



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 21 2017

OFFICE OF WATER

MEMORANDUM

SUBJECT: Guidance for the San Juan Watershed Monitoring Program Assistance Agreements Awarded under Clean Water Act Section 106

FROM: Michael H. Shapiro 
Principle Deputy Assistant Administrator

TO: Water Division Directors
Regions 6, 8 and 9

The Office of Water is pleased to announce the availability of the FY2017 San Juan Watershed Monitoring Program assistance agreement funds. Eligible recipients may now apply for these funds as outlined in the *Guidance for the San Juan Watershed Monitoring Program Assistance Agreements Awarded under Clean Water Act Section 106* (Attachment). Eligible jurisdictions are encouraged to apply for the funds by January 22, 2018.

Background:

Section 5004(d) of the Water Infrastructure Improvements for the Nation (WIIN) Act authorizes the development and implementation of a long-term water quality monitoring program for the Animas River-San Juan Watershed (hereafter referred to as the San Juan Watershed Monitoring Program). Specifically, the Administrator (in conjunction with states, tribes and local governments) shall develop a program that includes:

- Collecting water quality samples and sediment data;
- Providing the public with a means of viewing the data;
- Assisting states, tribes and local governments with long-term monitoring; and
- Carrying out additional program activities related to long-term water quality monitoring that the EPA Administrator determines to be necessary.

To implement the program, EPA will use a variety of funding vehicles, including interagency agreements, contracts and assistance agreements. The WIIN Act does not include new assistance agreement-making authority for this purpose; therefore, EPA is using the authority in CWA Section 106 to assist EPA and the jurisdictions in implementing certain projects under the program. The EPA will follow all requirements of the CWA as the authorizing statute selected for awarding assistance agreements. The EPA expects to award these funds to states and tribes by February 28, 2018.

If you have any questions concerning the contents of this memorandum, you may contact Sue Gilbertson at (202) 566-2351 or gilbertson.sue@epa.gov.

Attachment:

Guidance for the San Juan Watershed Monitoring Program Assistance Agreements Awarded under
Clean Water Act Section 106

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U.S. Environmental Protection Agency
Guidance for the San Juan Watershed Monitoring Program
Assistance Agreements
Awarded under Clean Water Act Section 106

PURPOSE

To provide guidance to eligible states and tribes applying for a San Juan Watershed Monitoring Program assistance agreement authorized by the Water Infrastructure Improvements for the Nation Act (WIIN Act) and awarded under the Clean Water Act (CWA) Section 106.

INTRODUCTION

Section 5004(d) of the WIIN Act, enacted in December 2016, authorizes the development and implementation of a long-term water quality monitoring program for the Animas River-San Juan Watershed (hereafter referred to as the San Juan Watershed Monitoring Program). Specifically, the Administrator (in conjunction with states, tribes and local governments) shall develop a program that includes:

- Collecting water quality samples and sediment data;
- Providing the public with a means of viewing the data;
- Assisting states, tribes and local governments with long-term monitoring; and
- Carrying out additional program activities related to long-term water quality monitoring that the EPA Administrator determines to be necessary.

Support of state, tribal and local government long-term water quality monitoring is authorized by the WIIN Act. The WIIN Act does not include an assistance agreement-making authority for this purpose, therefore, EPA is using the authority in CWA Section 106. The EPA will follow all requirements of the CWA as the authorizing statute selected for awarding assistance agreements. The EPA expects to award these funds to states and tribes by February 28, 2018.

EFFECTIVE DATE: This guidance is effective December 21, 2017.

AUTHORITY: Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, and Clean Water Act, Section 106, 33 U.S.C. § 1256.

ELIGIBLE RECIPIENTS

The following states and tribes are eligible to receive San Juan Watershed Monitoring Program funds through direct award of CWA Section 106 assistance agreements: Arizona, Colorado, Navajo Nation, New Mexico, Southern Ute Indian Tribe, Utah, and Ute Mountain Ute Indian Tribe. Local governments are not eligible to receive a direct award funding under CWA Section 106. States and tribes may choose to provide funding to sub-recipients, including local governments, in accordance with 2 CFR 200.331 and the [EPA Subaward Policy](#).

FUNDING ALLOCATION

Section 5004(d) of the WIIN Act authorizes Congress to appropriate \$4,000,000 annually for the Long-Term Monitoring Program from 2017 – 2021. In 2017, Congress appropriated \$4,000,000 to develop and implement the San Juan Watershed Monitoring Program.

The EPA, in collaboration with eligible states and tribes, developed the San Juan Watershed Monitoring Program Plan and prioritized activities to be conducted with 2017 WIIN Act funding via various funding mechanisms. This guidance provides information for the portion of the plan being implemented through CWA Section 106 assistance agreements. Future WIIN Act San Juan Watershed Monitoring Program activities will be identified annually by the EPA in collaboration with eligible states and tribes, based on continued WIIN Act appropriations.

ELIGIBLE USES

A total of up to \$2,133,000 in assistance agreements, awarded under CWA Section 106, is available for the San Juan Watershed Monitoring Program. Eligible states and tribes will develop workplans consistent with activities identified in the San Juan Watershed Monitoring Program Plan. To be eligible, all CWA Section 106 assistance agreement tasks must be included in the San Juan Watershed Monitoring Program Plan and must be eligible under the CWA Section 106 program authority.

Additionally, states and tribes should consider including the following task in their workplans to receive funding for this activity:

Assessment, Outreach, Collaboration and Workgroup Participation: Under this task [State or Tribe] will use the data and other information collected under the San Juan Watershed Monitoring Program to develop and implement a communication strategy on the current condition of the Animas River-San Juan Watershed. Activities include: assessing monitoring and other data and developing materials to provide information at local and regional meetings, outreach to local governments, development of [State or Tribe] specific outreach product(s). [State or Tribe] will also participate in various workgroups related to the implementation of the San Juan Watershed Monitoring Program.

[State or Tribe] will also continue to work collaboratively with the EPA and other WIIN Act eligible states and tribes to develop a watershed-based communication strategy. Activities include: watershed-wide assessment of data, participation in conference calls to build a consistent message across the EPA, eligible states, and tribes, development of visual tools such as story maps, development of watershed-wide outreach materials, creation of a framework for a watershed report, sharing of state/tribe communication products and participation and travel to meetings such as the 2018 San Juan Informational Conference to be held in New Mexico.

Task Amount (\$XX,XXX)

ADMINISTRATIVE DETAILS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards available at 2 CFR Part 200 and 2 CFR Part 1500, apply to this funding. The requirements of 40 CFR Part 35 Subparts A and B for the CWA Section 106 program also apply.

Workplans must link San Juan Watershed Monitoring Program activities to the applicable priorities in the draft *FY 2018-2022 EPA Strategic Plan* and include outcomes and outputs. EPA's draft Strategic Plan is available at <http://www.epa.gov/planandbudget/strategicplan.html>. Workplan activities are intended to further EPA's current priorities to provide for clean and safe water by ensuring that waters are clean through improved water infrastructure and, in partnership with states and tribes, sustainably manage programs to support drinking water, aquatic ecosystems, and recreational, economic and subsistence activities.

EPA also requires that grant applicants adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see EPA Order 5700.7A1, Environmental Results under Assistance Agreements, <https://www.epa.gov/grants/epa-order-57007a1-epas-policy-environmental-results-under-epa-assistance-agreements>). Outputs may be quantitative or qualitative, and must be measurable during the assistance agreement funding period. Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the priorities described above.

The Guidance for the San Juan Watershed Monitoring Program Assistance Agreements awarded under Clean Water Act Section 106 will be posted on EPA's website along with Questions and Answers as they become available. Below is further administrative guidance applicable to San Juan Watershed Monitoring Program funds

HOW TO APPLY

Eligible states and tribes applying for San Juan Watershed Monitoring Program funds awarded under CWA Section 106 must apply for a new individual CWA Section 106 assistance agreement by submitting an initial application (e.g., SF-424, SF-424A, SF-424B, detailed workplan, and supporting documents) through [Grants.gov](https://www.epa.gov/grants). To facilitate submission, EPA's Office of Grants and Debarment will post the opportunity on Grants.gov under Funding Opportunity Number EPA-CEP-01.

The CFDA number for this funding opportunity is CFDA 66.419 (CWA Section 106). On the Application for Federal Assistance SF-424, title (Box 12), applicants should include:

1. The applicant name
2. Federal fiscal year of funding
3. Assistance Agreement Title: "[State or Tribe] San Juan Watershed Monitoring Program"

WIIN Act funds cannot be combined with existing or future CWA Section 106 assistance agreements. These funds are not eligible for inclusion in a Performance Partnership Grant (PPG) because they: must be used only to develop and implement a San Juan Watershed Monitoring Program, are not included in the list of programs that are eligible for inclusion in a PPG found in 40 CFR Part A, and cannot be directed for other environmental program needs.

Applicants should work with their respective EPA regional project officer or point of contact (see “Regional Points of Contact” below) for further details about application requirements.

MATCH, COST-SHARE, AND MAINTENANCE OF EFFORT REQUIREMENTS

There is no match, cost-share, or maintenance of effort requirements for WIIN Act San Juan Watershed Monitoring Program funds.

For CWA Section 106, this funding will not impact the maintenance of effort of state base Section 106 assistance agreements. The match requirement for tribes has been waived.

PROJECT PERIOD LENGTH

Existing EPA grant policies apply to this funding, which limit project periods for continuing environmental programs, such as CWA section 106, to no more than five years. The project period for the San Juan Watershed Monitoring Program assistance agreements is not to exceed 5 years. States and tribes should discuss the most appropriate project period with their regional contact.

EPA’s [GPI 12-06, “Timely Obligation, Award and Expenditure of EPA Grant Funds,”](#) also applies to this funding.

APPLICATION TIMEFRAMES

States and tribes should submit their initial application within 30 calendar days of receiving a notice of funding availability. Additional funding may be available for states or tribes if one or more states/tribes does not apply for their full funding amount.

TERMS AND CONDITIONS

All CWA Section 106 terms and conditions will apply, including the requirement to submit water quality data to STORET and annual reporting.

There are no specific WIIN Act San Juan Watershed Monitoring Program terms and conditions.

REGIONAL POINTS OF CONTACT

States and tribes should direct questions to their regional contacts below.

EPA Region	Regional Point of Contact	Phone Number	Email
R6	Arlene Gaines	214-665-7163	Gaines.arlene@epa.gov
R8	Cynthia Gonzales	303-312-6569	Gonzales.cynthia@epa.gov
R9	Audrey Johnson	415-972-3431	Johnson.audreyL@epa.gov

HEADQUARTERS POINT OF CONTACT

While states and tribes should direct questions to their regional contact, Robyn Delehanty, Office of Water (202-564-3880 or delehanty.robyn@epa.gov) is the lead contact for the CWA Section 106 Program.

