



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R23AS00106

WaterSMART Aquatic Ecosystem Restoration Projects For Fiscal Year 2023



Mission Statements

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

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

Cover Photo - Laguna Reach of the Colorado River, Yuma, AZ (Reclamation/Alex Stephens.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Aquatic Ecosystem Restoration Projects for Fiscal Year (FY) 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	No. R23AS00106
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507
Dates: (See NOFO Sec. D.4)	Application due date: Thursday, June 1, 2023, 4:00 p.m. Mountain Daylight Saving Time
Eligible Applicants: (See NOFO Sec. C.1)	<p>Applicants eligible to receive financial assistance to fund activities under this NOFO include:</p> <p>Applicants eligible to receive an award under this funding opportunity include:</p> <p><u>Category A Applicants:</u></p> <ul style="list-style-type: none"> – States, Tribes, irrigation districts, or water districts; – State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority; – Agencies established under State law for the joint exercise of powers; – Other entities or organizations that own a dam that is eligible for upgrade, modification, or removal. <p><i>All Category A applicants must be located in a Reclamation State. The Reclamation States are defined as the following 17 States and 5 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 U.S. Virgin Islands</i></p> <p><u>Category B Applicants:</u></p> <p>Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity. All Category B applicants must be located in the United States, or the specific Territories identified above.</p>
Recipient Cost-Share: (See NOFO Sec. C.2)	A non-Federal cost-share of at least 35% is required
Federal Funding Amount: (See NOFO Sec. B.1)	Task A: \$500,000-\$2,000,000 per project Task B: \$3,000,000-\$20,000,000 per project
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately \$30,000,000 is available under this program. Approximately 5 to 10 projects per application submittal period will be funded, contingent on appropriations. Additional projects may be funded under this NOFO if additional funding becomes available in FY 2023 or subsequently.
Intergovernmental Review: (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 must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 .

This page is intentionally left blank.

Application Checklist

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

✓	Mandatory Application Components:	Required content	Page
	Mandatory Federal forms: <ul style="list-style-type: none"> SF-424: Application for Federal Assistance (Office of Management and Budget (OMB)) SF-424A: Budget Information - Non-Construction Programs (OMB) OR SF-424C: Budget Information - Construction Programs (OMB) SF-424B: Assurances - Non-Construction Programs (OMB) OR SF-424D: Assurances - Construction Programs (OMB) 		24
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration		33
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)		25
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)		28
✓	Recommended Application Components:	Required content	Page
	Environmental and cultural resources compliance		29
	Required permits or approvals		29
	Overlap or duplication of effort statement		29
	Conflict of interest disclosure statement		29
	Uniform audit reporting statement		30
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable) (OMB)		31
	Letters of Support		31
	Letter of partnership (Category B Applicants)		31
	Official Resolution		31
	Letter of Funding Commitment		31
	Documents Authorizing the Study, Design, or Construction of a Dam Removal Project		32

This page is intentionally left blank.

Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWMP	Cooperative Watershed Management Program
Department	U.S. Department of the Interior (also DOI)
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	fiscal year
IBC	Interior Business Center
GIS	Geographic Information System
IBC	Interior Business Center
MST	Mountain Standard Time
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OMB	Office of Management and Budget
P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
West	Western United States

This page is intentionally left blank.

Contents

	Page
Section A. Funding Opportunity Description.....	1
A.1. Authority	1
A.2. Background and Program Requirements.....	1
A.3. Notice of Funding Opportunity Purpose and Objectives	1
A.4. Program Determinations.....	2
A.5. Other Related Funding Opportunities	2
Section B. Award Information	5
B.1. Total Funding	5
B.2. Expected Award Amount	5
B.3. Expected Award Funding and Anticipated Dates.....	5
B.4. Number of Awards	6
B.5. Type of Award.....	6
B.6. Technical Assistance	6
Section C. Eligibility Information.....	7
C.1. Eligible Applicants	7
C.2. Cost Sharing or Matching.....	8
C.3. Other	9
C.4. Eligible Projects.....	9
C.5. Ineligible Projects	16
Section D. Application and Submission Information.....	21
D.1. Address to Request Application Package.....	21
D.2. Content and Form of Application Submission	21
D.3. Unique Entity Identifier (UEI) and System for Award Management (SAM).....	31
D.4. Submission Date and Time.....	32
D.5. Intergovernmental Review	34
D.6. Funding Restrictions.....	34
Section E. Application Review Information	37
E.1. Criteria	37
E.2. Review and Selection Process	51
E.3. Federal Award Performance Integrity Information System	53
E.4. Anticipated Announcement and Federal Award Dates.....	54
Section F. Federal Award Administration Information	55
F.1. Federal Award Notices.....	55
F.2. Administrative and National Policy Requirements.....	55
F.3. Reporting Requirements and Distribution	61
F.4. Disclosures	63
F.5. Data Availability (2 CFR §1402.315).....	63
F.6. Freedom of Information Act	64
Section G. Federal Awarding Agency Contact(s).....	65
G.1. Reclamation Financial Assistance Contact	65
G.2. Reclamation Program Coordinator Contact	65

Section H. Other Information	67
H.1. Environmental and Cultural Resource Considerations	67
H.2. Endangered Species Act.....	70
Attachment A: Design Level Guidance	73

Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 1109 of Division FF of Public Law (P.L.) 116-260 (33 United States Code [U.S.C.] 2330c), the Consolidated Appropriations Act 2021 and Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, P.L. 111-11 (42 U.S.C. 10364).

A.2. Background and Program Requirements

The U.S. Department of the Interior's (Department) Aquatic Ecosystem Restoration Projects (AERP) NOFO provides a framework for Federal leadership and assistance to restore and protect aquatic ecosystems in support of the Department's priorities. Through AERP, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, Tribes, and other entities as they study, design and construct aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and result in the improvement of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage.

Restoring and protecting aquatic ecosystems offers wide-ranging benefits for people and wildlife. Functioning aquatic ecosystems provide habitat for fish and wildlife, improve water quality, and store excess carbon, mitigate the impacts of drought and flood events, and support multiple water uses.

The Bureau of Reclamation's Aquatic Ecosystem Restoration Projects funding opportunity provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad and is aligned with other priorities, such as those identified in E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Aquatic Ecosystem Restoration Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resilience Partnership.

A.3. Notice of Funding Opportunity Purpose and Objectives

The objective of the AERP NOFO is to invite eligible applicants (Section C.1. Eligible Applicants) to leverage their money and resources by cost sharing with Reclamation on the study, design and construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. As used

here, “aquatic ecosystem” refers to freshwater and brackish water habitats such as lakes, ponds, rivers, streams, wetlands, swamps, and estuaries and the adjacent floodplains, riparian corridors, deltas, and shallow aquifers that interact with surface water. Projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of a larger strategy to replace aging facilities are prioritized under this program. This NOFO provides funding under two task areas, including Task A: Study and Design and Task B: Construction projects. For the purpose of this funding opportunity, “proposed project” refers to either a proposed Task A: Study and Design project or a proposed Task B: Construction project.

A.4. Program Determinations

Prior to construction of a Task B: Aquatic Ecosystem Restoration Project, Reclamation will make the determination that a project:

- Will not result in unmitigated adverse impact to water or power delivery obligations
- Will not result in an unmitigated adverse impact on the environment
- Is consistent with the Secretary of the Interior’s role as a trustee for federally recognized Indian Tribes
- Is in compliance with applicable International and Tribal treaties, agreements, and Interstate compacts
- Is in the financial interest of the United States based on a determination that the project advances Federal objectives including environmental enhancement objectives in a Reclamation State.

Reclamation will make these determinations based on the Application Review Committee’s (See Section E.2.3.) evaluation of the applicant’s proposal, red-flag review by appropriate Reclamation offices (e.g., Native American Affairs, Law and Administration, Policy and Administration – Environmental Compliance Division) and completion of mandatory environmental compliance measures.

A.5. Other Related Funding Opportunities

WaterSMART Environmental Water Resources Projects. Reclamation provides up to \$3 million in cost-share funding for projects that 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. Project types may include efforts such as 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 total project cost if certain conditions are met.

WaterSMART Cooperative Watershed Management Program (CWMP). Reclamation provides up to \$200,000 in funding to watershed groups to encourage diverse stakeholders to form local solutions to address their watershed management needs. Reclamation provides funding through Phase I of the CWMP for watershed group development, restoration planning, and watershed management project design. There is no non-Federal cost share required.

Planning and Project Design Grants. Reclamation provides up to \$400,000 in cost-share 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. The Federal cost share of a project may be up to 50 or 75 percent depending on the project type.

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 notices of funding opportunity, 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, or the Native American Affairs Program Technical Assistance Program website at www.usbr.gov/native/programs/TAPprogram.html.

This page is intentionally left blank.

Section B. Award Information

B.1. Total Funding

This NOFO will allocate \$30 million in available funding under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in FY 2023 and 9504(a) of the SECURE Water Act, P.L. 111-11. Funds made available for infrastructure projects are subject to the Buy America Act. Please see Section F.2.9: Application of Buy American Preference and Section F.2.10: Additional BIL Requirements for additional information regarding the Buy America preference as well as Wage Rate Requirements (Davis Bacon Act).

Any awards are subject to a determination by Reclamation that FY 2023 appropriations and/or FY 2023 BIL funds are available. Additional projects may be funded under this NOFO if additional funding becomes available in FY 2023 or subsequently.

B.2. Expected Award Amount

- Task A: Study and Design Projects
Maximum Award: \$2,000,000
Minimum Award: \$500,000
- Task B: Construction Projects
Maximum Award: \$20,000,000
Minimum Award: \$3,000,000

Note: The maximum and minimum funding amounts for projects under this NOFO are based on the amount of funding anticipated to be needed for projects providing regional benefits. For funding opportunities for similar projects with lower minimum award amounts, please see Section A.4. Other Related Funding Opportunities.

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

B.3. Expected Award Funding and Anticipated Dates

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

Anticipated Award Date: January 2, 2024

Anticipated Project Completion Date:

Task A: Study and Design Projects: December 31, 2026

Task B: Construction Projects: December 31, 2028

B.4. Number of Awards

Approximately 5 to 10 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 and vetted with appropriate regional Reclamation staff prior to applying, and this communication should be noted in your application. To discuss available assistance and associated costs, contact the program coordinator identified in Section G. Agency Contacts.

Examples of technical assistance provided by Reclamation may include but are not limited to project management, permitting, and geotechnical studies.

Section C. Eligibility Information

C.1. Eligible Applicants

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

C.1.1. Category A Applicants

- States, Tribes, irrigation districts, or water districts;
- State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority;
- Agencies established under State law for the joint exercise of powers;
- Other entities or organizations that own a dam that is eligible for upgrade, modification, or removal.

All applicants must be located in the Western United States or Territories as identified in the Reclamation Act of June 17, 1902, as amended and supplemented; specifically: 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, the U.S. Virgin Islands.

C.1.2. Category B Applicants:

Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity. All Category B applicants must be located 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, for example, by providing input, feedback, or other support for the project.

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

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

Applicants must be capable of cost sharing 35 percent (35%) or more of the total project costs.

Note: this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands. 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. Please see Section D.2.3.13 Official Resolution and Section D.2.2.14 Letters of Commitment for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

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

C.2.1. Cost Share Regulations

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

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants 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 this funding opportunity, provided that the project scopes are not duplicative. Category B applicants may receive a maximum of up to 3 awards provided that the Category A partner entity for each project is different. In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to restore and enhance flood plains and a project to remove a barrier to fish passage that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications.

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, to be eligible under this funding opportunity, an aquatic ecosystem restoration Task A: Study and Design, or Task B: Construction project must be for the purpose of improving the health of fisheries, wildlife and/or aquatic habitat, including through habitat restoration and/or improved fish passage via the removal or bypass of barriers. The specific tasks eligible for funding are described in more detail below, in C.5.1. Task A: Study and Design of Aquatic

Ecosystem Restoration Projects and C.5.2. Construction of Aquatic Ecosystem Restoration Projects.

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

C.4.1. Task A: Study and Design

Projects eligible for funding under Task A include study and design activities to develop an aquatic ecosystem restoration project, resulting in the development of a study and design package that can be used to apply for funding under Task B of this NOFO. It is recommended that applicants review the types of construction projects eligible under Section C.4.2. Task B: to inform the development of their Task A: Study and Design proposal.

The intent of Task A is to support the development of study and design products that will prepare the applicant to apply for Task B Construction funding. To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. A 60% design package should include technical study and design documentation supporting the preferred alternative in sufficient detail to be able to obtain the necessary permits and estimate funding required for project implementation. See Attachment A: Design Level Guidance, for more information on 60% design.

Prior to applying for Task A: Study and Design funding, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a restoration concept and prioritization of their specific restoration project(s), and that included some stakeholder involvement.

C.4.1.1. Eligible Study and Design Activities

Activities that are eligible under Task A: Study and Design may include, but are not limited to, the following: These activities are intended to support study and design activities resulting in a 60% design package.

- **Project Outreach.** Tasks may include, but are not limited to:
 - Stakeholder outreach activities directly linked to the study and design activities, such as public meetings and incorporating input from diverse area stakeholders including but not limited to e.g., municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.
 - Documenting and sharing project goals and objectives.

- **Restoration Project Design Alternatives Analysis.** Tasks may include, but are not limited to:
 - Comparing design alternatives and creation of a decision matrix
 - Conducting design-specific outreach and stakeholder engagement
 - Formulating a site alternative analysis
 - Selecting design criteria and standards
- **Project Analysis and Design.** Tasks may include, but are not limited to:
 - Carrying out applicable studies (environmental, biological, and/or engineering) and complete related modeling and data collection efforts regarding the impacts of proposed restoration activities. Activities may include:
 - Project site evaluation, including surveying and measurement
 - Resource inventory and evaluation
 - Applicable soil and water sampling
 - Analyses considering baseline (no action) and proposed design alternatives evaluation, including, for example:
 - Hydrologic analysis for project site
 - Hydraulic modeling
 - Wetland evaluation
 - Geotechnical investigation
 - Floodplain assessment
 - Baseline habitat conditions, including vegetation conditions and species population surveys
 - Completing risk analyses, including
 - Identification of performance and sustainability criteria for project elements and assessment of risk of failure to perform
 - Evaluation of risk to infrastructure, property, human safety, recreation, etc. and potential consequences and supplemental analysis to mitigate risk.
 - Developing a post-project monitoring plan

Note: Ground disturbing activities will require environmental and cultural compliance.

- **Complete site-specific design and engineering of the restoration project to reach a target 60% level of final project design** (see *Attachment A: Design Level Guidance*)
Tasks may include, but are not limited to:
 - Preparing design drawings and specifications for the construction of the project.
 - Developing a basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)
 - Analyzing the means and methods for construction at the project site and identify constraints (necessary equipment, site access, etc.)
- **Preparation of project cost estimates and development of project construction plan.**
Tasks may include, but are not limited to:
 - Developing project construction material quantities and costs for construction activities
 - Developing an estimated construction budget (including contingencies, labor costs, etc.)
 - Developing the project bid schedule, construction plan, schedule, and milestones for completing the project
- **Legal and Institutional Requirements Research.** Tasks may include, but are not limited to:
 - Researching on legal and institutional requirements; permitting and environmental compliance; land ownership and necessary easements; and state and/or local requirements with the potential to affect implementation of the project.
 - Studying the impacts of any proposed projects on contractual water and power supply obligations, water rights, Tribes, and other area stakeholders.
 - Investigating the types of site-specific environmental or cultural compliance will be necessary to implement the project(s) which can include consulting with Reclamation regarding potential environmental compliance

Note: It is not mandatory for Task A projects to address all the activities and sub-tasks listed if that work is not necessary or if the work has already been completed. Applicants can substitute appropriate sub-tasks or may provide explanations for certain sub-tasks that have already been completed or are not necessary. If the applicant has already completed significant study and design work, the applicant must include a summary of the completed work in their proposal.

C.4.1.2. Construction Funding for Completed Task A Study and Design Projects

Upon successful completion of a Study and Design project funded under Task A of this NOFO, the recipient may submit an application for the construction of the aquatic ecosystem restoration project. Applications for construction funding must meet the requirements for Task B: Construction below and contain the content identified in *Section D.2. Content and Form of Application Submission*. Applications for construction funding from recipients of a completed Study and Design award under this NOFO may be evaluated on a rolling basis.

C.4.2. Task B: Construction

Projects eligible for funding under Task B include the construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of a larger strategy to replace aging facilities are prioritized under this program. **Proposed projects should not have an estimated construction start date that is prior to January 2, 2024.**

Applicants submitting a proposal for funding under Task B must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. See Section C.4.2.2. Submittal of Study and Design Products.

C.4.2.1. Eligible Construction Activities

Projects eligible for funding under Task B: Construction may include the following project activities:

Completion of Final Design for Aquatic Ecosystem Restoration Construction Project.

- Conducting final design and pre-construction activities to progress the aquatic ecosystem restoration project from 60% to final design. This task must be completed prior to construction of the restoration project (may be completed by applicant prior to

- application to this program if no program funding is required). Completion of final design must be paired with subsequent full construction of the restoration project and cannot be completed as a stand-alone Task B: Construction project.

Outreach to Affected Stakeholders.

- Continued engagement regarding final planning and construction processes with a diverse group of stakeholders such as municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.

Restoration Activities: This program provides support for restoration projects that are comprehensive and holistic in nature. Accordingly, it is anticipated that proposed projects will include a combination of the following types of restoration activities to be competitive. Eligible restoration activities may include, but are not limited to:

- **Removal or Modification of Barriers to Fish Passage.** Removal or modification of impeding infrastructure, including dams, diversion structures, culverts, roads, or other barriers to fish passage, to reopen migratory pathways, build resilient riparian corridors, and protect aquatic ecosystems. Activities include but are not limited to:
 - Removal or modification of a dam or diversion to reopen or improve migratory pathways
 - Removal, replacement, or modification culverts that restrict aquatic organism migration
 - Removal, modification, or relocation of impeding roads, rail roads, levees, or bridges
 - Replacement of artificial channels with a “natural” channel and floodplain
 - Strategic placement of fish screens to prevent fish passage in diversion ditches or impede the passage of invasive fish.
- **Restoration of Connectivity.** Restoration of connectivity between the river and disconnected floodplains and wetlands to improve environmental flows, build system resiliency, and improve the lateral mobility of a river channel. Activities may include but are not limited to:
 - Improvement of thermal refugia and connectivity to groundwater

- Removal or modification of artificial embankments to improve floodplain connectivity
- Increasing the frequency and duration of floodplain inundation by reconnecting incised and disconnected channels
- Off-channel rehabilitation or enhancement including restoration of backwaters, alcoves, ponds, and abandoned oxbows
- **Restoration of Aquatic Habitat.** Restoration of the riparian area, riverbanks, channels and floodplains to bolster aquatic habitat and build natural resiliency. Activities may include but are not limited to:
 - Riparian planting with native species
 - Removal of invasive riparian vegetation
 - Removal, containment, or relocation of non-native fish and/or restoration of native fish species
 - Placement of natural structures in-channel (rock, logs, and native plants) to create meanders, stabilize river geometry, and create natural habitat or fluvial patterns
 - Restoration of floodplains
 - Installation of grade control structures to stabilize river geometry
 - Creation of natural features in a heavily engineered flood channel
 - Nature-based restoration actions (e.g., installation of beaver dam analogs, post-assisted log structures, etc.)
- **Improvement of Water Availability, Quality, and Temperature.** Activities to improve instream water availability, quality and temperature to improve conditions for aquatic ecosystems. Activities include but are not limited to:
 - Restoration of riparian vegetation along waterways
 - Wetland regeneration
 - Watershed sediment management in areas with degraded habitat due to recent disturbance or wildfire

- Conservation of water for instream flows, or construction of water management or infrastructure improvements that will bolster instream flows during low water periods (strategic point of diversion changes, or conservation projects resulting increased instream water availability, such as canal piping or lining)

Other Related Activities. Other activities that are similar to the examples listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

Monitoring Plan Development, Baseline Assessment, and Equipment Installation. Activities include but are not limited to development of a monitoring plan, pre-construction monitoring to track baseline conditions, and installation of monitoring equipment. Projects may also include initial post-construction monitoring for a period of up to six months for the purpose of assessing project success and outcomes. However, the costs for these activities shall not exceed 25 percent of the total project costs. Please note that long-term (i.e. more than six months) post-construction monitoring is considered normal operation and maintenance, and the costs are the responsibility of the applicant.

C.4.2.2. Submittal of Study and Design Products

Applicants for Task B: Construction must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. Do NOT include design documents with your application. After the application deadline (see Section D.4 Submission Date and Time), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (As outlined in Attachment A: Design Level Guidelines) and confirm project eligibility.

C.4.3. Dam Modification or Removal Projects

Prior to an award of funding, proposals that include the removal or modification of a dam must submit certain documents verifying that the dam owner has agreed to the study, design, or construction of the project and impacted water or power delivery customers have been notified. For specific instructions, see section D.2.2.12 Documents Authorizing the Study, Design, or Construction of a Dam Modification or Removal Project.

C.5. Ineligible Projects

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

C.5.1. Other Aquatic Ecosystems

Proposals for the restoration of marine and coastal aquatic ecosystems are not eligible for funding under this NOFO.

C.5.2. Monitoring Beyond Six Months Post-Project Completion

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

C.5.3. Operations, Maintenance, and Replacement

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

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

Dredging of reservoirs, canals, and rivers to remove normally occurring sediment accumulation for a non-aquatic habitat improvement activity (e.g. solely to improve flood conveyance)

- Reclamation can only provide funding for invasive species removal and fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible.

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

C.5.4. Water Reclamation, Reuse, and Desalination

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

C.5.5. Injection Wells and Recharge Projects Primarily for Agricultural or Municipal Benefits

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

C.5.6. Water Purchases

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

For more information about the requirements for receiving emergency drought assistance, please see www.usbr.gov/drought or contact the Program Coordinator (see Section G. Agency Contacts).

C.5.7. Land Purchase and Easements

Applications to use Federal funding for the purchase of land, or with the primary purpose to secure a permanent easement, are not eligible under this NOFO.

C.5.8. Building Construction

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

C.5.9. Pilot Projects

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

C.5.10. Removal and Prevention of Invasive Mussel Species

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

C.5.11. Prescribed Burns

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

C.5.12. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture 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 for further contact information in your area.

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

C.5.13. New Conveyance Infrastructure for Municipal or Agricultural Water Delivery

A project that proposes to construct new conveyance to allow for the distribution of additional or new water supplies for municipal or agricultural use is not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency

Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.14. Mine Remediation Projects

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

C.5.15. Projects to Adhere to Specific Regulatory Requirements

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

C.5.16. Training, Education, and Outreach Activities

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

C.5.17. 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.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance NOFO Operations Section staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

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

D.2.1. Application Format and Length

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

The font shall be at least 12 points in size and easily readable. 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 by the ARC, 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 funding opportunity. 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 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 after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See Section F.2.6. 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.”

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

SF-424: Application for Federal Assistance

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

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

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

SF-424A or SF-424C Budget Information Form.

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

Failure to submit an SF-424A or SF-424C will result in the elimination of the application from further consideration.

SF-424B or SF-424D Assurances Form.

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

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

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 telephone 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:

- The date, applicant name, city, county, and state.
- Please 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 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). See Section D.2.2.8. Letter of Partnership for additional information.
- Please indicate whether you are applying for funding under Task Area A: Study and Design or Task Area B: Construction.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, concerns in your project area, and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.

Example project summary for Task A: Study and Design: The Four Forest Restoration Initiative, in collaboration with Trout Unlimited, will design and acquire permits for a watershed restoration project on the West Fork of the Black River, located in the Apache-Sitgreaves National Forest in eastern Arizona. The Four Forest Restoration Initiative is a diverse working group dedicated to landscape-scale restoration planning in the area of the Kaibab, Coconino,

Apache-Sitgreaves, and Tonto National Forests. Warming temperatures, changing patterns of precipitation, and historic fire suppression have left the Four Forest area especially vulnerable to catastrophic wildfire, which could significantly harm the watershed. The West Fork Black River is a major tributary of the Salt River, a key water source for over 2 million people. The river is also the location of one of the few remaining Apache trout populations. Through this effort, the group will complete plans for a cross-boundary restoration project that will consider current and future climate conditions and how aquatic restoration can be combined with upland forest treatment to build maximum resiliency in a watershed.

Example project summary for Task B: Construction: *The Marin Municipal Water District will restore stream habitat supporting endangered and threatened salmonids in two sections of Lagunitas Creek, located in western Marin County, California. This project includes installation of 15-20 large woody debris structures and 850 tons of gravel for coho and steelhead spawning to improve riffle-pool habitat, creating and improving salmonid spawning and fry rearing habitat. The wood structures will also provide additional shelter and create scour pools, providing winter velocity refugia and summer thermal refugia. The District implements minimum instream flow schedules in Lagunitas Creek and due to the current drought in California, water supply is being significantly strained. This project will help mitigate the impacts that upstream water supply infrastructure has on downstream habitat for state and federally threatened and endangered species, as well as reduce drought impacts and increase water management flexibility in. The Lagunitas Creek Stewardship Plan identifies this project as a stewardship goal to support the enhancement and protection of aquatic resources. The District will work closely with the Lagunitas Technical Advisory Group, comprised of county, state, and Federal agencies, NGOs, and land trusts.*

- State the length of time and estimated completion date for the proposed project (month/year).
- Whether or not the proposed aquatic ecosystem restoration effort is focused on a Federal facility or will involve Federal land.

Project Location

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

Project Description

Provide a more comprehensive description of the technical aspects of your project, including the specific activities to be accomplished and the approach to complete the work. The project description should clearly indicate if the proposal is for Task A: Study and Design or Task B: Construction.

Proposals should address all project-specific requirements, as applicable to your task area (e.g., project components, design products to be developed, specific construction processes). 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 the Ability to Meet Program Requirements criterion described in Section E.1.3. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria described in Section E.1. This section is solely intended to provide an understanding of the technical aspects of the project. Performance Measures (for Task B: Construction Applicants ONLY)

All Task B: Construction project applicants are required to provide a summary describing the performance measures 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 restoration efforts, as well as the overall effectiveness of the project. Please describe the performance measures for your project within the evaluation criteria section of your application (see Section E.1.5. Evaluation Criterion E—Performance Measures).

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

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.

Copying and pasting the evaluation criteria and sub-criteria in Section E.1. Technical Proposal: Evaluation Criteria into your applications is suggested to ensure that all necessary information is adequately addressed.

D.2.2.3. Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

Table 1. —Summary of Non-Federal and Federal Funding Sources

FUNDING SOURCES	AMOUNT
Non-Federal Entities	
1.	\$
2.	\$
3.	\$
Non-Federal Subtotal	\$
REQUESTED RECLAMATION FUNDING	\$

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A (Task A projects) or Cost Classification categories identified on the SF-424C (Task B projects). The budget narrative must clearly identify ***all*** items of cost (**total estimated project cost**), ***including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation***, and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment A). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment B to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR (www.ecfr.gov).

Please note: The Budget Narrative Attachment Form in Grants.gov is to be used to upload the budget proposal.

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

D.2.2.4. Environmental and Cultural Resources Compliance

You should 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. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, Section 9504(a)(3)(B). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR 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 DOI awarding agency or pass- through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by 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 USC §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 USD 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 (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

D.2.2.9. 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.2.2.10. 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.

D.2.2.11. Letter of Partnership (Category B Applicants)

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 (see Section C.1. Eligible Applicants). However, if the project is selected, a Letter of Partnership must be received prior to award.

D.2.2.12. 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
- 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.2.2.13. Letters of Funding Commitment

If a project is selected for award under this funding opportunity 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
- 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.2.2.14. Documents Authorizing the Study, Design, or Construction of a Dam Removal Project.

If selected, applicants with projects that include the removal or modification of a dam must provide the additional documentation as appropriate for their project prior to an award made under this funding opportunity.

Task A: Study and Design

Projects for the study and design of an aquatic ecosystem restoration project (see Section C.4.1 Task A: Study and Design) that include the removal or modification of a dam must provide:

- Official documentation identifying the owner of the dam
- A letter from the owner of the dam consenting to the study and design of a project to remove or modify the dam

Task B: Construction

Projects for the construction of that include the removal or modification of a dam must provide:

- Official documentation identifying the owner of the dam
- A letter from the owner of the dam consenting to its removal or modification
- A statement certifying that the applicant has:
 - Provided written notification to all entities that receive water or power from the dam of the proposal to modify or remove the dam
 - Requested all entities that receive water or power from the dam to provide the applicant with the approximate, annual total of water or power received
 - Given such entities 120 days to provide written objections
- Identification of all entities that receive water or power from the dam
- The amount of water and/or power received by each entity
- Copies of all written objections received by the applicant

Note: If written objection from one or more eligible entities that collectively receive 1/3 or more of the water or power delivered from the facility, no award of funding will be made by Reclamation.

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

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

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

Meeting the requirements set forth above is mandatory.

D.3.1. Register with the System for Award Management

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

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

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

NOTE: An organization’s SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

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

D.3.2. Obtain a Unique Entity Identifier

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

Please see Section D.4.2.2, “Applications Submitted by Mail, Express Delivery or Courier Services,” if you are unable to submit an application electronically.

D.4. Submission Date and Time

Due date for applications June 1st, 2023, at 4:00 p.m. Mountain Standard Time.

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

By mail or United States Postal Service overnight services:

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

By all other express delivery and courier services:

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

D.4.2. Instructions for Submitting the Project Application

Each applicant 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: www.grants.gov/applicants/apply-for-grants.html.

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days. See the registration instructions available at www.grants.gov/applicants/apply-for-grants.html. **In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.**

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

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

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

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

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

D.4.2.3. Acknowledgement of Application Receipt

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

D.5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

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 funding opportunity 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 funding opportunity.

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 funding opportunity, including developing data necessary to support the proposal, are not eligible project costs and must not be included in the project budget.

Monitoring costs. The costs of initial post-construction monitoring conducted under a Task B: Construction Project shall not exceed 25 percent of the total project cost. Long-term (i.e., more than six months) post-construction monitoring is considered normal operation and maintenance, and the costs are the responsibility of the applicant.

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 funding opportunity.

D.6.3. Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). Every project funded under this program will have environmental compliance activities undertaken by Reclamation and the successful applicant.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

D.6.4. Indirect Costs

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

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

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

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization’s cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

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

Section E. Application Review Information

E.1. 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.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget—not the larger project.

Evaluation Criteria: Scoring Summary		Points
A. Project Benefits		30
B. Prior Restoration Planning and Stakeholder Involvement and Support		40 (Task A: Study and Design) 30 (Task B: Construction)
C. Project Implementation and Readiness to Proceed		15
D. Department of the Interior and Bureau of Reclamation Priorities		15
E. Performance Measures (Task B: Construction ONLY)		10 (Task B: Construction ONLY)
	<i>Total</i>	<i>100</i>

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

E.1.1. Evaluation Criterion A- Project Benefits (30 Points)

Up to **30** points may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will address restoration or protection needs for aquatic ecosystems.

For Task A: Study and Design applicants, respond to sub-criterion A.1. by describing the anticipated benefits of your study and design effort and the projects you are developing through this effort.

For Task B: Construction applicants, respond to sub-criterion A.1. by describing the estimated benefits of the restoration project(s) you are implementing. **Sub Criterion A.1. General Project Benefits**

- What are the critical issues of concern in the watershed? Provide documentation and support for how the critical issues were identified.
- Explain how your project will benefit aquatic ecosystems, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems. For example, will your project create new habitat, improve water quality, improve stream or riparian conditions, restore fish passage and connectivity, or otherwise benefit aquatic ecosystems. **Note:** *In your response to this criterion, A.1., please generally describe the expected benefits of your project to aquatic ecosystems; a quantitative explanation of project benefits is requested below in response to criterion A.2.*
- Does the project affect water resources management in 2 or more river basins (defined as a minimum HUC-10 level)? Explain how and identify the area benefitted (provide a map).
- Does the project provide regional benefits, in addition to fish or habitat restoration, including:
 - Supporting water needs for multiple water uses (i.e., agricultural, municipal, Tribal, environmental, recreational)?
 - Reducing water conflicts?
 - Providing other regional benefits, such as job creation or public safety benefits?
- Is this project a component of a broader strategy or plan to replace aging facilities with alternate facilities providing similar benefits? Describe how this project fits within the strategy or plan and how it will continue to provide benefit.
- Describe the status of the species and/or habitat that will benefit from the project:
 - Does the project contribute to the restoration of species listed under the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.)?
 - Does the project contribute to the restoration of listed anadromous fish?
 - Are the species subject to a recovery plan or conservation plan under the ESA?
 - Has there been a designation of critical habitat? If so, how does the proposed action benefit such critical habitat?
 - If the species are not listed under the ESA, please describe their status. For example, are they native species, game species, at-risk species, species of greatest conservation need, species of Tribal significance, or state listed?

Sub Criterion A.2. Quantification of Specific Project Benefits

What are the types and quantities of aquatic ecosystem benefits provided? We have provided separate sub-criteria for Task A: Study and Design and Task B: Construction. Only respond to the appropriate sub-criterion based on what task area your project fits under.

For purposes of this sub criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion A.2.1, and applicants submitting a Task B: Construction proposal need only to respond to Sub-Criterion A.2.2.

A.2.1. Task A: Study and Design Applicants Only. Please respond to the following sub criteria by providing details and quantification of the critical issues within the watershed and explaining how your Task A Study and Design project will address those issues. Please ***only respond to questions that apply to your project.*** Provide documentation and support for each of your responses.

- **Species and Habitat Health**

- Provide information regarding the current status of species and habitat health in the planning area. Provide factual support for the status information, including citations to relevant studies, habitat or species health assessments, and statistical information to describe the critical species and habitat issues of concern in your planning area, including issues related to fish or wildlife health and habitat conditions.
- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected species and habitat benefits of the project you are studying and designing, please do so.

- **Watershed Benefits**

- Provide information regarding the current status of water quality, ecological function, and ecological resiliency in the planning area. Provide factual support, citations to relevant studies, and statistical information to describe the critical issues in your planning area related to water quality, ecological function, ecosystem resiliency conditions.
- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected watershed benefits of the project you are studying and designing, please do so.

- **Water Supply Benefits**

- Provide information regarding the current status of water availability for aquatic ecosystems. Are there issues with sufficient water availability for ecosystems

seasonally or year-round? Provide factual support, including hydrographs, citations to relevant studies, and stream flow information to describe the critical issues in your planning area related to water availability for aquatic ecosystems.

- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected water supply benefits of the project you are studying and designing, please do so.

- **Other Quantifiable Benefits**

- Provide information regarding the other critical issues of concern in your project planning area. Are there issues related to human safety (significant flood risk/damaged infrastructure), significant long term management costs, limited economic opportunity or a lack of jobs, lack of recreational access including access to safe recreational spaces or fishing access? Provide factual support, including citations to relevant data or studies, and information to describe the other critical issues in your planning area.
- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify other expected benefits of the project you are studying and designing, please do so.

A.2.2 Task B: Construction applicants Only. Please, respond to the following sub criteria by describing the estimated benefits of the restoration project you are implementing. ***Please only respond to questions that apply to your project. For each of your responses, provide documentation and support for how you calculated or estimated project benefits.***

- **Species and Habitat Benefits**

Quantify and provide metrics for the extent to which the project will benefit the species and/or habitat, and provide support for your response:

- To what extent will the project benefit species health and/or species populations?

Quantify the benefits, including:

- Any projected increases in species populations or species health projected to result from your project,
- To what extent will the project benefit a species listed under the ESA, or otherwise improve the status of listed species?

Provide support for your response, including references to species population information, relevant analyses, statistical data, and other support.

- To what extent will the project improve habitat through restoration activities or improved fish passage? Quantify the benefits, including:

- The number of acres of habitat to be restored or reconnected,
- New spawning habitat created,
- The quality and permeance of additional habitat,
- Or other metrics demonstrating improved habitat or fish passage.

Provide support for your response, including citations to relevant studies and statistics, or other support.

- **Watershed Benefits**

Quantify and provide metrics for the extent to which the project will provide watershed benefits, and provide support for your response:

- To what extent will the project improve water quality? Quantify the benefits, including:
 - Any anticipated improvement of water quality (e.g., dissolved oxygen, nutrient pollution, improvement of temperature variations, eliminating violations to water quality standards, etc.).

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project benefit ecological function? Quantify the benefits, including:
 - Information about reconnection of floodplains,
 - Improvement of sediment transport,
 - Wetland recovery or wetland/ marsh creation.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project build ecosystem resiliency? Quantify the benefits, including:
 - The reduction of impacts of climate change,
 - The reduction of impacts of development,
 - Removing invasive

- species, protection against invasive species, and restoration of native species,
- Improvement of habitat fragmentation,
- Or assistance in helping aquatic ecosystems recover from disturbances such as floods, wildfire, or drought.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- **Water Supply Benefits**

Quantify and provide metrics for the extent to which the project will increase water supply to an aquatic ecosystem, and provide support for your response:

- To what extent will the project make more water available, or make water available at a more advantageous time or location? Quantify the benefits, including:
 - The estimated amount of water conserved (in acre-feet per year),
 - The total amount of new water made available for instream flow,
 - The relocation of water to optimize timing and quantity of water supplies for ecosystem health,
 - The extent of benefits to fish and wildlife, habitat, or other ecological benefits resulting from the improved water availability.

Provide support for your response, including references to past stream flow reports, relevant hydrographs, fish population data, fish health indicators, and other metrics. Please include a specific quantifiable estimate; do not include a range. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.

- **Other Quantifiable Benefits**

Are there other quantifiable project benefits not addressed in the preceding questions? If so, what are these benefits? Provide support for your response, including citations to relevant studies or statistics, and other metrics. For example, will your project benefit:

- Improvements in public safety (reduce/eliminate flood risk, dam breach, road damage)
- Reductions in long term management costs (culvert and dam maintenance)
- Job creation or economic opportunity (design or construction jobs, development of new recreation jobs, commercial fishing opportunities)
- Improvements in safe access to nature or recreational opportunities

E.1.1.1. Evaluation Criterion B- Prior Restoration Planning and Stakeholder Involvement and Support (30 or 40 points)

Points will be awarded based on the extent to which the proposal demonstrates diverse stakeholder support for and/ or involvement in the project, and evidence that the project builds upon prior restoration planning efforts.

For Task A: Study and Design projects, more points will be awarded for study and design projects that are inclusive and incorporate input and participation by a diverse range of stakeholders, and that included such input in an earlier stage of the process.

For Task B: Construction projects, more points will be awarded for projects that are supported by a previous planning effort that was inclusive of stakeholder input.

Note: “Diverse stakeholder support” includes a mix of entities internal and external to the applicant’s organization (e.g., municipal, agricultural, recreational, environmental non-profits, landowners, Tribes, and state and local water management entities, among others.)

Note: In documenting prior planning, you may reference publicly available planning documents, and include or attach excerpts from relevant plans or strategies. However, we advise against attaching the entirety of lengthy planning documents and all design documents will be requested by the program office following submittal of your application.

For purposes of this criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion B1, and applicants submitting a Task B: Construction proposals need only to respond to Sub-Criterion B2.

Sub-Criterion B1: Task A: Study and Design Stakeholder Involvement and Support and Restoration Planning (40 points)

More points will be awarded for study and design projects that involve a diverse array of stakeholders.

- **Prior Planning and Design:** Prior to applying for a Task A, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a restoration concept and prioritization of their specific restoration project(s), and that included some stakeholder involvement. The following sub criteria request specific information about those prior planning efforts.
 - Describe any prior planning efforts related to your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and any design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.

- What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).
 - Was the plan developed collaboratively? If the referenced plan was not developed collaboratively, please explain why, for e.g., the planning effort is focused on a very small area or concerns internal to the applicant.
 - Explain how any prior planning effort relates to your current proposal and how your current proposal adds value and builds on any prior planning efforts.
- **Stakeholder Involvement and Support for Task A: Study and Design Projects**
Identify stakeholders in the project area who have *committed to be involved* in the study and design process.
 - Describe what sector(s) the participating stakeholders represent and how they will engage in this effort, e.g., will they contribute funding or in-kind services, or otherwise engage in the study and design process?
 - Provide documentation of the commitment by stakeholders to participate in the study and design process. This could include letters from stakeholders committing to be involved in the study and design process; such letters should explain what their specific interest is and how they plan to participate.
 - Are any stakeholders contributing to the cost-share?
 - Describe stakeholders in the project area who have *expressed their support* for the study and design process, whether or not they have committed to participate.
 - Supporting documentation for this sub-criterion could include letters of support from stakeholders or a description of feedback from interested stakeholders.
 - What will the applicant do during the study and design process to ensure participation by a diverse array of stakeholders?
 - If some sectors are not yet represented, explain how this will be accomplished. Support could include a description of stakeholder interests in the project area, and what you will do to engage them (e.g., workshops, public meetings, or

outreach tools such as using local media, outreach to known stakeholder groups, web-based outreach, social media, or other kinds of announcements, etc.).

- Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

Sub-Criterion B2: Task B: Construction Stakeholder Support and Prior Restoration Planning (30 points)

More points will be awarded for construction projects that were developed through a collaborative planning process inclusive of stakeholder input. Please describe the planning and design process supporting your project.

- **Prior Planning, Study, and Design:** To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. See Attachment A: Design Level Guidance, for more information on 60% design. The following sub criteria request specific information about those prior planning efforts.
 - Describe the planning effort that supports your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.
 - Does the proposed project contribute to a regional or watershed scale fish passage or aquatic ecosystems strategy or priority restoration efforts (e.g., Federal, State, Tribal, or other association priority plan or designated critical habitat)? If so, name and briefly describe the strategy or effort.
 - What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).
 - Was the plan developed collaboratively?
 - What stakeholders were involved in preparing the plan and do they represent diverse interests (e.g., agricultural, municipal, tribal, environmental, recreational interests)? What process was used to solicit and incorporate stakeholder input?

- If the plan was prepared by an entity other than the applicant, explain why it is applicable.
 - Please describe the process for stakeholder involvement and comment on the planning and design effort supporting your project. Describe the how comments were requested, the types of comments received, and how they were considered.
- Describe how the plan provides support for your proposed project.
 - Does the proposed project address a goal or need identified in the plan?
 - Describe how the proposed project is prioritized in the referenced plan.
- How did you select the proposed project from among other project alternatives?
 - Describe the process you used to compare alternatives
 - Did you compare the benefits of different project alternatives (e.g., through a decision matrix, triple-bottom-line analysis, or rapid benefit indicators)? Did you do a qualitative or quantitative comparison of project benefits? If so, please describe the process and the outcomes.
- **Stakeholder Support for the Proposed Task B: Construction Project**
 - Is there widespread support for the project? Please provide specific details regarding any support and/or partners involved in the project. What is the extent of their involvement in the project?
 - Please attach any relevant supporting documents (e.g., letters of support or memorandum of understanding).
 - Are any stakeholders contributing to the project cost-share?
 - Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.2. Evaluation Criterion C— Project Implementation and Readiness to Proceed (15 points)

Up to **15 points** may be awarded based upon the extent to which the proposed project is prepared to commence *study and design* **OR** *construction* work upon entering into a financial assistance agreement.

Task A: Study and Design applicants should respond to **sub criteria C1**. Applicants that provide a well-developed implementation plan and schedule, logical budget and budget narrative will receive the most points under this criterion.

Task B: Construction applicants should respond to **sub criteria C2**. Applicants that describe a technically sound and feasible project with an implementation plan (e.g., estimated and achievable project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, dates, team members, and detailed budget) will receive the most points under this criterion.

Sub-Criterion C1: Task A: Study and Design Project Implementation

- Describe the implementation plan for the proposed study and design project. Please include an estimated project schedule that shows the stages and duration of the proposed study and design work, including major tasks, milestones, and dates.
 - Describe the plan to conduct project specific outreach during your award period. What regional stakeholders will you target and how will you connect and engage with them and incorporate their feedback?
 - Describe the plan to carry out any relevant studies (e.g., Project-Specific Study and Analysis, Restoration Project Opportunities and Alternatives Analysis, Benefits Analysis, or Legal and Institutional Requirements Research).
 - Describe the current design status of the project and describe the design activities will need to be completed to advance the project to 60% design?
- Proposals with a budget and budget narrative that provide a reasonable explanation of study and design project costs will be prioritized.
- If the applicant intends to do any on-site investigation or monitoring work, please provide documentation of permission and detail any permits or easements that may be required for access.

Sub-Criterion C2: Task B: Construction Readiness to Proceed

- Describe the implementation plan for the proposed construction project. Please include an estimated project schedule that shows the stages and duration of the proposed construction work, including major tasks, milestones, and dates. This may include, but is not limited to, design, environmental and cultural resources compliance, permitting, and construction/installation.
 - Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.

- Describe any additional efforts planned to engage with regional stakeholders during the final planning and construction phase of your project.
- Identify and describe all engineering and design work that has been performed in support of the proposed project to date. As a reminder, projects must be at 60% design to be eligible for Task B: Construction funding. (See Attachment A: Design Level Guidance, for an overview of 60% design progress.). If additional design work is required prior to construction, describe the planned process and timeline for completing the design work.

Proposals for a Task B: Construction project must include a list of all products in the design package for the project. **Do not include design documents with your application.** After the application deadline (see *Section D.4 Submission Date and Time*), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (as described in Attachment A: Design Level Guidance) and confirm project eligibility.

- Describe any permits and agency approvals that will be required, along with the process and timeframe for obtaining such permits or approvals.
- If applicable, describe the projects impact on any contractual water or power supply obligations, Indian trust responsibilities, or water rights settlements. Describe any regional water quality control board, state, and/or local requirements with the potential to affect implementation of the project.
- If project construction requires access to the land or water source where the project is located, please include a description of and a timeframe for obtaining any required easements or permits.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, please provide documentation. If the applicant does not yet have permission to access the project location, please describe the process and timeframe for obtaining such permission.
- Identify whether the applicant has contacted the local Reclamation office to discuss the potential environmental and cultural resource compliance requirements for the project and the associated costs. Has a line item been included in the budget for costs associated with compliance? If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation's costs and the contractor's costs.

- Describe any unresolved issues associated with implementing the proposed aquatic ecosystem restoration project, how and when such issues will be resolved, and how the project would be affected if such issues are not resolved.

E.1.3. Evaluation Criterion D—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, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad* and E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President’s memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*.

Please address only those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the application.

- **Climate Change:** E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity.
 - If applicable, describe how the project addresses climate change and increases resiliency. For example, does the project help communities respond to or recover from drought or reduce flood risk?
 - How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Please estimate the extent to which the project will build resilience to drought and provide support for your estimate.
 - Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation? Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution? Does the proposed project contribute to climate change resiliency in other ways not described above?
- **Disadvantaged or Underserved Communities:** E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.
 - Please use the Council on Environmental Quality’s interactive Climate and Economic Justice Screening Tool, available online at [Explore the map - Climate](#)

& Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>) to identify any disadvantaged communities that will benefit from your project.

- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?
- **Tribal Benefits:** The Department of the Interior is committed to strengthening tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*, asserts the importance of honoring the Federal government's commitments to Tribal Nations.
 - If applicable, describe how the project directly serves and/or benefits a Tribe, supports Tribally led conservation and restoration priorities, and/or if the project incorporates or benefits Indigenous Traditional Knowledge and practices.
 - Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.1.4. Evaluation Criterion E—Performance Measures (10 points) Task B: Construction ONLY.

NOTE: This criterion is for Task: B Construction applicants ONLY. Applicants for Task A: Study and Design Funding do not need to respond to Criterion E- Performance Measures.

Up to **10 points** may be provided based on the extent to which the proposal describes a plan to monitor the progress and effectiveness of the project during and after the proposed project period to track success and adaptively address new challenges as they arise. ***Note:** Program funding may be used to establish a monitoring and data management plan, complete baseline monitoring or collect pre-construction data, and install necessary equipment to monitor progress and conservation outcomes. Program funding may not be used to complete long-term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant). See Section C.4.2. Eligibility of Monitoring Activities for additional information.*

- What are the desired conditions that this project contributes to and how will outcome objectives and project success be measured?

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

Example performance measures could include the monitoring and improvement of various biotic and physical ecological indicators, including water quality and chemical composition, or observable changes in the presence or composition of vegetation or wildlife.

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-424B/D, Assurances Form, and a completed SF-424A/C, 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 is not submitted on time; does not include a SF-424; does not include a technical proposal or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant. 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 an Application Review Committee (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. Technical Proposal: 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. Additionally, the Red-Flag Review will address several of the determinations listed in Section A.4. Program Requirements.

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

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

E.2.4. Managerial Review

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize

projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration.

E.2.5. Pre-Award Clearances and Approvals

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

E.2.5.1. Environmental Review

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

E.2.5.2. Budget Analysis and Business Evaluation

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

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

E.3. Federal Award Performance Integrity 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 late Summer 2023, 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 “[DOI 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 the DUNS Number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or Agency. All of the 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.

Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.

As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is also responsible for ensuring that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project. **Environmental and cultural resources compliance costs are considered project costs and should be included in the project budget.**

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a project before environmental and cultural resources compliance is complete, and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this 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 Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

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

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

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.59 Intangible Property [of this CFR]). 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. Requirements for Agricultural Operations under P.L. 111-11 §9504(a)(3)(B)

In accordance with P.L. 111-11 §9504(a)(3)(B) of 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
- 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.2.7. Title to Improvements P.L. 111-11 §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 §9504(a)(3)(D) that are not integral to existing water delivery operations shall reside with the project sponsor.

F.2.8. 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 are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

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

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

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

F.2.8.1. Waivers

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

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;

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

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

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

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant Product Service Code ([PSC](#)) or North American Industry Classification System ([NAICS](#)) code for each.

11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

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

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

F.2.8.2. Definitions

“Construction materials” include an article, material, or supply that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, or drywall.

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

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

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

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

F.2.9. Additional Bipartisan Infrastructure Law Requirements: Wage Rate Requirements

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates no less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with 40 U.S.C. IV., Chapter 31 (also known as the Davis-Bacon Act).

F.3. Reporting Requirements and Distribution

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

F.3.1. Financial Reports

Recipients will be required to submit a fully completed 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.

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:

F.3.3.1. Task A: Study and Design Final Performance Report

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits
- Description of how the project demonstrates collaboration
- A comparison of estimated costs vs. actual costs
- An overview of the project design progress.
- Photographs documenting the project are also appreciated.

NOTE: Upon request by the applicant, Reclamation staff will assess a Task A: Study and Design funding recipient's design products, review the draft design package for sufficiency, and provide feedback to the recipient regarding their level of readiness to apply for Task B: Construction funding.

F.3.3.2. Task B: Construction 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 demonstrates collaboration
- A comparison of estimated costs vs. actual costs
- Photographs documenting the project are also appreciated

Note for Task A: Study and Design projects and Task B: Construction: Reclamation may publish photos with appropriate credit to the applicant. Also, final reports are public documents and may be made available on Reclamation's website or as requested.

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.4.1. 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 of the Interior, 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 early February 2023. The webinar will provide general information about the Aquatic Ecosystem Restoration Projects NOFO, and individuals will have the opportunity to ask questions.

An additional webinar will be held for successful applicants in early Fall 2023 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
Phone: 720-614-2192

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R23AS00106 in the subject.**

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the appropriate point of contact below

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Avra Morgan
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225-0007

By e-mail: aomorgan@usbr.gov

By phone: 303-445-2906

This page is intentionally left blank.

Section H. Other Information

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

H.1. Environmental and Cultural Resource Considerations

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

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

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

H.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.

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

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

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

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

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

H.1.2. National Historic Preservation Act

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

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

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

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

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

H.2. 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 the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.

This page is intentionally left blank.

Attachment A: Design Level Guidance

To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. A 60% design package should include technical study and design documentation supporting the preferred alternative in sufficient detail **to be able to obtain the necessary permits and estimate funding required for project implementation.** The design package should summarize project design elements, data, and analysis, model approach and results, project concept alternatives and preferred alternative decision, public engagement accomplished, and progress on environmental documents (all required federal, state, and local permits). Suggested products for inclusion in a 60% design package include:

Summary of Public Outreach and Engagement. Products may include, but are not limited to:

- Description of public outreach accomplished or planned, and copies of materials utilized in public outreach.
- Describe the types of comments received and how they were considered.

Design Alternatives Analysis. Products may include, but are not limited to:

- Conclusions of any design alternatives analysis completed, if applicable.

Project Analyses and Findings. Products may include, but are not limited to:

- Summary and findings from technical data collection, completed applicable studies (environmental, biological, and/or engineering) related, and modeling efforts regarding the impacts of proposed restoration activities. May include findings from:
 - Project site evaluation, including surveying and measurement
 - Resource inventory and evaluation
 - Applicable soil and water sampling
 - Conduct analyses considering baseline (no action) and proposed design alternatives evaluation, including, for example:
 - Hydrologic analysis for project site
 - Hydraulic modeling
 - Wetland evaluation
 - Geotechnical investigation
 - Floodplain assessment

- Baseline habitat conditions, including vegetation conditions and species population surveys
- Summary and findings of evaluation of project element risks to infrastructure, property, human safety, recreation, etc. and potential consequences and identified mitigation measures.

Design and Engineering Documents. Products may include, but are not limited to:

- Engineering and design drawings and specifications for the project. Products may include a cover sheet, general notes, location map, access and staging, existing conditions plan view, proposed conditions plan view, plan and profiles, typical details (channel materials, low water mark, etc.), earthwork cut and fill volumes, planting/rehabilitation plans, temporary erosion and sediment control, de-watering, construction sequencing, etc.
- Basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)

Construction Cost Estimate. Products may include, but are not limited to:

- Construction material quantities and unit costs
- Estimated construction budget (including contingencies, labor costs, etc.)
- Project bid schedule, construction plan and schedule, and milestones for completing the project

Legal and Institutional Requirements. Products may include, but are not limited to:

- Summary and findings of all completed studies and analyses that will support environmental compliance activities and identification of any known issues and requirements.
- Status of application for applicable federal, state, and local permits. Provide expected completion schedule or whether any exemptions apply.
- Summary and findings from analysis of legal and institutional requirements including water and power contracts, water rights, Tribal obligations, easements, or related considerations.