not eligible under this NOFO.

#### **C.5.7. Emergency Drought Response Projects**

Emergency drought response projects that provide temporary benefits, including projects involving temporary facilities (e.g., temporary pipes and pumps) and water purchases. Applicants seeking funding drought emergency relief should request emergency drought assistance under Reclamation's Drought Response Program. See the WaterSMART Drought Response Program webpage, [www.usbr.gov/drought](http://www.usbr.gov/drought), for more information.

#### **C.5.8. Drought Contingency Planning**

Development or updates of drought contingency plans are not eligible under this NOFO but may be eligible for funding under Reclamation's WaterSMART Planning and Design NOFO.

#### **C.5.9. Building Construction**

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

#### **C.5.10. Pilot Projects**

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

### **C.5.11. On-Farm Improvements**

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

Applicants interested in projects for water delivery systems improvements that will enable farmers to make additions on-farm improvements in the future should consider Reclamation's Water and Energy Efficiency Grants. See the WaterSMART Water and Energy Efficiency Grants webpage, [www.usbr.gov/watersmart/weeg](http://www.usbr.gov/watersmart/weeg), for more information.

### **C.5.12. Projects Receiving Other Federal Financial Assistance**

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

## **C.6. Construction Start Date Restriction**

Proposed projects submitted by the October 7, 2024, application deadline should not have an estimated construction start date that is prior to October 7, 2025.

# Section D. Application and Submission Information

## D.1. Address to Request Application Package

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

## D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

### D.2.1. Application Format and Length

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

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

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

### D.2.2. Application Content

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

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

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

#### **D.2.2.1. Mandatory Federal Forms**

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

These forms are available at [www.grants.gov/applicants/grant-applications/how-to-apply-for-grants](http://www.grants.gov/applicants/grant-applications/how-to-apply-for-grants).

##### **D.2.2.1.1. SF-424: Application for Federal Assistance**

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

##### **D.2.2.1.2. SF-424A Budget Information Form**

Construction and non-construction programs must submit a fully completed SF-424A with the application.

##### **D.2.2.1.3. SF-424D Assurances Form**

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

#### **D.2.2.2. Technical Proposal**

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

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

##### **Title Page**

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

##### **Table of Contents**

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

##### **Executive Summary**

The executive summary should include:



## Section D. Application and Submission Information

- The date, applicant name, city, county, and state.
- A brief explanation of how you meet the applicant eligibility requirements (See Section C.1).
- The task area under which you are applying (Task A, B, C, or D)
- The Funding Group under which you are applying, if applicable. Funding groups are only applicable to Tasks A-C.
- If applying under task areas A-C, indicate whether you are a Category A applicant or Category B applicant. If you are a Category B applicant, please briefly explain how you are acting in partnership with a Category A partner. Note: If you are a Category B applicant, you should include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the application (see *Section C.1. Eligible Applicants*). See *Section D.2.2.12. Letter of Partnership (Category B Applicants) and Eligibility Documentation* for additional information.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, and recent drought conditions in your project area. Describe how this project is expected to help alleviate impacts of those conditions or other concerns in the area. Identify any plans or other planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.
- The length of time and estimated completion date for the proposed project, including the construction start date (month/year).
- If the project located on Federal land or a Federal facility or will involve Federal lands and what work will occur on the Federal facility or Federal lands.
- Provide relevant background information about the applicant and service area such as services provided, population served, irrigated acres served, crops grown in the project area, etc.
- For Task A-C projects, include details regarding the applicant's or applicant's Category A partner's water supplies. This should include water delivered or diverted from all water sources including water supply contracts, water rights, applicant or partner owned wells, and any other long-term water supplies that are part of the water use portfolio (e.g., drainage from upstream users, reclaimed/recycled water, water transfer agreements). Include the 10-year average annual water supply from 2014 to 2023 (in acre-feet). Utilizing the following chart in your proposal is highly recommended.

Year	Surface Water Total (acre-feet)*	Agency Groundwater (acre-feet)	Recycled M&I Water (acre-feet)	Other (acre-feet)	Total (acre-feet)
2014					
2015					
2016					
2017					
2018					
2019					
2020					
2021					
2022					
2023					
<b>Total Average Annual Water Supply for 2014-2023 in AFY =</b>					
<b>Average Annual Water Supply = _____</b> acre-feet (Divide Total Supplies for 2014-2023 above by 10)					

\*Include water transfers and exchanges that occur on a long-term basis. Exclude single year transfers.

### Project Location

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

### Project Description

Provide a comprehensive description of the technical aspects of your project, including the goals and objectives of the project, work to be accomplished, and the approach to complete the work. This description should provide detailed information about the project including materials and equipment and the work to be conducted to complete the project. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.

*Please do not include your project schedule and milestones here; that information is requested in response to Evaluation Criterion D. Readiness to Proceed. In addition, please avoid discussion of the benefits of the project, which are also requested in response to Evaluation Criterion B. Project Benefits. This section is solely intended to provide an understanding of the technical aspects of the project.*

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

### **Applicant Category and Eligibility of Applicant**

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

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

### **Evaluation Criteria**

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

***It is strongly suggested you copy and paste the evaluation criteria and sub-criteria in Section E.1. Evaluation Criteria into your applications to ensure that all necessary information is adequately addressed.***

### **Performance Measures**

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

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

#### **D.2.2.3. Budget Narrative**

Submission of a budget narrative is required. The budget narrative provides a discussion of, or explanation for, items included in Section B of the SF-424A. If selected for award, successful Applicants will need to submit detailed supporting documentation for all budgeted costs. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The narrative should describe the basis for and purpose of all cost elements. Please refer to Attachment A *Budget Detail & Narrative Template* and Attachment B *Budget Narrative Guidance* when developing your Project Budget.

**D.2.2.4. Environmental and Cultural Resources Compliance**

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

**D.2.2.5. Required Permits or Approvals**

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

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

**D.2.2.6. Overlap or Duplication of Effort Statement**

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

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

**D.2.2.7. Conflict of Interest Disclosure Statement**

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

**Applicability**

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

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

### **Notification**

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

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

### **Restrictions on Lobbying**

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

### **Review Procedures**

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

### **Enforcement**

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

#### ***D.2.2.8. Uniform Audit Reporting Statement***

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

#### ***D.2.2.9. Certification Regarding Lobbying***

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43 CFR §18, Appendix A](#). If this application requests more than \$100,000 in Federal funds, the

authorized official's signature on the appropriate SF-424 form also represents the applicant's certification of the statements in 43 CFR § 18, Appendix A.

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

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

***D.2.2.11. Letters of Support***

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

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

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

***D.2.2.13. Official Resolution***

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

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

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

#### **D.2.2.14. Letters of Funding Commitment**

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

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

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

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

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home> and in the following section. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. **There is no cost to register with SAM.gov.** There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.** NOTE: An organization's SAM.gov registration process may take up to 6 weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.
- Provide a valid UEI in its application.
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are strongly

- encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's Internal Revenue Service information.

### **D.3.1. Register with the System for Award Management**

Each applicant must be registered in SAM before submitting its application. Register on the [SAM.gov](https://sam.gov) website.

*Applicants that do not have an active SAM registration will not be able to submit an electronic application in Grants.gov.*

### **D.3.2. Obtain a Unique Entity Identifier**

You 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.gov.

## **D.4. Submission Date and Time**

The submission deadline for applications submitted electronically in Grants.gov is:

**October 7, 2024, at 4:00 p.m. MDT**

The submission deadline for applications submitted by mail, overnight delivery, or courier is:

**October 7, 2024, at 4:00 p.m. MDT**

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

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

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

### **D.4.1. Application Delivery Instructions**

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



By United States Postal Service and all other express delivery and courier services:

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

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

## **D.4.2. Instructions for Submitting the Project Application**

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

### ***D.4.2.1. Applications Submitted Electronically***

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

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

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

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

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

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

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

#### ***D.4.2.3. Acknowledgement of Application Receipt***

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

## **D.5. Intergovernmental Review**

Prior to application submission, if the applicant is a U.S. State and/or local government organization, visit the White House Office of Management and Budget (OMB) Office of Federal Financial Management website and view the State Point of Contact (SPOC) List to determine whether their application is subject to the state intergovernmental review process under E.O. 12372, “Intergovernmental Review of Federal Programs.” States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If located within a state that does not have a SPOC, the applicant may send application materials directly to a Federal awarding agency. If the applicant’s state is on the list, contact the designated SPOC for more information on the State’s prior review requirements for Federal assistance applications. Link to more information here: <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

## D.6. Funding Restrictions

### D.6.1. Pre-Award Costs

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

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

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

### D.6.2. Project Cost Restrictions

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

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

### D.6.3. Environmental and Regulatory Compliance Costs

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

Some of the projects funded under this NOFO typically incur high compliance costs (e.g., between \$30,000 and \$200,000 per project). In some cases, Reclamation may be able to complete a portion of its compliance activities without additional cost to the recipient. The actual amount of costs to the recipient associated with compliance will be identified while developing a final project budget for inclusion in the financial assistance agreement. If it is determined that the recipient will need to contribute funds for compliance costs, funds will be withheld from the grant agreement to cover such costs or will be incorporated into the budget as a cost-shared line item. If the recipient is responsible for covering a portion of the compliance costs, under no circumstance will the funds awarded exceed the amount allowable under this NOFO and cannot

exceed what was requested in the application. If a portion of the amount budgeted in your application for compliance is not needed for compliance activities, that amount may be reallocated to other project costs during the process of developing a financial assistance agreement, so long as the non-Federal cost share contribution is maintained.

Contact your local Reclamation office to discuss the potential compliance requirements for your project and the associated costs. Based on these conversations, include Reclamation's estimated costs associated with any compliance activities that will need to be completed by a contractor in your budget. It is anticipated that these compliance costs will be cost shared like all other project costs between Reclamation and the recipient.

#### **D.6.4. Indirect Costs**

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

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

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

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

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

# Section E. Application Review Information

## E.1. Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.**

<b>Evaluation Criteria Scoring Summary</b>	<b>Points:</b>
A. Severity of Drought or Water Scarcity Conditions and Impacts	15
B. Project Benefits	30
C. Planning and Preparedness	15
D. Readiness to Proceed and Project Implementation	15
E. Presidential and Department of the Interior Priorities	15
F. Nexus to Reclamation	5
G. Stakeholder Support for Proposed Project	5
<b>Total</b>	<b>100</b>

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

### E.1.1. Evaluation Criterion A. Severity of Drought or Water Scarcity and Impacts (15 points)

Up to **15 points** may be awarded based upon the severity of actual or potential drought or water scarcity impacts to be addressed by the project. Proposals that address more urgent needs will receive higher priority consideration on this criterion than proposals that address less significant needs and impacts.

**Describe the severity of the impacts that will be addressed by the project:**

- Describe recent, existing, or potential drought or water scarcity conditions in the **project area**.
  - Is the project in an area that is currently suffering from drought or water scarcity, or which has recently suffered from drought or water scarcity? Please describe existing conditions, including when and the period of time that the area has experienced drought or water scarcity conditions. Include information to describe the frequency,

- duration, and severity of current or recent conditions. You may also provide information relating to historical conditions. Please provide supporting documentation (e.g., Drought Monitor, [droughtmonitor.unl.edu](http://droughtmonitor.unl.edu)).
- Describe any projected increases to the severity or duration of drought or water scarcity in the project area resulting from changes to water supply availability and climate change. Provide support for your response (e.g., reference a recent climate informed analysis, if available).
  - What are the ongoing or potential drought or water scarcity impacts to specific sectors in the **project area** if no action is taken (e.g., impacts to agriculture, environment, hydropower, recreation, tourism, forestry), and how severe are those impacts? **Impacts should be quantified and documented to the extent possible.** For example, impacts could include, but are not limited to:
    - Whether there are public health concerns or social concerns associated with current or potential conditions (e.g., water quality concerns including past or potential violations of drinking water standards, increased risk of wildfire, or past or potential shortages of drinking water supplies; does the community have another water source available to them if their water service is interrupted?).
    - Whether there are ongoing or potential environmental impacts (e.g., impacts to endangered, threatened or candidate species or habitat).
    - Whether there are local or economic losses associated with current water conditions that are ongoing, occurred in the past, or could occur in the future (e.g., business, agriculture, reduced real estate values).
    - Whether there are other water-related impacts not identified above (e.g., tensions over water that could result in a water-related crisis or conflict).

### **E.1.2. Evaluation Criterion B. Project Benefits (30 points)**

Up to **30 points** may be awarded based on the expected drought resiliency and other benefits of the proposed project. Task A, B, and D projects will be evaluated under sub-criterion B.1 and awarded points based on the project's ability to advance drought resiliency or mitigate water scarcity through augmenting and diversifying water supplies. Task C projects will be evaluated under sub-criterion B.2 and points will be awarded based on the project's ability to improve water management and advance drought resiliency. Proposals containing a well-supported and detailed description of both quantifiable and qualitative benefits will receive the most points under this criterion.

*Note: If the work described in your application is a phase of a larger project, only discuss the benefits anticipated to result from the specific scope of work defined in the technical proposal and what is reflected in the budget. Applications will not receive credit for benefits resulting from a separate phase, including work completed before the proposed project, or in a future phase.*

**E.1.2.1. Sub-Criterion B.1. Project Benefits (Tasks A, B, D only)**

This section of the criterion is to assess the significance of the project in advancing drought resiliency or mitigating water scarcity through augmenting and diversifying water supplies, thus improving water supply reliability.

For Tasks A, B, and D, please address the following:

- What is the estimated quantity of additional supply the project will provide and how was this estimate calculated? Clearly state this quantity in AFY as the average annual benefit over ten years (e.g., if the project captures flood flows in wet years, state this and provide the average benefit over ten years or longer including dry years).
- What percentage of the total water supply does the project’s water yield represent? How was this estimate calculated? It is recommended to use your 10-year average that was presented in the Executive Summary to calculate this percentage. It is recommended to use the following chart:

<b>Total Project Water Yield in AFY</b>	
<b>Average Annual Water Supply in AFY</b> (From Table in Section D.2.2.2. Technical Proposal, Executive Summary)	
<b>Percentage Yield</b> (Divide Total Project Water Yield by Average Annual Water Supply)	

Example: The project water yield is 10,000 AFY. The average annual supply is 200,000 AFY. The percentage of the total water supply is  $10,000/200,000 = 5\%$

- How will the project build long-term resilience to drought or other water reliability issues? Include factors such as the predictability of supply, variability in availability, and the likelihood of interruptions or failures.
- How many years will the project continue to provide benefits?
- Provide a qualitative description of the degree/significance of the benefits associated with the additional water supplies.
- How will the project supply help buffer against water shortages, reduce the need for emergency responses, and enhance the resilience of water systems?

**In addition, for Task B projects only:** please address the following:

- In acre-feet per year (AFY), what is the estimated capacity of the new well(s)? How was the estimate calculated?
- How much water do you plan to extract through the well(s), and how does this fit within and comply state or local laws, ordinances, or other groundwater governance structures applicable to the area?
- Will the well be used as a primary supply or supplemental supply when there is a lack of surface supplies?
- Does the applicant participate in an active recharge program contributing to contributing to groundwater sustainability?
- Provide information documenting that proposed well(s) will not adversely impact the aquifer it/they are pumping from (overdraft or land subsidence). This should include aquifer description, information on existing or planned aquifer recharge facilities, a map of the well location and other nearby surface water supplies, and physical descriptions of the proposed well(s) (depth, diameter, casing description, etc.). If available, information should be provided on nearby wells (sizes, capacities, yields, etc.), aquifer test results, and if the area is currently experiencing aquifer overdraft or land subsidence.
- Describe the groundwater monitoring plan that will be undertaken and the associated monitoring triggers for mitigation actions. Describe how the mitigation actions will respond to or help avoid any significant adverse impacts to third parties that occur due to groundwater pumping.

**In addition, for Task D projects only:** Proposals need to demonstrate that the primary purpose of the proposed project is to provide domestic water supplies to disadvantaged communities our households that do not have reliable access to domestic water supplies. (Communities must be identified as disadvantaged on The Climate and Economic Justice Screening Tool (CEJST) located at: [screeningtool.geoplatform.gov/en/methodology#16.49/36.631671/-105.181974](https://screeningtool.geoplatform.gov/en/methodology#16.49/36.631671/-105.181974))

- Describe the community's lack of reliable water supplies and need for the proposed domestic water supply project, including any prominent public health and safety concerns.
- In AFY, what is the estimated quantity of project water yield? How many people is the water supply estimated to serve? How were these estimates calculated (yield and population)?

***E.1.2.2. Sub-Criterion B.2. Project Benefits (Task C only)***

This section of the criterion is to assess the extent of the benefits expected to occur upon implementation of the project and how effective the project will be in building drought



resilience, avoiding crises, or the need for emergency response during drought. Applications that include strong supporting information for the estimated project benefits will score higher.

- How will the project improve the management of water supplies? For example, will the project increase efficiency, increase operational flexibility, or facilitate water marketing (e.g., improve the ability to deliver water during drought or access other sources of supply)? If so, how will the project increase efficiency or operational flexibility for drought resiliency?
- How will the tool or resulting information be applied, and who will use the tool or data developed?
- Will the project make new information available to water managers? If so, what is that information and how will it improve water management? Provide a qualitative description of the degree/significance of the associated benefits.
- How soon following completion of the project will the tools or information be able to be used?
- Describe how widespread and significant the project benefits are expected to be.

***E.1.2.3. Sub-Criterion B.3. Additional Project Benefits (All Tasks)***

This sub-criterion will be scored based on additional planned, direct benefits not previously described that will result from project implementation. Applicants that can quantify the direct benefits and provide reasonable support will receive the most points in this sub-criterion.

**Sub-Criterion B.3.a. Climate Change**

Pursuant to E.O. 14008: Tackling the Climate Crisis at Home and Abroad, consider the degree to which the application demonstrates that the proposed project will contribute to climate change resilience and adaptation.

For additional information on the impacts of climate change throughout the West, see [www.usbr.gov/climate/secure/docs/2021secure/2021SECUREREport.pdf](http://www.usbr.gov/climate/secure/docs/2021secure/2021SECUREREport.pdf). To describe how the project will address and build resilience to climate change, consider the following, but only answer if applicable to your project:

- In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?
- Will the proposed project establish and use a renewable energy source?
- Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?
- Does the proposed project include green or sustainable infrastructure to improve community climate resilience?

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

### **Sub-Criterion B.3.b. Ecological Benefits**

Water projects often provide ecological benefits in addition to water supply reliability benefits. Ecological resiliency is crucial to sustain ecosystems that can respond to and recover from external stressors resulting from drought.

This sub-criterion will be scored based on **intentional, direct benefits** that are expected to result from project implementation. Applicants that can quantify the direct benefits and provide reasonable support will receive the most points in this sub-criterion. Example project types that may receive points in this category may include, but are not limited to, increasing storage to augment stream flows during dry periods to protect endangered species or improving water quality or providing water for fish and wildlife habitat areas.

- Does the project seek to improve the ecological resiliency of a wetland, river, or stream in the face of climate change? Provide a narrative discussion, quantification, and metrics to support the anticipated improvements in ecological resilience.
- Identify ecological benefits expected to result from project implementation. Provide a narrative discussion, quantification, and metrics addressing, as applicable, the types and status of species benefited, acreage of habitat improved, restored, or protected, the amount of additional stream flow added, and the improvements in relevant water quality metrics? Support all metrics and quantifications with appropriate calculations.
- Will the proposed project reduce the likelihood of a species listing or otherwise improve the species status? Identify the species of interest, explain how the project will positively impact the species and potential contribute to delisting.

### **Sub-Criterion B.3.c. Other Benefits**

This sub-criterion will be scored based on any additional project contributions to addressing water sustainability. For example (but not limited to):

- Will the project benefit multiple sectors and/or users (e.g., agriculture, municipal and industrial, environmental, recreation, or others)? Describe the associated sector benefits.
- Will the project benefit a larger initiative to address sustainability?
- Will the project help to prevent a water-related crisis or conflict? Is there frequently tension or litigation over water in the basin?

### E.1.3. Evaluation Criterion C. Planning and Preparedness (15 points)

Up to **15 points** may be awarded based on the extent that the proposed project or goal is supported by an existing planning effort. For Tasks A-C, proposals that reference plans clearly intended to address drought will receive the most points under this criterion.

Priority under this criterion will be given to proposed projects that are supported by a collaboratively developed planning document. Proposals that demonstrate that the proposed project is clearly supported by an existing plan will be awarded the most points under this criterion. While the proposed project may be supported by multiple planning efforts, please provide specific details related to only **one relevant plan**. During evaluation, the Application Review Committee (ARC) will only use the information regarding the first plan cited.

Attach relevant sections of the plan(s) that are referenced in the application, as an appendix to your application. These pages will be included in the total 100-page count for the application. Provide clear citations to those relevant sections when answering the criteria below. Do not include a link to a plan, as the ARC will not review material outside the proposal package.

Please address the following:

- **Plan Description and Objective:** Is your proposed project supported by a specific planning document? If so, identify the plan by name and describe the plan, including:
  - When was the plan developed? How often is it updated?
  - What is the purpose and objective of the plan?
  - What is the geographic scope of the plan?
  - Explain how the applicable plan addresses drought.
  - For Tasks A-C, describe the plan's drought-focused elements (e.g., a system for monitoring drought, drought projections that consider climate change, vulnerability assessments, identification of drought mitigation projects, drought response actions, and an operational and administrative framework).
- **Plan Development Process:** Was the plan(s) developed through a collaborative process? Describe the process including the following:
  - Who was involved in developing the plan? Identify specific entities or organization and describe their involvement.
  - Was the plan was prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses)? Describe the process used for interested stakeholders to provide input during the development of the plan.

- If the plan was prepared by an entity other than the applicant describe whether and how the applicant was involved in the development of the plan or why they were not part of the planning process.
- **Tribal Plans:** For some Tribal plans, collaboration could include working with entities representing multiple interests within the Tribe (e.g., Tribal water agencies; Tribal fish and wildlife agencies, cities, or towns on Tribal land; Tribal fisheries, industries, or agriculture; and Tribal community members). For Tribal plans that were developed collaboratively with multiple Tribal interests, but did not include collaboration with external entities, provide an explanation as to why collaboration with entities external to the Tribe were not involved in the development of the strategy or plan.
- **Plan Support for Project:** Describe to what extent the proposed project is supported by the identified plan, including:
  - Does the plan identify the proposed project by name and location as a potential mitigation or water management action?
  - Explain how the proposed project was prioritized in the plan over other potential projects/measures.
  - If the proposed project is not specifically identified in the plan, does implementing the proposed project achieve a goal or need identified in the plan? Is the supported goal or need prioritized within the plan? If so, how is it prioritized?

#### **E.1.4. Evaluation Criterion D. Readiness to Proceed and Project Implementation (15 points)**

Up to **15 points** may be awarded based upon the extent to which the proposed project is capable of proceeding upon entering into a financial assistance agreement. Information provided in *Section H.1 Environmental and Cultural Resource Considerations* will be utilized when assessing this criterion.

Applications that include a detailed project implementation plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates) will receive the most points under this criterion. ***Please also see Section B.2. Expected Award Amount regarding eligible lengths of projects for this NOFO.***

- Describe the implementation plan of the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates for completing the project within the applicable timeframe. Milestones may include but are not limited to preliminary and/or final design, environmental and cultural resources compliance, permitting, and construction/installation.

***Milestone/Schedule Example:***

Milestone / Task / Activity	Planned Start Date	Planned Completion Date
Task 1 Project Management	September 2025	September 2028
Task 2 Environmental Compliance	April 2025	October 2025
Task 3a 60% Final Design	August 2025	October 2025
Task 3b 100% Final Design	October 2025	February 2026
Task 4 Bidding	February 2026	April 2026
Task 5 Excavation of Recharge Pond	May 2026	August 2026
Task 6 Installation of Conveyance Pipeline	June 2026	September 2026

- Describe any permits or approvals that will be required (e.g., water rights, water quality, stormwater, other regulatory clearances). Include information on permits or approvals already obtained. For those permits and approvals that need to be obtained, describe the process, including estimated timelines for obtaining such permits and approvals.
- Identify and describe any engineering or design work performed specifically in support of the proposed project. If design work has commenced, what phase of design is the project current in (e.g., preliminarily or final and percentage-30%, 60%, 90%, or complete). If additional design is required, describe the planned process and timeline for completing the design. Projects that are further in design will receive more points.
- Describe any land purchases that must occur before the project can be implemented, and the status of the purchase. (While land purchases are not allowable costs under this NOFO, this information is still important to assess the readiness to proceed.)
- If the project is completely or partially located on Federal land or at a Federal facility, explain whether the agency supports the project and has granted access to the Federal land or facility, whether the agency will contribute toward the project, and why the Federal agency is not completing the project?
- Describe any new policies or administrative actions required to implement the project.

### **E.1.5. Evaluation Criterion E. Presidential and Department of the Interior Priorities (15 points)**

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

Note: Applications for Domestic Water Supply Projects (Task D) must address the criteria below to explain how the project will benefit Tribes and/or disadvantaged communities.

### **Benefits for Disadvantaged Communities**

Points will be awarded based on the extent to which the project directly serves disadvantaged communities. Projects that primarily benefit disadvantaged communities will be given priority under this criterion. For the purposes of this criterion, Tribes and insular areas (American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands) are considered disadvantaged.

- Use the White House Council on Environmental Quality’s CEJST, available online at Explore the map – Climate & Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify the disadvantaged communities that will benefit from your project. Points can only be awarded under this criterion by using CEJST. Please provide a map overlay displaying both the project area and CEJST tool.
- If applicable, describe how the proposed project will directly serve and/or benefit a disadvantaged community. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits in a disadvantaged community?
- If applying under Task D, utilize the CEJST’s methodology and data information to describe the community’s environmental, climate, socioeconomic, or other burdens. The CEJST’s methodology and data information can be accessed at [screeningtool.geoplatform.gov/en/methodology#16.49/36.631671/-105.181974](https://screeningtool.geoplatform.gov/en/methodology#16.49/36.631671/-105.181974).

### **Tribal Benefits**

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

### **E.1.6. Evaluation Criterion F. Nexus to Reclamation (5 points)**

Up to **5 points** may be awarded if the proposed project is connected to a Reclamation project or Reclamation activity. Previously awarded grants do not constitute as a nexus under this criterion.

Describe the nexus between the proposed project and a Reclamation project or Reclamation activity. Please consider the following:

- Does the applicant have a water service, repayment, or O&M contract with Reclamation? If so, please provide the contract number(s).
- If the applicant is not a Reclamation contractor, does the applicant receive Reclamation water through a Reclamation contractor or by any other contractual means?
- Will the proposed work benefit a Reclamation project area or activity?
- Is the applicant a Tribe?

### **E.1.7. Evaluation Criterion G. Stakeholder Support for Proposed Project (5 Points)**

Up to **5 points** may be provided based on the level of stakeholder support for the proposed project. Applications that demonstrate support for the project from a diverse array of stakeholders will receive the most points under this criterion. For example, provide letters of support from entities representing agricultural, municipal, Tribal, environmental, recreation uses, and so forth.

- Describe the level of stakeholder support for the proposed project. Are any stakeholders providing support for the project through cost-share contributions or through other types of contributions to the project?

## **E.2. Review and Selection Process**

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

### **E.2.1. First Level and Threshold Screening**

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

All application packages will be screened to ensure that:

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

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be considered for funding. Reclamation reserves the right to remove an application from funding consideration during the initial screening if it does not meet the requirements above. If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

### **E.2.2. Application Review Committee**

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

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

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

### **E.2.3. Red-Flag Review**

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

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



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

#### **E.2.4. Managerial Review**

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

#### **E.2.5. Pre-Award Clearances and Approvals**

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

##### ***E.2.5.1. Environmental Review***

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

##### ***E.2.5.2. Budget Analysis and Business Evaluation***

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

- Allowability, allocability, and reasonableness of proposed costs
- Financial strength and stability of the applicant
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance.

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

### **E.3. Federal Award Performance Integrity Information System**

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

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

### **E.4. Anticipated Announcement and Federal Award Dates**

Reclamation expects to contact potential award recipients and unsuccessful applicants in Spring 2025, subject to the timing and amount of final appropriations. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

# Section F. Federal Award Administration Information

## F.1. Federal Award Notices

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

## F.2. Administrative and National Policy Requirements

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

### F.2.1. Automated Standard Application for Payments Registration

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

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

### F.2.2. Environmental and Cultural Resources Compliance

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

Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. As the lead agency, Reclamation is responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible

for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project.

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

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

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

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

### **F.2.3. Approvals and Permits**

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

### **F.2.4. Geospatial Data and Data Tools**

All geospatial data collected for or produced through the use of the DOI financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. Interior requires fully compliant metadata

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

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

Title to intangible property (see definition for Intangible property in § 200.1) acquired under a Federal award vest upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313(e) Equipment (of this CFR).

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

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

### **F.2.6. Real Property (2 CFR §200.311)**

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

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

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

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

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

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

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

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

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

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

### **F.2.11. Buy America Domestic Procurement Preference**

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

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

- All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of

coatings, occurred in the United States;

- All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

### **Incorporation Into an Infrastructure Project**

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

### **Categorization of Articles, Materials, and Supplies**

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

### **Application of the Buy America Preference by category**

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

### **Determining the cost of components for manufactured products**

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

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

### **Construction Material Standards**

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

- Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.



- Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

### **Waivers**

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

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

- applying the Buy America Preference would be inconsistent with the public interest;
- the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

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

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

### **Definitions**

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

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

1) The listed items are:

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Fiber optic cable (including drop cable);
- Optical fiber;
- Lumber;
- Engineered wood;
- and Drywall.

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

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

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

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

“Manufactured products” means:

- Articles, materials, or supplies that have been:
  - Processed into a specific form and shape; or
  - Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

- If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

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

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

### **F.2.12. Inflation Reduction Act Signage Requirement**

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

## **F.3. Reporting Requirements and Distribution**

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

### **F.3.1. Financial Reports**

Recipients will be required to submit a fully completed SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at [www.grants.gov/web/grants/forms/post-award-reporting-forms.html](http://www.grants.gov/web/grants/forms/post-award-reporting-forms.html).

### **F.3.2. Interim Performance Reports**

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

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period

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

### **F.3.3. Final Performance Report**

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

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

## **F.4. Disclosures**

### **F.4.1. Conflict of Interest Disclosures**

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

### **F.4.2. Other Mandatory Disclosures**

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-

Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

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

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

The Federal Government has the right to:

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

## **F.6. Freedom of Information Act**

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

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

Published research findings mean when:

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

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

Research data also does not include:

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

## **Section G. Federal Awarding Agency Contact(s)**

An informational webinar will be held in July 2024. The webinar will provide general information about the Drought Resiliency Projects NOFO, and individuals will have the opportunity to ask questions.

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

### **G.1. Reclamation Financial Assistance Contact**

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

Name: Christina Munoz  
Email: [bor-sha-fafoa@usbr.gov](mailto:bor-sha-fafoa@usbr.gov)  
Phone: 303-445-3154

Note: Staff availability on the day of the NOFO closing will be limited. *Please include the NOFO number R25AS00013 in the subject.*

### **G.2. Reclamation Program Coordinator Contact**

Questions regarding applicant and project eligibility and application review may be submitted to:

Name: Sheri Looper  
By email: [slooper@usbr.gov](mailto:slooper@usbr.gov)  
By Phone: 303-445-2232





## Section H. Other Information

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

### H.1. Environmental and Cultural Resource Considerations

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

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

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

### H.1.1. National Environmental Policy Act

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

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

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

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

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

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

### H.1.2. National Historic Preservation Act

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

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

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

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

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

### **H.1.3. Endangered Species Act**

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

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

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

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

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