

## Tribal Competitive 319 Grant FY2018 Request for Proposals Frequently Asked Questions

The following questions pertain to EPA’s FY2018 Tribal Competitive Section 319 Grant Request for Proposals (EPA-OW-OWOW-18-01), available at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>. This list of questions includes those that were submitted by prospective applicants during the FY2018 competitive grant period.

Please note that proposals under this announcement are due on **May 2, 2018**. If you have a question about the RFP not answered below, please submit your question via email to [tribal319grants@epa.gov](mailto:tribal319grants@epa.gov).

1. Are there any changes to the FY2018 Request for Proposals, compared to previous years’ RFPs? .... 4
2. How many proposals does EPA typically receive under this RFP? How many proposals are typically selected for award? ..... 7
3. Can a tribe submit a base 319 work plan proposal and a competitive 319 grant proposal in the same year? ..... 7
4. The FY18 RFP indicates that the primary focus of proposed projects must be on best management practice (BMP) implementation. The following questions relate to BMP implementation..... 7
  - a. What is a best management practice (BMP)? ..... 7
  - b. Where can I find a list of structural and nonstructural BMPs eligible under the FY2018 competitive tribal 319 grant RFP? ..... 7
  - c. The RFP indicates that the primary focus of projects should be on BMP implementation, but that the proposal can also include “other eligible project activities” like NPS education and outreach, project monitoring, training for staff, and watershed-based plan development. What does this mean?  
8
5. Is there a page limit and/or formatting requirements for competitive 319 grant proposals? ..... 8
6. Under the “Environmental Results Past Performance” criterion, are applicants required to include information on every federally funded assistance agreement over the last three years? ..... 8
7. Are there specific thresholds for water quality that need to be achieved through a competitive tribal 319 grant? (e.g., is a water quality goal to support fish health scored differently than a water quality goal to support human use?)..... 9
8. Can supporting documents be included at the end of the same Word document as the work plan?. 9
9. Can tribes use competitive 319 grant funding to implement a NPS project that is not on the tribe’s reservation? ..... 9
10. The RFP states that “All proposals must include activities that are related to waters within a reservation or they will be rejected.” Does “waters within a reservation” apply to ALL lands held in trust? Or, only formal reservations? ..... 9
11. Are waters on allotted lands classified differently from reservation waters for the purpose of this grant program? ..... 10

12. What is the cost-share/match requirement for a competitive tribal 319 grant? Is the cost-share/match requirement reduced if my tribe qualifies for a hardship waiver or includes the competitive grant funds in a Performance Partnership Grant (PPG)?..... 10

13. If a tribe is selected for a competitive 319 grant when will funding be available? ..... 11

14. What is the allowed project period length for a competitive 319 grant award? ..... 11

15. Can competitive 319 grant funding be used to purchase land? ..... 11

16. Can competitive 319 grant funding be used to address a NPS pollution problem/threat associated with septic systems? ..... 11

17. What costs are included in 10% cap on “Administrative Costs”?..... 11

18. Is improving forest health by fuel reduction an eligible activity under the Competitive 319 grant?  
12

19. How should applicants format proposals with to address each of the ranking criteria and stay within the 15-page limit? ..... 12

20. If awarded, we plan to incorporate the competitive 319 funds in an existing PPG. When does EPA expect to make competitive 319 grant awards? ..... 12

21. To whom should the Hardship Waiver request be addressed? The EPA Regional Administrator?12

22. Can an applicant count State funds towards the match requirement, if the State funds have not yet been obtained and will not be awarded until after the FY18 competitive 319 grant application is due?  
13

23. If the stormwater from a parking lot of a Tribal Casino/Trading Post (or any other Tribal business) is negatively affecting the water quality of the river located within the reservation, is treating that stormwater an eligible activity under the competitive 319 grant? ..... 13

24. Does the applicant need to obtain landowner permission for proposed work that will occur on reservation fee land? ..... 13

25. The FY2018 RFP requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their proposal that “any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.” What is an access agreement? Is it just to access the land to determine if there are suitable BMP sites and/or design the BMP? Or is it actually a cost-share agreement where the landowner is committing to the installation of the BMP? ..... 13

26. The FY2018 RFP requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their proposal that “any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.” Can the access agreement be between another entity, such as a local Soil and Water Conservation District, and a landowner, or does it have to between the tribe and the landowner? ..... 13

27. Can CWA 319 Competitive funding be used to pay for camera inspection of the sewer lines suspected of contributing to a fecal coliform bacteria pollutant problem in a waterbody on the Reservation? ..... 14

28. Would a proposal to work with an engineer to design new crossings as four priority road stream crossing sites, as identified in the tribe’s NPS program plan, be eligible under this announcement? The construction of these crossings would not be a deliverable under the 319 grant, but we do have plans to implement all the designs by the end of 2021 using another funding source. .... 14

**1. Are there any changes to the FY2018 Request for Proposals, compared to previous years' RFPs?**

As in past years, the FY2018 Tribal Competitive Section 319 RFP solicits proposals to develop and/or implement watershed-based plans and implement watershed projects that will result in significant steps towards solving NPS problems on a watershed-wide basis. The funding available through the FY2018 RFP is primarily targeted to support implementation of NPS best management practices (BMPs) to control sources of NPS pollution. Applicants may also include other eligible activities that support implementation work (e.g., watershed planning, water quality monitoring), but a proposal should be primarily focused on implementing BMPs that will directly protect or restore water quality.

There are some important changes to this year's RFP, as outlined in the table below. Some changes are aimed at clarifying the types of projects eligible under this announcement and the criteria that will be used to evaluate proposals. Some edits have been made to clarify portions of the RFP that caused confusion among applicants in previous years. Lastly, changes have been made to the ranking criteria point values to place more scoring emphasis on the technical merits of the proposal.

RFP Section	Change(s)	Explanation
I.A. Program Objectives (and throughout)	"Protect unimpaired waters" revised to "protect waters from NPS pollution."	New language more broadly written to be relevant to tribes without water quality standards (i.e., no mention of unimpaired status).
I.A. Program Objectives (see also evaluation criteria)	Revised language to define and describe the Watershed Approach (FY17 language used term "watershed context").	In past years, RFP used term "watershed context" which caused some confusion among applicants. This year, revisions are aimed at clarifying expectation that all proposals demonstrate that a watershed approach was adopted in proposing management activities in areas that will be most effective in managing NPS pollution. Evidence of a Watershed Approach could be demonstrated, for example, by a 9-element watershed-based plan, another watershed plan or assessment, or a well-designed watershed project.
I.A. Program Objectives (and throughout)	Replaced "on-the-ground activities" term with "NPS BMP implementation" in describing the primary focus of projects awarded by RFP.	In past years, the RFP indicated that funding was primarily targeted to support "on-the-ground activities, as opposed to non-structural activities or assessment type work." New language intended to clarify that on-the-ground implementation may include either structural or non-structural (e.g., nutrient management planning) management practices.
I.B. EPA's Strategic Plan	Updated RFP based on new EPA Strategic Plan (2018-2022).	Applicants will need to ensure their proposals are consistent with the Agency's current Strategic Plan.

RFP Section	Change(s)	Explanation
III.D. Threshold Evaluation Criteria	New language under Threshold Criterion #3: "...If any project work, such as NPS BMP implementation activities or monitoring, is to occur off-reservation the applicant must assess and indicate in their proposal whether land access/permission is required, and if so must demonstrate in the proposal that any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission."	As part of threshold review, applicants will need to demonstrate in their proposals that they have obtained any necessary land owner permission(s), if the proposed work is to take place off-reservation. This will ensure that, if selected, the project will be ready to proceed.
III.D. Threshold Evaluation Criteria	New Threshold Criterion: "#5. Proposals including watershed-based plan development as a work plan component must also contain an on-the-ground project to implement NPS BMPs (i.e., a tribe will not receive competitive funding only for the development of a watershed-based plan)."	This language was in Section III.E Funding Restrictions of the FY17 RFP and has been added as a threshold criterion to ensure the proposal meets the requirement prior to evaluation review.
IV.B Grants.gov proposal submission instructions	Applicants MUST submit through Grants.gov 'Workspace' feature. New language: "Please Note: All applications must now be submitted through Grants.gov using the "Workspace" feature. Information on the Workspace feature can be found at the Grants.gov Workspace Overview Page."	Consistent with Agency policy.
IV.C.2 Proposal Work Plan and V.A Ranking Criteria	<b>General note about revisions to these sections:</b> a fair amount of language was moved from Section V.A to IV.C.2.	Text was moved in cases where it was more appropriate in Section IV than V. In several cases, moving text did not result in substantive changes to the criteria, though see rows below for descriptions of some other substantive edits to criteria.
IV.C.2 Proposal Work Plan and V.A Ranking Criteria	<p><u>Subcategories of NPS Pollution (Work Plan Component "i"/Ranking Criterion "a"):</u></p> <ul style="list-style-type: none"> <li>- <b>IV.C.2:</b> FY17 language was "The proposal will be evaluated based upon the extent, and quality, to which it identifies each significant subcategory of NPS pollution." FY18 revisions clarify that proposal should specify both: (1) the NPS pollution source(s) contributing to the problem/threat, and (2) the specific NPS pollution source(s) to be addressed by the project.</li> <li>- <b>V.A:</b> 10-point criterion now split into two 5 point sub-criteria.</li> </ul>	Applicants may not be able to fully address a NPS problem through their proposed project. For this reason, it is important that applicants provide information on the NPS pollution source(s) contributing to the problem/threat, and the specific sources they will address through the project.

RFP Section	Change(s)	Explanation
<p>IV.C.2 Proposal Work Plan and V.A Ranking Criteria</p>	<p><u>Project Goals, Objectives...</u> (Work Plan Component “iii”/Ranking Criterion “c”):</p> <ul style="list-style-type: none"> <li>- Criterion title/description changed, consistent with other RFP edits.</li> <li>- Criterion value increased from 20 points to 30 points.</li> <li>- Information about watershed-based plan development as part of a proposal work plan, if applicable to proposal, now provided under this criterion, rather than previously titled “Watershed Context” criterion.</li> <li>- Clarification that 9-element watershed based plan (WBP) to be implemented, if applicable to proposal, does not need to have been reviewed by EPA (as specified in FY17 RFP) to qualify as a WBP. Applicants do need to specify the following: (1) whether the plan includes the 9 elements, (2) whether the plan has been reviewed by EPA, and (3) whether the plan is in final or draft form.</li> <li>- Applicants asked to identify relevant project type under this criterion.</li> </ul>	
<p>IV.C.2 Proposal Work Plan and V.A Ranking Criteria</p>	<p><u>Link between work plan components and NPS pollution subcategories; Water quality benefits</u> (Work Plan Component “iv”/Ranking Criterion “d”):</p> <p>Retitled this criterion from “Water Quality Benefits” to “Link Between Work Plan Components and NPS Subcategories; Water Quality Benefits”</p>	<p>New title more accurately describes content evaluated under this criterion.</p>
<p>IV.C.2 Proposal Work Plan and V.A Ranking Criteria</p>	<p><u>Watershed Approach</u> (Work Plan Component “v”/Ranking Criterion “e”):</p> <ul style="list-style-type: none"> <li>- Retitled this criterion from “Watershed Context”</li> <li>- Criterion revised such that all proposals, regardless of project type, are asked to submit same set of information about Watershed Approach adopted in designing proposal.</li> <li>- 10-point criterion now split into two 5 point sub-criteria.</li> </ul>	<p>As described in Section I.A Program Objectives, all proposals should demonstrate that a watershed approach was adopted in proposing management activities in areas that will be most effective in preventing or reducing NPS pollution. In the FY17 RFP, this criterion asked for a different set of information on “Watershed Context” depending on the project type. This year’s revisions ask all applicants, regardless of the project type, to provide information on the Watershed Approach adopted in designing the proposal.</p>

RFP Section	Change(s)	Explanation
IV.C.2 Proposal Work Plan and V.A Ranking Criteria	<u>Milestone Schedule</u> (Work Plan Component “ix”/Ranking Criterion “h”): - Retitled from “Schedule” - Criterion value Reduced from 10 points to 5 points.	No substantive change to content of criterion.
IV.C.2 Proposal Work Plan and V.A Ranking Criteria	<u>Roles/Responsibilities</u> (Work Plan Component “x”/Ranking Criterion “i”): - Criterion value Reduced from 10 points to 5 points.	No substantive change to content of criterion.
IV.C.2.xi Financial hardship waiver, QA/QC	Financial hardship waiver and QA/QC documentation no longer counted against 15-page work plan limit.	

**2. How many proposals does EPA typically receive under this RFP? How many proposals are typically selected for award?**

In the past few years EPA has typically received between 40 and 50 proposals under this RFP. The number of proposals selected for award is dependent on the amount of Section 319 grant funding available each year. In recent years EPA has awarded approximately \$2.5 million for competitive tribal 319 grants, which equates to approximately 25 projects (assuming a federal award of \$100,000 per project).

**3. Can a tribe submit a base 319 work plan proposal and a competitive 319 grant proposal in the same year?**

Yes, tribes eligible for CWA section 319 grant funds may apply for both base and competitive funds in the same year. Here is a list of tribes eligible for 319 grant funds in federal fiscal year 2018:

[https://www.epa.gov/sites/production/files/2017-11/documents/list\\_of\\_tribes\\_eligible\\_for\\_319\\_base\\_and\\_competitive\\_funding\\_for\\_fy18\\_2.pdf](https://www.epa.gov/sites/production/files/2017-11/documents/list_of_tribes_eligible_for_319_base_and_competitive_funding_for_fy18_2.pdf)

**4. The FY18 RFP indicates that the primary focus of proposed projects must be on best management practice (BMP) implementation. The following questions relate to BMP implementation.**

**a. What is a best management practice (BMP)?**

As defined in EPA’s *National Management Measures* guidance documents (available here: [www.epa.gov/nps](http://www.epa.gov/nps)), BMPs refer to a practice or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and nonpoint pollutants at levels compatible with economic and environmental quality goals. BMPs can be either structural (e.g., livestock exclusion fencing, streambank shaping and planting to stabilize and reduce erosion) or nonstructural (e.g., grazing or nutrient management practices).

**b. Where can I find a list of structural and nonstructural BMPs eligible under the FY2018 competitive tribal 319 grant RFP?**

The FY2018 competitive tribal 319 grant RFP does not include a comprehensive list of all BMPs eligible for funding, but see Section I.A for some examples. You should refer to your NPS program documents for more information about which BMPs may be best-suited for a given project location. Your tribe’s **NPS assessment report** should describe your NPS program’s process for identifying the BMPs needed to control each NPS pollution (sub)category identified in your NPS assessment report. Additionally, your tribe’s **NPS management program plan**

should outline actions to be taken over a five-year period to address the problems identified in the assessment report, including specific information on the BMPs to be used.

Many tribes use state or federal tools and resources, such as Internet databases or publications, to identify the kinds of BMPs that will address or prevent the NPS issues identified in their waters. Examples include:

- EPA's [National Management Measure technical guidance documents](#) provide technical information, including BMP types, on managing NPS pollution from different sources (Agriculture, Urban Areas, Forestry, Marinas and Recreational Boating, Hydromodification, wetlands/riparian areas).
- The U.S. Department of Agriculture's [Field Office Technical Guide](#) (FOTG) includes state-specific information about NRCS conservation practices, including practice definitions and design standards.

**c. *The RFP indicates that the primary focus of projects should be on BMP implementation, but that the proposal can also include "other eligible project activities" like NPS education and outreach, project monitoring, training for staff, and watershed-based plan development. What does this mean?***

The FY2018 competitive tribal 319 grant funding is primarily targeted to support implementation of BMPs that will directly result in the protection or restoration of water quality. As stated in Section I.A of the FY2018 RFP, "The funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs [best management practices]." However, other project activities that support BMP implementation, including assessment and watershed planning, can be a part of a competitive grant proposal work plan. While there is no cap on the portion of the federal competitive grant that may be used for these other project activities (but note that a maximum of 20 percent of the federal portion of the competitive grant can be used to develop or continue work on a watershed-based plan), the primary focus of the proposal work plan should be on BMP implementation.

**5. *Is there a page limit and/or formatting requirements for competitive 319 grant proposals?***

Yes, there is a page limit on proposals, as described in Section IV.C.2 of the FY2018 RFP: "*The proposal work plan must be limited to no more than fifteen (15) typewritten single-spaced 8.5 X 11-inch pages (a page is one side of paper), except for documents specifically excluded from the page limit as noted below.*" The proposal work plan will be reviewed up to the equivalent of the 15-page single-spaced page limit; excess pages will not be reviewed. It is recommended that applicants use standard 12-point type with 1-inch margins.

Note that supporting materials (e.g., letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, maps of project locations) are not included within the page limit for the proposal work plan.

**6. *Under the "Environmental Results Past Performance" criterion, are applicants required to include information on every federally funded assistance agreement over the last three years?***

As stated in the FY2018 RFP (Section IV.C2.vii and Section V.A.f), applicants should include a list of federally-funded assistance agreements your organization performed within the last three years, as well as information on how you documented and/or reported on whether you were making progress

towards achieving the expected results under those agreements. The RFP specifies that applicants should provide “no more than 5 agreements, and preferably EPA agreements.” If an applicant does not have any relevant or available information on agreements (federal grants and cooperative agreements but not federal contracts), you must indicate this in the proposal and you will receive a neutral score for this evaluation criterion.

**7. Are there specific thresholds for water quality that need to be achieved through a competitive tribal 319 grant? (e.g., is a water quality goal to support fish health scored differently than a water quality goal to support human use?)**

No, EPA does not specify thresholds for water quality that need to be achieved through a competitive tribal 319 grant. As described in the FY2018 RFP, proposals should “Describe how, and what, significant water quality benefits will be achieved as a result of the proposed project. Describe how the proposed project addresses the water quality problems or threats, either through restoring NPS-impaired waters or protecting waters from NPS pollution.” These water quality benefits, including, for example, specific designated uses (e.g., aquatic life, human use) to be protected or restored, may vary depending on the proposed project.

Each proposal will be evaluated based upon the extent and quality to which it describes how and what significant water quality benefits will be achieved as a result of the project and how it addresses the water quality problems or threats either through restoring NPS-impaired waters or protecting waters from NPS pollution.

**8. Can supporting documents be included at the end of the same Word document as the work plan?**

Yes, you may include supporting materials in the same Word document as the proposal work plan. Given the 15-page limit for the proposal work plan (not including Supporting Materials), please be sure to clearly indicate where the Supporting Materials section begins.

As stated in Section IV.C.2 of the FY2018 RFP, “**Supporting materials** (such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of project location) are not included within the page limit for the proposal work plan. Supporting material pages should be numbered. The review committee will only review the material you provide with the application and not material referenced in the proposal work plan or in a web link. Do not include documents such as watershed plans, assessment reports, or management program plans.”

**9. Can tribes use competitive 319 grant funding to implement a NPS project that is not on the tribe’s reservation?**

Yes, as described in Section III.D.3 of the FY2018 RFP, “CWA section 319 grant funds awarded under this competition may be awarded to tribes for use outside the reservation only if they support activities that are related to waters within a reservation and are consistent with the applicant’s nonpoint source assessment report and management program. These activities may include either those relating to sources upstream of a waterway entering the reservation, or activities downstream of reservation waters.”

**10. The RFP states that “All proposals must include activities that are related to waters within a reservation or they will be rejected.” Does “waters within a reservation” apply to ALL lands held in trust? Or, only formal reservations?**

“Reservation waters” includes those waters on trust lands held in trust by the federal government. As stated in Section I-6 of the [Handbook for Developing and Managing Tribal Nonpoint Source Pollution](#)

[Programs Under Section 319 of the Clean Water Act](#), tribal NPS program activities should “*pertain to the management and protection of reservation water resources (which includes water resources of tribal trust lands even if those lands have not been designated formally as reservations).*” Additionally, as stated in Clean Water Act Section 518(e)(2), waters on trust lands held in trust by a state or private party for an Indian tribe may be considered to be part of “reservation waters” if, for example, these trust lands are within the borders of an Indian reservation. Tribes should contact EPA for more information about eligibility pertaining to “reservation waters.”

Applicants may use section 319 funds to perform eligible activities outside a reservation if: (1) the activity pertains to the management and protection of waters within a reservation; and (2) just as for on-reservation activities, the tribe meets all other applicable requirements.

Please note that one of the threshold criteria described in the 2018 RFP (see Section III.D.3) requires that for applicants proposing any project work, such as NPS BMP implementation activities or monitoring, that will occur off-reservation, “*...the applicant must assess and indicate in their proposal whether land access/permission is required, and if so must demonstrate in the proposal that any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.*”

**11. Are waters on allotted lands classified differently from reservation waters for the purpose of this grant program?**

“Reservation waters” may include waters on allotted lands. As stated in Clean Water Act Section 518(e)(2), “*the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation...*”

If the allotted land is held by the Indian tribe and subject to “trust restriction on alienation” (as described above), waters on these lands may be considered part of the tribe’s reservation waters. Or, if the allotted land is held by a non-Indian member but within the borders of an Indian reservation, waters on these lands may be considered part of the tribe’s reservation waters. Tribes should contact EPA for more information about eligibility pertaining to “reservation waters.”

**12. What is the cost-share/match requirement for a competitive tribal 319 grant? Is the cost-share/match requirement reduced if my tribe qualifies for a hardship waiver or includes the competitive grant funds in a Performance Partnership Grant (PPG)?**

As described in the FY2018 RFP, the cost share/match requirement is 40 percent of the total project costs (e.g., for a federal request of \$100,000, a 40% non-federal match would equal \$66,667, representing 40% of the total project cost of \$166,667). As stated in the FY2018 RFP, EPA may reduce the cost share/match requirement to as low as 10 percent of total project costs if the applicant “*can demonstrate in writing to the satisfaction of the Regional Administrator that fiscal circumstances within the tribe or within each tribe that is a member of the intertribal consortium are constrained to such an extent that fulfilling the cost share/match requirement would impose undue hardship (see 40 CFR 35.635).*” The cost share/match requirement may also be waived entirely “*...if, based on an objective assessment of socioeconomic indicators, the Regional Administrator determines that meeting the cost share would impose an undue hardship.*”

As described in the FY2018 RFP, if a tribal applicant includes the funds for a grant awarded under the FY2018 RFP in an approved PPG, the cost share/match requirement, unless waived as described above, *“shall be 5 percent or less (see 40 CFR 35.536 (b)) of the allowable cost of the work-plan budget for those grant funds during the first two years in which the tribe or intertribal consortium receives the PPG. After two years, the cost share/match requirement may be increased up to a maximum of 10 percent of the work-plan budget for those funds (as determined by the Regional Administrator).”*

**13. If a tribe is selected for a competitive 319 grant when will funding be available?**

EPA anticipates that awards will be announced in late spring/early summer 2018. The start date for awards will be negotiated between the applicant and the EPA Region as part of the final grant award package. Competitive 319 funds are typically awarded to tribes at the same time as base 319 grants.

**14. What is the allowed project period length for a competitive 319 grant award?**

Tribal competitive 319 grant project periods typically range from 1 to 3 years. Pending EPA regional project officer approval, tribal competitive 319 grant project periods may extend up to a maximum of five years. The project period depends in part on whether the funds will be added to a Performance Partnership Grant (PPG). As described in Section III.F of the FY2018 RFP, if competitive 319 grant funds are added to a PPG *“The proposed project under this grant announcement must have a project period that is within the PPG project period. It cannot be longer than the PPG project period.”*

**15. Can competitive 319 grant funding be used to purchase land?**

With few exceptions, such as purchasing a conservation easement, land purchases are ineligible under Section 319(h) grant funding. At a minimum, the applicant would need to demonstrate in their proposal how protection of land is consistent with the tribe’s NPS management program plan and how it would result in restoration of NPS-impaired waters or protect waters from NPS pollution.

**16. Can competitive 319 grant funding be used to address a NPS pollution problem/threat associated with septic systems?**

Yes, Section 319 funds may be used to address NPS pollution water quality problems or threats associated with septic systems. In past years, competitive 319 grant funding has been awarded to conduct septic system inventories, educate the community about proper septic system maintenance, perform pump outs of septic systems, and assist in repairing/replacing septic systems identified as failing and contributing to water pollution. All proposed activities must be consistent with and address a NPS pollution priority identified in the tribe’s NPS assessment report and NPS management program plan. As described in the FY2018 RFP, funding available is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs. Your proposal should demonstrate how the proposed activities will reduce or eliminate the NPS pollution sources contributing to the water quality problem/threat, as evaluated under ranking criterion (d).

**17. What costs are included in 10% cap on “Administrative Costs”?**

As stated in Section III.E of the FY2018 RFP, *“Pursuant to CWA section 319(h)(12), administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the grant shall not exceed 10 percent of the grant award (federal share and tribal cost-share or match).”* For example, this cap may apply to administrative staff time supporting general environmental department tasks, tribal council member time spent reviewing grant documents, etc. Administrative costs that exceed the 10% cap may be paid by sources other than the federal funds and required tribal cost-share/match. The limitation on administrative costs does not apply when

competitive tribal 319 grant funds are included in a Performance Partnership Grant (PPG). While the indirect cost rate, as set by the US Department of Interior, is separate from the administrative costs cap, administrative costs may include direct and/or indirect costs.

**18. *Is improving forest health by fuel reduction an eligible activity under the Competitive 319 grant?***

Wildfire can result in significant increases in runoff and erosion, which can negatively impact water quality in the streams, rivers, and lakes within a watershed. Reducing the risk of high-intensity fires may result in lower erosion rates following wildfires. Wildfire management activities may be eligible under the Section 319 grant program. As described in the FY2018 RFP, competitive 319 grant proposals should describe how/what significant water quality benefits will be achieved as a result of the project(s) through addressing water quality problems or threats. All proposed activities must be consistent with and address a NPS pollution priority identified in the tribe's NPS assessment report and NPS management program plan.

Please see EPA's [National Management Measures to Control Nonpoint Source Pollution from Forestry](#) for more information on fire management activities as they relate to nonpoint source pollution.

**19. *How should applicants format proposals with to address each of the ranking criteria and stay within the 15-page limit?***

As in past years, the FY2018 RFP indicates that "It is recommended that you identify within your proposal work plan each individual ranking criterion you are addressing. Your proposal work plan should conform to the outline below." [page 20, Section IV.C.2] While the ranking criteria titles have changed, each is denoted by a letter (e.g., "Ranking Criterion (a): Subcategories of NPS pollution") that may be referenced in a proposal work plan.

**20. *If awarded, we plan to incorporate the competitive 319 funds in an existing PPG. When does EPA expect to make competitive 319 grant awards?***

We expect to make selections for this year's (FY2018) competitive tribal 319 grant recipients in early summer 2018. The start date for awards will be negotiated between the applicant and the EPA Region as part of the final grant award package. Competitive 319 funds are typically awarded to tribes at the same time as base 319 grants. Successful applicants should expect awards in the late summer/early fall 2018 timeframe. Funds for a grant awarded under this solicitation may be included in a PPG, but the proposed project under this grant announcement must have a project period that is within the PPG project period. See Section III.F. of the FY2018 RFP for more information.

**21. *To whom should the Hardship Waiver request be addressed? The EPA Regional Administrator?***

Yes, the cost share waiver request should be addressed to the EPA Regional Administrator, as the EPA Regional offices are responsible for evaluating these requests. If applicable, you must include the waiver request as part of your proposal package. As stated in Section III.C (page 10) of the FY2018 RFP: "*If the Tribe or intertribal consortium is interested in obtaining a cost share waiver for the funds to be awarded under this solicitation, they must submit a cost share waiver request as part of their proposal submission – such request is not subject to any page limitations specified for the proposal in Section IV of this solicitation.*"

**22. Can an applicant count State funds towards the match requirement, if the State funds have not yet been obtained and will not be awarded until after the FY18 competitive 319 grant application is due?**

No, funds or in-kind services to be used to meet the cost-share/match requirement must be secured at the time of award. As stated in Section III.B (page 9) of the FY2018 RFP, *“In order to receive an award, applicants must demonstrate how they will meet the applicable match requirements by the time of award.”*

**23. If the stormwater from a parking lot of a Tribal Casino/Trading Post (or any other Tribal business) is negatively affecting the water quality of the river located within the reservation, is treating that stormwater an eligible activity under the competitive 319 grant?**

Yes – addressing NPS pollution associated with stormwater runoff from buildings, parking lots, etc. is an eligible activity under the competitive 319 grant. The FY2018 RFP mentions both low impact development and stormwater management practices as examples of the types of best management practices that may be implemented under a competitive 319 grant.

**24. Does the applicant need to obtain landowner permission for proposed work that will occur on reservation fee land?**

Yes, the applicant must obtain necessary access agreements for any off-reservation work to be completed as part of the proposed work plan. This includes work on land that the tribe does not own. As stated in Section III.D of the FY2018 RFP, *“If any project work, such as NPS BMP implementation activities or monitoring, is to occur off-reservation the applicant must assess and indicate in their proposal whether land access/permission is required, and if so must demonstrate in the proposal that any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.”*

**25. The FY2018 RFP requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their proposal that “any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.” What is an access agreement? Is it just to access the land to determine if there are suitable BMP sites and/or design the BMP? Or is it actually a cost-share agreement where the landowner is committing to the installation of the BMP?**

Per the FY2018 RFP, EPA wants to be sure the proposed work can move forward as planned, if selected for award. To this end, we ask that the applicant obtain permission from the landowner for any work (water quality monitoring, BMP implementation) that will take place on land that the tribe does not own. A letter of support from the land owner would suffice and can be included in the proposal package.

**26. The FY2018 RFP requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their proposal that “any necessary access agreements have been obtained from the land owner(s) by the time of proposal submission.” Can the access agreement be between another entity, such as a local Soil and Water Conservation District, and a landowner, or does it have to be between the tribe and the landowner?**

Since the tribe is the entity applying for the 319 grant and responsible for implementing the work, if selected for award, the landowner should have signed off on the specific scope of work to be implemented on their land with 319 dollars.

**27. Can CWA 319 Competitive funding be used to pay for camera inspection of the sewer lines suspected of contributing to a fecal coliform bacteria pollutant problem in a waterbody on the Reservation?**

If inspecting the sewer lines for potential contributions to a water quality problem is part of a broader project to help target efforts to manage NPS pollution, it would be eligible under the Section 319 grant program. However, work to repair sewer lines is an ineligible activity.

Note that the FY2018 competitive tribal 319 grant funding is primarily targeted to support implementation of best management practices (BMPs) that will directly result in the protection or restoration of water quality. As stated in Section I.A of the FY2018 RFP, “The funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs [best management practices].” However, other project activities that support BMP implementation, including assessment and watershed planning, can be a part of a competitive grant proposal work plan. While there is no cap on the portion of the federal competitive grant that may be used for these other project activities (but note that a maximum of 20 percent of the federal portion of the competitive grant can be used to develop or continue work on a watershed-based plan), the primary focus of the proposal work plan should be on BMP implementation.

**28. Would a proposal to work with an engineer to design new crossings as four priority road stream crossing sites, as identified in the tribe’s NPS program plan, be eligible under this announcement? The construction of these crossings would not be a deliverable under the 319 grant, but we do have plans to implement all the designs by the end of 2021 using another funding source.**

Through the FY2018 RFP, as in previous years, EPA is specifically soliciting projects that are primarily aimed at implementing on-the-ground NPS projects (i.e., implementing BMPs). From the RFP: “The funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs. In addition, eligible implementation activities like assessment and planning can be part of a competitive proposal. However, if a proposal includes planning or other eligible implementation activities, the applicant should also include NPS BMP implementation as part of the proposal.”

So while engineering designs of the road crossing improvements could be part of a competitive grant proposal, the proposed work would also have to involve using federal 319 funds for an on-the-ground implementation project. The ranking criteria that reviewers use to evaluate proposals are primarily focused on how a project implemented during the grant period (typically 2-3 years) will result in water quality benefits.