

Federal Agency Name: U.S. Environmental Protection Agency (EPA), Office of Water, Office of Wetlands, Oceans and Watersheds

Funding Opportunity Title: Fiscal Year (FY) 2021 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act Section 319

Announcement Type: Request for Applications (RFA)

Funding Opportunity Number: EPA-OW-OWOW-21-01

Catalog of Federal Domestic Assistance Number: 66.460

Important Dates:

- **October 9, 2020:** To be eligible for Clean Water Act (CWA) Section 319 grants under this RFA, applicants must have met the eligibility requirements described in Section III of this announcement as of **October 9, 2020**.¹
- **January 5, 2021:** Questions about this RFA must be submitted in writing via e-mail and must be received by the EPA Headquarters Contact identified in Section VII by **January 5, 2021**. Written responses will be posted on EPA's website at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>. EPA strongly recommends interested applicants review the FAQs on this webpage prior to submitting a question.
- **January 14, 2021:** Applications must be submitted electronically to EPA through Grants.gov by 11:59 P.M. Eastern Standard Time (EST), 10:59 P.M. Central Standard Time (CST), 9:59 P.M. Mountain Standard Time (MST), or 8:59 P.M. Pacific Standard Time (PST), **January 14, 2021** in order to be considered for funding. Late applications will not be considered for funding.

COVID-19 Update: EPA is providing flexibilities to applicants experiencing challenges related to COVID-19. Please see the **Flexibilities Available to Organizations Impacted by COVID-19** clause in Section IV of [EPA's Solicitation Clauses](#).

Note to Applicants: Following EPA's evaluation of applications, all applicants will be notified regarding their status. If you intend to name subawardees/sub-grantees and/or contractor(s) including individual consultants in your application as partners to assist you with the proposed project, EPA recommends that you carefully review and comply with the directions contained in the CONTRACTS AND SUBAWARDS provision found at <https://www.epa.gov/grants/epa-solicitation-clauses>

SUMMARY

EPA is soliciting applications pursuant to Section 319 of the Clean Water Act (CWA) from eligible tribes and intertribal consortia to develop and/or implement watershed-based plans and implement watershed projects that will result in significant steps towards solving nonpoint source (NPS) water quality impairments or threats on a watershed-wide basis. Eligible entities are strongly encouraged to submit applications that develop and/or implement watershed-based plans designed to restore NPS-impaired waters and protect waters from NPS pollution. Eligible tribes and intertribal consortia may apply for competitive funding by submitting an application for up to a maximum budget of \$100,000 of

¹ Per 40 CFR Part 35, *Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes*, tribes and intertribal consortia must meet eligibility requirements in accordance with CWA Sections 319 and 518(e) as of the second Friday in October to be eligible for base and competitive nonpoint source grants for the applicable fiscal year.

federal CWA Section 319 funding (plus the additional required non-federal cost share/match of the total project cost).

EPA anticipates awarding an estimated \$2.5 million in federal funds, depending on Agency funding levels, the number of tribes requesting Section 319 funding, the evaluation of applications, and other applicable considerations, to eligible tribes and intertribal consortia with approved NPS assessment reports and management programs and Treatment-in-a-manner-similar-to-a-State (TAS) status as of October 9, 2020.

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I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Objectives

This Request for Applications (RFA) is issued pursuant to Section 319(h) of the Clean Water Act (CWA), which authorizes EPA to award grants to eligible tribes and intertribal consortia to implement approved NPS management programs developed pursuant to Section 319(b)(1) “for controlling pollution added from nonpoint sources to the navigable waters” and “improving the quality of such waters.”² NPS management programs must identify “best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source” identified in the tribe’s NPS assessment report developed pursuant to Section 319(a).

After allocating Section 319 tribal funds for tribal base grant work plans, EPA allocates the remaining Section 319 tribal funds to eligible entities according to the competitive procedures in this RFA. This competitive funding will support tribal efforts to develop and/or implement watershed-based plans and implement watershed projects that will result in significant steps towards addressing NPS water quality impairments or threats on a watershed-wide basis.

Watershed Approach: CWA Section 319(b)(4) establishes that, to the maximum extent practicable, NPS management programs shall be developed and implemented “on a watershed-by-watershed basis.” In general, EPA believes that efforts to manage NPS pollution can be most effective when approached at the watershed scale. Approaching NPS problems at the watershed scale includes comprehensive analysis of the causes and sources of pollution and identifying critical areas (i.e., those that generate the most pollution) in which to prioritize NPS management efforts. Experience indicates that watershed-based plans containing the nine elements identified in EPA’s [Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act](#) and in Appendix A of this announcement, provide an effective, integrated approach to address the diverse realities and needs of each watershed. Watershed-based plans provide a coordinating framework to organize efforts to identify, prioritize, and then implement activities to address water quality problems. For an example of a tribal nine element watershed-based plan, please refer to: <https://www.epa.gov/nps/nonpoint-source-tribal-resources-and-training>.

Although applications are not required to include development and/or implementation of a nine element watershed-based plan in order to be considered for funding under this RFA, eligible entities are strongly encouraged to submit applications that develop and/or implement nine element watershed-based plans designed to protect waters from NPS pollution and restore NPS-impaired waters. Watershed-based plans, as defined in EPA’s [Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act](#) and this RFA, are plans containing the nine elements listed in Appendix A of this RFA. Applicants proposing to implement a nine element watershed-based plan should indicate the following: (1) whether the plan includes the nine elements as defined by EPA; (2) whether the watershed-based plan has been reviewed by EPA; and (3) whether the plan is in final or draft form. Those projects that are proposed pursuant to a nine element watershed-based plan are considered *watershed-based plan implementation projects* for purposes of this RFA.

² Note that “[w]ith respect to CWA sections 106 and 319 grant programs, the authorizing language and the range of programmatic activities are sufficiently broad that they have long addressed both jurisdictional and non-jurisdictional waters....” 85 Federal Register (FR) 22334. For example, “grants under CWA section 319 may implement management programs which will carry out groundwater quality protection activities as part of a comprehensive nonpoint source pollution control program. 33 U.S.C. 1329(h)(5)(D).” 85 FR 22318.

Watershed projects, on the other hand, are those projects guided by a plan that does not necessarily contain all nine elements of a watershed-based plan as described in Appendix A, but which contain aspects of the watershed-based planning framework. **Applications to implement watershed projects should demonstrate that some type of watershed planning process was followed and that the project’s implementation will contribute to achieving water quality goals on a watershed scale.**

In all applications, applicants 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 (see Section IV.C.2.e and the evaluation factor in Section V.A.e). All applicants are strongly encouraged to include in their application a description of how the project fits into a broader watershed approach to managing NPS pollution. A description of the watershed approach could include, for example, but is not limited to the following: why the project is the best to implement in the watershed at this time, based on its location, sequencing in relation to other projects in the watershed, past planning, or other factors, and/or if the project is part of an existing watershed-based plan.

Use of the term “Watershed”: A watershed refers to the land area that drains into a stream, wetland, lake, or coastal waterbody. EPA recognizes that not all tribes will be operating in freshwater environments. Many reservations are located along estuarine and coastal waters where the literal use of the term “watershed” may not apply. The term “watershed” will be used in this RFA and encompasses comparable estuarine and coastal nearshore systems as well. For applicants proposing projects or planning in or along estuarine or coastal waters, a system-based approach to the evaluation, planning, and implementation of the project is recommended and serves as a comparable description of a watershed approach described above for evaluation purposes (see Section V.A.e). The definition of the bounds of that system may differ depending upon the proposed project. Such applications should clearly describe the system-based approach from an estuarine or coastal ecosystems perspective, which could include but is not limited to the following: why the project is the best to implement in the estuarine or coastal ecosystem at this time, based on its location, sequencing, past planning, or other factors, and/or if the project is part of an existing estuarine/coastal management plan.

Implementing NPS best management practices (BMPs): The funding available through this RFA 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 application. However, if an application includes planning or other eligible implementation activities, the application must also contain an on-the-ground project to implement NPS BMPs. Examples of NPS BMPs and other project activities eligible to be funded under this RFA include, but are not limited to the following:

Examples of eligible NPS BMP implementation:

- Road stabilization/removal;
- Riparian planting;
- Streambank stabilization
- Natural channel restoration;
- Low impact development/storm water management practices;
- Livestock exclusion fencing;
- Septic system rehabilitation; and
- Nutrient or grazing management practices.

Examples of other eligible project activities:

- NPS ordinance development;
- Project monitoring (e.g., baseline monitoring and post-BMP implementation monitoring);
- Development of a watershed-based plan;
- Training which assists the applicant in developing NPS implementation projects;
- Staff time and materials towards implementing projects; and
- NPS education and outreach relevant to successful implementation of NPS projects.

Activities Outside of the Reservation: Activities upstream or downstream of reservation waters may be eligible for funding if they pertain to waters within a reservation and are consistent with the applicant's NPS assessment report and management program. The application must clearly demonstrate the impacts of the upstream or downstream project on tribal lands and waters. Projects that may be eligible downstream of reservation waters include but are not limited to: control of invasive species, restoring a headcutting stream to prevent the headcut from reaching tribal waters, and salmon habitat restoration projects that promote salmon migration upstream into tribal waters. Projects that may be eligible upstream of reservation waters include but are not limited to: stabilizing eroding streambanks to prevent sediment loading, repairing failing septic systems to prevent bacterial inputs and/or reduce nutrient loading, and implementing management measures on agricultural land to reduce nutrient loading into tribal waters. Questions about eligibility of upstream or downstream projects should be raised to the EPA Headquarters Contact in Section VII before submitting an application. See Section VII for information on how to submit questions.

Integrating Resilience in Project Design: Increasingly, tribal NPS program managers are considering future threats to water quality in addition to current sources of pollution when managing their resources, watersheds, and watershed processes. For example, integrating resilience into project design may include increasing stream buffer width to consider potential impacts of more frequent or intense storms on water flow, erosion and runoff. For information and ideas on how to integrate resiliency in your NPS program and into your application, see the following resources:

- Pages I-82 and I-83 in EPA's [*Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act*](#)
- [Bureau of Indian Affairs – Tribal Resilience Program](#)

B. EPA's Strategic Plan and Anticipated Environmental Results

The activities to be funded under this announcement support EPA's Fiscal Year (FY) 2018-2022 Strategic Plan, available at: <https://www.epa.gov/planandbudget/strategicplan.html>. Awards made under this announcement will support Goal 1 - A Cleaner, Healthier Environment: Deliver a cleaner, safer, and healthier environment for all Americans and future generations by carrying out the Agency's core mission; Objective 1.2 - Provide for Clean and Safe Water: Ensure 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. All applications must be for projects that support the goals and objectives identified above.

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](#)). 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.

Outputs: Environmental results are a way to gauge a project’s performance and are described in terms of outputs and outcomes. Environmental outputs (or deliverables) refer to an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of environmental outputs anticipated as a result of the assistance agreements awarded under this RFA may include but are not limited to:

- Development of a nine-element watershed-based plan (as a component of a proposed work plan that includes NPS BMP implementation activities, as described above in Section I.A);
- Acres of riparian area restored;
- Miles of livestock fencing installed;
- Feet of eroding streambank stabilized;
- Number of large woody debris structures placed;
- Number of septic systems rehabilitated;
- Number of stream meanders restored; and
- Percent reduction in road density.

Outcomes: Environmental outcomes are the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achieved within an assistance agreement funding period. Outcomes may be short-term (changes in learning, knowledge, attitude, skills), intermediate (changes in behavior, practice, or decisions), or long-term (changes in condition of the natural resource). Examples of environmental outcomes anticipated as a result of the assistance agreements to be awarded under this RFA may include but are not limited to:

- An increased number of NPS-impaired waterbodies that have been partially or fully restored to meet water quality standards or other water quality-based goals established by the tribes;
- An increased number of waterbodies that have been protected from NPS pollution;
- Increased abundance and diversity of fish or macroinvertebrate species;
- Increased NPS knowledge of community members; and
- Increased knowledge of trained staff in the CWA Section 319 program.

In the project narrative, an applicant is required to describe how the project results will link the outcomes to the Agency’s Strategic Plan and current priorities. Additional information regarding EPA’s discussion of environmental results in terms of “outputs” and “outcomes” can be found at [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#).

C. Statutory Authority

The statutory authorities for the assistance agreements to be awarded under this RFA are Sections 319(h) and 518 of the Clean Water Act (CWA). CWA Section 319(h) authorizes EPA to award grants to eligible tribes and intertribal consortia to implement approved NPS management programs developed pursuant to Section 319(b)(1) “for controlling pollution added from nonpoint sources to the navigable waters” and “improving the quality of such waters.” NPS management programs must identify “best management practices and measures which will be undertaken to reduce pollutant loadings resulting

from each category, subcategory, or particular nonpoint source” identified in the tribe’s NPS assessment report developed pursuant to Section 319(a). CWA Section 518(e) authorizes the EPA Administrator “to treat an Indian tribe as a State for purposes of title II and sections 104, 106, 303, 305, 308, 309, 314, 319, 401, 402, 404, and 406” (emphasis added) of the Act, provided the requirements of Section 518(e)(1-3) are met.

II. AWARD INFORMATION

A. Amount of Funding

The total amount of federal funding expected to be available under this announcement is approximately \$2.5 million, depending on Agency funding levels, the number of tribes requesting Section 319 base funding for FY 2021, the evaluation of applications, and other applicable considerations. A federal funding amount of \$2.5 million would equate to approximately 25 competitively funded grants. In FY 2020, EPA awarded approximately \$2.8 million to 29 tribes for specific watershed projects through a competitive process. Eligible tribes and intertribal consortia may submit an application for up to a maximum of \$100,000 of federal Section 319 funding (plus the additional required non-federal cost share/match of the total project cost). See Section III.B for information on match requirements.

EPA reserves the right to reject all applications and make no awards as a result of this announcement, or to make fewer awards than anticipated. In addition, EPA reserves the right to make additional awards under this announcement, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

In addition, in appropriate circumstances, EPA reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process.

B. Type of Funding

It is anticipated that **grants and/or cooperative agreements** may be funded under this announcement. When cooperative agreements are awarded, EPA will have substantial involvement with the project work plan and budget. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement for the project selected and funded as a cooperative agreement may include:

1. Close monitoring of the recipient’s performance to verify the results proposed by the applicant;
2. Collaboration during the performance of the scope of work;
3. In accordance with the applicable regulations at 2 CFR Part 200 Subpart D (200.317 through 200.326) as appropriate, review of proposed procurements;
4. Review of qualifications of key personnel (EPA does not have authority to select employees or contractors employed by the recipient); and
5. Review and comment on tasks/deliverables and reports/publications prepared under the cooperative agreement (the final decision on the content of the reports rests with the recipient).

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

To be eligible for a CWA Section 319 grant under this RFA, a tribe or intertribal consortium must: (1) be federally recognized; (2) have an EPA-approved NPS assessment report in accordance with CWA Section 319(a); (3) have an EPA-approved NPS management program in accordance with CWA Section 319(b); and (4) have “Treatment-in-a-manner-similar-to-a-State” (TAS) status in accordance with CWA Section 518(e). To be eligible for CWA Section 319 grants under this RFA, tribes or intertribal consortium must have met these eligibility requirements as of October 9, 2020. For a complete list of tribes eligible for Section 319 FY 2021 funding, refer to the [List of Tribes Eligible for 319 Base and Competitive Funding for FY 2021](#).

Some tribes have formed intertribal consortia to promote cooperative work. An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under this program (see 40 CFR Part 35.502). Individual tribes who are part of an intertribal consortium that submits an application for a Section 319 competitive grant may not also submit an individual Section 319 competitive application. In such cases the individual application will be considered ineligible.

The intertribal consortium is eligible only if the consortium demonstrates that all of its members have met the eligibility requirements listed above for the Section 319 program by October 9, 2020, and member tribes authorize the consortium to apply for and receive assistance in accordance with 40 CFR Part 35.504 at the time of application submission. An intertribal consortium must submit with its application adequate documentation of the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant (see 40 CFR Part 35.504).

B. Cost Sharing or Matching Requirements

Section 319(h)(3) of the CWA requires a non-federal cost share/match of at least 40 percent of the total project cost, and the cost share/match must be provided from non-federal sources. In order to receive an award, applicants must demonstrate how they will meet the applicable match requirements by the time of award. The non-federal cost share/match may be provided in cash or can come from in-kind contributions, such as use of volunteers and/or donated time, equipment, expertise, etc., and is subject to the regulations governing matching fund requirements described in 2 CFR Part 200.306, as applicable. In-kind contributions often include salaries or other verifiable costs, and this value must be carefully documented. In the case of salaries, applicants may use either minimum wage or fair market value. Cost share/match must be used for eligible and allowable project costs. Cost share/matching funds are considered grant funds and are included in the total award amount and should be used for the reasonable and necessary expenses of carrying out the work plan. All grant funds are subject to federal audit. Any restrictions on the use of grant funds also apply to the use of cost share/match. Other federal grants may not be used as cost share/match without specific statutory authority. Examples of cost share/match calculations are provided in Table 1 in Section III.C below.

Applicants should be aware that certain funds originating from the Bureau of Indian Affairs (specifically, funds provided under funding agreements, contracts, or grant agreements entered into pursuant to 25 USC Chapter 15, Subchapter II) may be used as match for CWA Section 319 funds. Pursuant to 25 USC 458cc(j), these funds are treated as non-federal funds for purposes of meeting cost share/match requirements.

EPA's regulations also provide that the Agency may decrease the cost share/match requirement to as low as 10 percent 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 Part 35.635). Where the stated purpose is to decrease the cost share/match requirement based upon undue hardship, the applicant may prepare a budget and application based upon the assumption that EPA will approve the reduced cost share/match under 40 CFR Part 35.635. If the applicant does not demonstrate undue hardship, the applicant must then meet the minimum 40 percent cost share/match requirement. The applicant must also provide a new budget with the final grant application based upon the program's 40 percent cost share/match requirement and the federal award will be reduced accordingly. The purpose of this requirement is to ensure that all work plan activities for a project which is evaluated and competitively awarded will be implemented as described in the original application.

C. Example Cost Share Amounts and how to Adjust Tribal Cost Share Under a Performance Partnership Grant (PPG)

Performance Partnership Grants (PPGs) enable tribes to combine funds from more than one environmental program grant into a single grant award. If a tribe or intertribal consortium includes the funds for a grant awarded under this solicitation in an approved Performance Partnership Grant (PPG), the cost share/match requirement, unless waived as described below, that applies to those funds shall be 5 percent or less (see 40 CFR Part 35.536(c)) 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). See Section III.F on Performance Partnership Grants below for additional information. If the applicant's PPG is older than two years at the time of award of the competitive grant funds under this solicitation, the applicant should contact EPA Regional Contact identified in Section VII of this solicitation or the project officer for the PPG. The Agency will then make a preliminary determination as to the percent of cost share/match required from the applicant for the grant funds awarded under this solicitation (see 40 CFR Part 35.536(c)) so that the applicant can include that cost share/match requirement in its application.

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 application submission. Such request is not subject to any page limitations specified for the application in Section IV of this solicitation. The cost share/match requirement may be waived entirely by the Regional Administrator if, based on an objective assessment of socioeconomic indicators, the Regional Administrator determines that meeting the cost share would impose an undue hardship.

Applicants should indicate in their application submission if they anticipate incorporating the proposed project, if selected for funding, into an already existing PPG or if they intend to create a new PPG that would include the project proposed under this solicitation.

Where the applicant's stated purpose is to include a grant awarded under this solicitation in a PPG, the applicant should prepare a budget and proposed work plan based upon the assumption that EPA will approve the adjusted cost share/match for the grant funds or a waived cost share/match as authorized for PPGs under 40 CFR Part 35.536. If the applicant ultimately does not or cannot include a grant awarded under this solicitation as part of an approved PPG, or subsequently chooses to withdraw the competitively awarded grant from their PPG, the tribe or intertribal consortium must then meet the

applicable cost share/match requirements identified above in Section III and negotiate a new work plan and budget with EPA project officer based on the same total project cost and work initially proposed. Since the new budget will be based upon the initially proposed total project cost and the applicable cost share/match requirement will be increased, the federal award amount will be reduced accordingly. The purpose of this is to ensure that all work plan activities for a competitively awarded project will be performed as initially proposed and in accordance with the adjusted budget reflecting the applicable cost share/match requirement and federal award amount.

The following table demonstrates a 40 percent (Section 319 minimum required non-federal cost share/match), 10 percent (e.g., if undue hardship is demonstrated per 40 CFR Part 35.635), or 5 percent (if work plan combined in a PPG) cost share/match on a Section 319 maximum federal request of \$100,000. **Applicants may request less than \$100,000 of federal funding.** If applicants have additional questions regarding cost share/match calculations, please contact EPA Headquarters Contact identified in Section VII.

Table 1. Example Cost Share/Match Calculation

Federal Share	Non-Federal Match	Federal Share	Non-Federal Match	Total Project Cost
\$100,000	40%	60%	\$66,667	\$166,667
\$100,000	10%	90%	\$11,111	\$111,111
\$100,000	5%	95%	\$5,263	\$105,263

Example Calculation:

a. If you know the total project costs:

- (1) Multiply the total project costs by the cost share/match % needed.
- (2) The total is your cost share/match amount.

For example:

If your total project cost = \$166,667 and you need 40% cost share/match, then $\$166,667 \times .40 = \$66,667$ (Cost Share/Match).

OR

b. If you know the total federal funds requested (i.e., \$100,000 for this RFA):

- (1) Divide the total federal funds requested by the maximum federal share allowed.
- (2) Subtract the federal funds requested from the amount derived in step 1.
- (3) The amount derived from step 2 is the non-federal cost share/match.

For example:

- (1) *If the federal funds requested = \$100,000; and the recipient cost share/match is 10%, then the federal share = 90% or .90. $\$100,000$ divided by $.90 = \$111,111$ (total project cost) then,*
- (2) *$\$111,111 - \$100,000 = \$11,111$*
- (3) *The non-federal cost share/match = \$11,111*

D. Threshold Evaluation Criteria

In addition to applicant eligibility (discussed above in sections III.A, B, and C), all of the following threshold evaluation criteria must be met by the time of application submission in order for a tribe's or intertribal consortium's application to be evaluated under the ranking criteria in Section V and be considered for award. If necessary, EPA may contact applicants to clarify threshold eligibility questions prior to making an eligibility determination. Only applications that meet all of these criteria will be evaluated against the ranking criteria in Section V of the announcement. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified by EPA Regional Contact in Section VII within 15 calendar days of the ineligibility determination.

1. An individual tribe (or intertribal consortium) may not submit more than one application under this RFA. If more than one application is submitted, the EPA Regional Contact will contact the applicant to determine which application to withdraw. Individual tribes who are part of an intertribal consortium that submits an application for a Section 319 competitive grant may not also submit an individual Section 319 competitive application. In such cases the individual application will be considered ineligible.
2. An individual tribe (or intertribal consortium) may submit an application requesting up to a maximum of \$100,000 of federal CWA Section 319 funding. If an applicant submits an application that requests more than \$100,000 of federal CWA Section 319 funding, it will be rejected from further consideration.
3. All applications must include activities that are related to waters within a reservation or they will be rejected. 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 NPS 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. The application must clearly demonstrate the impacts of the upstream or downstream project on tribal waters or it will be rejected from further consideration. 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 application whether land access/permission is required, and if so must demonstrate in the application that any necessary access agreements have been obtained from the land owner(s) by the time of application submission.

i. Activities Related to Waters Within a Reservation

Section 518(e) of the CWA provides that EPA may treat an Indian tribe in a manner similar to a state for purposes of Section 319 of the CWA if, among other things, "the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are within the borders of an Indian reservation" (see 33 USC 1377(e)(2)). EPA already awards grants to tribes under Section 106 of the CWA for activities performed outside of a reservation (on condition that the tribe obtains any necessary access agreements and coordinates with the state, as appropriate) that pertain to reservation waters, such as evaluating impacts of upstream waters on water resources within a reservation. Similarly, EPA has awarded Section 106 grants to states to conduct monitoring outside of state borders. EPA has concluded that grants awarded to an Indian tribe pursuant to Section 319 may similarly be used to perform eligible Section 319 activities outside of 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.

ii. Activities Unrelated to Waters of a Reservation

EPA is not authorized to award CWA Section 319 grants for activities that do not pertain to waters of a reservation. For off-reservation areas, including “usual and accustomed” hunting, fishing, and gathering places, EPA must determine whether the activities pertain to waters of a reservation prior to awarding a grant.

4. All Project Narratives, as described in Section IV, must address one of the following four project types below. All applications must contain an on-the-ground project to implement NPS BMPs.
 - i. The work plan develops or continues work on a nine element watershed-based plan and implements a nine element watershed-based plan;
 - ii. The work plan develops or continues work on a nine element watershed-based plan and implements a watershed project (that does not implement the watershed-based plan) that is a significant step towards addressing NPS water quality impairments or threats on a watershed-wide basis;
 - iii. The work plan implements a nine element watershed-based plan; or
 - iv. The work plan implements a watershed project that is a significant step towards addressing NPS impairments or threats on a watershed-wide basis.
5. Applications must **substantially comply** with the application submission instructions and requirements set forth in Section IV.C of this announcement or else they will be rejected. Where a page limit is expressed in Section IV.C.2 with respect to the Project Narrative, pages in excess of the page limitation will not be reviewed. Section IV.C.2, establishes a 15-page, single-spaced project narrative page limit. Supporting materials, as described in Section IV.C.2, are not included within the page limit for the project narrative.
6. Applications must be submitted through Grants.gov as specified in Section IV of this announcement (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Section IV) on or before the application submission deadline published in Section IV of this announcement. Applicants are responsible for following the submission instructions in Section IV of this announcement to ensure that their application is timely submitted.
7. Applications submitted after the submission deadline will be considered late and deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with Grants.gov or relevant [SAM.gov](https://www.sam.gov) system issues. An applicant’s failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a late submission. Applicants should confirm receipt of their application with Steve Epting at tribal319grants@epa.gov within five business days after the submission deadline—failure to do so may result in your application not being reviewed.
8. If an application is submitted that includes any ineligible tasks or activities, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding.

E. Funding Restrictions

Watershed-Based Plan Development: The use of competitive funding for the development of a watershed-based plan shall be limited to 20 percent of the federal portion of the competitive grant (i.e., up to \$20,000 of a \$100,000 federal grant request) to assure that these competitive funds are primarily focused on NPS BMP implementation. Applications including watershed-based plan development as a work plan component must also contain a project to implement NPS BMPs (i.e., a tribe will not receive competitive funding only for the development of a watershed-based plan).

Administrative Costs: 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/match). The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation. For example, staff time implementing a stream restoration project is exempt from the 10 percent cap on administrative costs. Developing a watershed-based plan is also exempt from the 10 percent cap on administrative costs.

Please note that a tribe's indirect cost rate set by the Department of Interior is independent of the 10 percent administrative costs mentioned in CWA Section 319(h)(12). If a tribe chooses to include indirect costs in its budget, the indirect cost rate set by the Department of Interior would be the rate that the tribe would start with. However, some of the costs that are covered in the indirect cost rate may be administrative and subject to the 10 percent administrative cap. If they are subject to the administrative cap and are more than 10 percent, the tribe would need to limit the indirect costs included in the budget. The 10 percent administrative cap is intended to limit overall funds for any administrative costs whether they are direct or indirect costs.

Water Quality Monitoring: In general, CWA Section 319 funding should not be used for general assessment activities (e.g., monitoring the general status of reservation waters, which may be supported with CWA Section 106 funding). CWA Section 319 funding may not be used to fund any activities required by a National Pollutant Discharge Elimination System permit. This includes monitoring and other activities associated with the storm water permitting program. However, tribes may use CWA Section 319 funding to support NPS project-specific water quality monitoring (i.e., baseline monitoring and post-BMP implementation monitoring), data management, data analysis, and the development of watershed-based plans. Section 319 does not, by statute, provide access for tribes to sample lands or waters not within their jurisdiction. If monitoring is to occur off tribal lands in waterbodies that affect the waters of the reservation, approval must be obtained from the landowner(s) prior to applying for funding.

Maintenance of Effort: To receive funds under CWA Section 319 in any fiscal year, a tribe or each member of an intertribal consortium must agree that the tribe or each member of the intertribal consortium will maintain its aggregate expenditures from all other sources for programs for controlling NPS pollution and improving the quality of the tribe's or the intertribal consortium's members' waters at or above the average level of such expenditures in Fiscal Years 1985 and 1986 (see 40 CFR Part 35.636).

F. Performance Partnership Grants (PPG)

Funds for a grant awarded under this solicitation may be included in a PPG. Applicants should indicate in their application submission if they anticipate incorporating the proposed project, if selected for funding, into an already existing PPG or if they intend to create a new PPG that would include the project proposed under this solicitation. The PPG should be in place before the time of grant award or created concurrently with the award of the grant funds. 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. A PPG enables entities to combine funds from more than one environmental program grant into a single grant with a single budget. Under this competition, tribal or intertribal consortia applications must first be selected under the competitive grant process described in this announcement and, in accordance with 40 CFR Part 35.535, the work plan commitments that would have been included in the work plan must be included in the PPG work plan. After the funds have been included in the PPG, the recipient does not need to account for these funds in accordance with the funds' original program source. If a proposed PPG work plan differs significantly from the work plan approved for funding under this competition, the Regional Administrator must consult the Office of Water National Program Office (see 40 CFR Part 35.535). The purpose of this consultation requirement is to address the issue of ensuring that a project which is awarded funding under this competition is implemented as proposed once combined with other grant programs in a PPG. For further information, see the final rules on Environmental Program Grants for tribes and intertribal consortia at [40 CFR Part 35, Subpart B](#).

IV. APPLICATION AND SUBMISSION INFORMATION

A. Requirement to Submit Through Grants.gov and Limited Exception Procedures

Applicants, except as noted below, must apply electronically through Grants.gov under this funding opportunity based on the Grants.gov instructions in this announcement. If an applicant does not have the technical capability to apply electronically through Grants.gov because of limited or no internet access which prevents them from being able to upload the required application materials to Grants.gov, the applicant must contact OMS-ARM-OGDWaivers@epa.gov or the address listed below in writing (e.g., by hard copy, email) at least 15 calendar days prior to the submission deadline under this announcement to request approval to submit their application materials through an alternate method.

Mailing Address:

OGD Waivers
c/o Jessica Durand
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Mail Code: 3903R
Washington, DC 20460

Courier Address:

OGD Waivers
c/o Jessica Durand
Ronald Reagan Building
1300 Pennsylvania Ave., N.W.
Rm # 51278
Washington, DC 20004

In the request, the applicant must include the following information:

- Funding Opportunity Number (FON)
- Organization Name and Unique Entity Identifier (e.g., DUNS)
- Organization's Contact Information (email address and phone number)

- Explanation of how they lack the technical capability to apply electronically through Grants.gov because of 1) limited internet access or 2) no internet access which prevents them from being able to upload the required application materials through Grants.gov.

EPA will only consider alternate submission exception requests based on the two reasons stated above and will timely respond to the request -- all other requests will be denied. If an alternate submission method is approved, the applicant will receive documentation of this approval and further instructions on how to apply under this announcement. Applicants will be required to submit the documentation of approval with any initial application submitted under the alternative method. In addition, any submittal through an alternative method must comply with all applicable requirements and deadlines in the announcement including the submission deadline and requirements regarding application content and page limits (although the documentation of approval of an alternate submission method will not count against any page limits).

If an exception is granted, it is valid for submissions to EPA for the remainder of the entire calendar year in which the exception was approved and can be used to justify alternative submission methods for application submissions made through December 31 of the calendar year in which the exception was approved (e.g., if the exception was approved on March 1, 2019, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2019). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31 of that calendar year. Applicants must request a new exception from required electronic submission through Grants.gov for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2019 with a submission deadline of January 15, 2020, the applicant would need a new exception to submit through alternative methods beginning January 1, 2020. Please note that the process described in this section is only for requesting alternate submission methods. All other inquiries about this announcement must be directed to the Agency Contact listed in Section VII of the announcement. Queries or requests submitted to the email address identified above for any reason other than to request an alternate submission method will not be acknowledged or answered.

B. Grants.gov Application Submission Instructions

The electronic submission of your application must be made by an authorized official representative of your institution who is registered with Grants.gov and is authorized to sign applications for Federal assistance. For more information on the registration requirements that must be completed in order to submit an application through Grants.gov, go to [Grants.gov](https://www.grants.gov) and click on "Applicants" on the top of the page and then go to the "Get Registered" link on the page. If your organization is not currently registered with Grants.gov, please encourage your office to designate an Authorized Organization Representative (AOR) and ask that individual to begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a Unique Entity Identifier (e.g. DUNS number) and a current registration with the System for Award Management (SAM) and the process of obtaining both could take a month or more. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on Grants.gov, SAM.gov, and DUNS number assignment is free.

Applicants need to ensure that the AOR who submits the application through Grants.gov and whose Unique Entity Identifier (e.g., DUNS number) is listed on the application is an AOR for the applicant listed on the application. Additionally, the Unique Entity Identifier listed on the application must be registered to the applicant organization's SAM account. If not, the application may be deemed

ineligible.

To begin the application process under this grant announcement, go to [Grants.gov](https://www.grants.gov) and click on “Applicants” on the top of the page and then “Apply for Grants” from the dropdown menu and then follow the instructions accordingly. Please note: To apply through Grants.gov, you must use Adobe Reader software and download the compatible Adobe Reader version. For more information about Adobe Reader, to verify compatibility, or to download the free software, please visit [Adobe Reader Compatibility Information on Grants.gov](#).

You may also be able to access the application package for this announcement by searching for the opportunity on [Grants.gov](https://www.grants.gov). Go to [Grants.gov](https://www.grants.gov) and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, **EPA-OW-OWOW-21-01**, or the CFDA number that applies to the announcement (CFDA 66.460), in the appropriate field and click the “Search” button.

Please Note: All applications must now be submitted through [Grants.gov](https://www.grants.gov) using the “Workspace” feature. Information on the Workspace feature can be found at the [Grants.gov Workspace Overview Page](#).

1. Application Submission Deadline

Your organization’s AOR must submit your complete application electronically to EPA through [Grants.gov](https://www.grants.gov) no later than **11:59 PM EST / 10:59 PM CST / 9:59 PM MST / 8:59 PM PST, January 14, 2021**. Please allow for enough time to successfully submit your application process and allow for unexpected errors that may require you to resubmit.

Please submit *all* of the application materials described below using the Grants.gov application package that you downloaded using the instructions above.

It may take a day or more to receive confirmation of your submittal or associated error messages. To facilitate the submission process, and leave time to address any submission issues, consider submitting your application at least several days before the closing day of the announcement.

2. Application Materials

The following forms and documents are required to be submitted under this announcement via Grants.gov:

Mandatory Documents:

- a. Application for Federal Assistance (SF-424)
- b. Budget Information for Non-Construction Programs (SF-424A)
- c. EPA Key Contacts Form 5700-54
- d. EPA Form 4700-4 – Preaward Compliance Review Report
- e. Project Narrative (Project Narrative Attachment Form)-prepared as described in Section IV.C.2 of the announcement

Optional Documents:

- f. Supporting Materials, as described in Section IV.C.2 (use Other Attachments Form)
- g. Negotiated Indirect Cost Rate Agreement, if applicable (use Other Attachments Form)

Application packages submitted through Grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (*not from Grants.gov*) within 30 days of the application deadline, please contact Steve Epting at tribal319grants@epa.gov. Failure to do so may result in your application not being reviewed.

3. Technical Issues with Submission

- a. Once the application package has been completed, the “Submit” button should be enabled. If the “Submit” button is not active, please call Grants.gov for assistance at 1-800-518-4726. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. Applicants should save the completed application package with two different file names before providing it to the AOR to avoid having to re-create the package should submission problems be experienced or a revised application needs to be submitted.
- b. **Submitting the application.** The application package must be transferred to Grants.gov by an AOR. The AOR should close all other software before attempting to submit the application package. Click the “submit” button of the application package. Your Internet browser will launch and a sign-in page will appear. *Note: Minor problems are not uncommon with transfers to Grants.gov. It is essential to allow sufficient time to ensure that your application is submitted to Grants.gov BEFORE the due date identified in Section IV of the solicitation.* The Grants.gov support desk operates 24 hours a day, seven days a week, except Federal Holidays.

A successful transfer will end with an on-screen acknowledgement. For documentation purposes, print or screen capture this acknowledgement. If a submission problem occurs, reboot the computer – turning the power off may be necessary – and re-attempt the submission.

Note: Grants.gov issues a “case number” upon a request for assistance.

- c. **Transmission Difficulties.** If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted application are experienced, and following the above instructions do not resolve the problem so that the application is submitted to [Grants.gov](https://www.grants.gov) by the deadline date and time, follow the guidance below. The Agency will make a decision concerning acceptance of each late submission on a case-by-case basis. All emails, as described below, are to be sent to tribal319grants@epa.gov with the Funding Opportunity Number “EPA-OW-OWOW-21-01” in the subject line. If you are unable to email, contact Steve Epting at 202-566-1074. Be aware that EPA will only consider accepting applications that were unable to transmit due to [Grants.gov](https://www.grants.gov) or relevant www.sam.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit timely because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of a late submittal.
- i. If you are experiencing problems resulting in an inability to upload the application to Grants.gov, it is essential to call [Grants.gov](https://www.grants.gov) for assistance at 1-800-518-4726 before the application deadline. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. Be sure to obtain a case number from Grants.gov. If the problems stem from unforeseen exigent circumstances unrelated to Grants.gov, such as extreme weather interfering with internet access, contact Steve Epting at tribal319grants@epa.gov or 202-566-1074.

- ii. Unsuccessful transfer of the application package: If a successful transfer of the application cannot be accomplished even with assistance from Grants.gov due to electronic submission system issues or unforeseen exigent circumstances, and you have already attempted to resolve the issue by contacting Grants.gov, send an email message to tribal319grants@epa.gov prior to the application deadline. The email message must document the problem and include the Grants.gov case number as well as the entire application in PDF format as an attachment.
- iii. Grants.gov rejection of the application package: If a notification is received from Grants.gov stating that the application has been rejected for reasons other than late submittal and it is too late to reapply, promptly send an email to tribal319grants@epa.gov with the Funding Opportunity Number “EPA-OW-OWOW-21-01” in the subject line within one business day of the closing date of this solicitation. The email should include any materials provided by Grants.gov and attach the entire application in PDF format.

Please note that successful submission through Grants.gov or via email does not necessarily mean your application is eligible for award.

C. Content of Application Package Submission

Applicants should read the following section closely and address all requirements thoroughly. A complete application package must include the components below.

1. Application Materials

a. **Signed Application for Federal Assistance, Standard Form 424 (SF-424)**

Complete the form and have it signed. There are no attachments. Please note that the organizational Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number must be included on the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711 or by visiting the web site at www.dnb.com.

b. **Budget Information for Non-Construction Programs, Standard Form 424A (SF-424A)**

Complete the form. There are no attachments. The total amount of federal funding requested for the project period should be shown on line 5(e) and on line 6(k) of SF-424A. The total amount of non-federal cost share/match should be shown on line 5(f) and in Section C of the SF-424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (personnel costs and fringe benefits), and the total amount of indirect cost should also be indicated on line 22. In Section B: Budget Categories column (1) should be filled out for federal funds, column (2) should be filled out for non-federal cost-share/match, and column (5) should be filled out for total project cost (federal funds and non-federal cost share/match).

c. **EPA Key Contacts Form 5700-54**

Complete the form. Attach additional forms as needed.

d. **EPA Form 4700-4, Preaward Compliance Review Report**

Complete the form. There are no attachments.

e. **Project Narrative**

See Section IV.C.2 (Project Narrative) for details on specific information that must be included. When developing the Project Narrative, applicants should refer to Section I.A and Section IV.C.2 of the announcement.

f. **Supporting Materials**

Supporting materials include, for example, letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of the project location. Supporting material pages should be numbered. The review committee will only review the material you provide with the application and not outside material referenced in the Project Narrative or in a web link. Do not include documents such as watershed plans, assessment reports, or management program plans. Supporting materials are not included in the 15-page single-spaced Project Narrative page limit and should be submitted using the Other Attachments Form. Information under Section IV.C.2.j, Financial hardship waiver letter and quality assurance/quality control information, is considered supporting material.

g. **Negotiated Indirect Cost Rate Agreement, if applicable**

You may submit a copy of your organization's Indirect Cost Rate Agreement or Indirect Cost Rate proposal using the Other Attachments Form as part of the application package if your proposed project budget includes indirect costs. The Indirect Cost Rate Agreement is not included in the 15-page single-spaced Project Narrative page limit. See [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) for additional information about indirect cost rates.

2. Project Narrative

The Project Narrative must include items a – i below and address the corresponding evaluation criteria in Section V.A. It is recommended that you identify within your Project Narrative each individual ranking criterion in Section V.A. that you are addressing. **The Project Narrative (covering sections a-i below) is limited to no more than fifteen (15) typewritten, single-spaced 8.5x11-inch pages (a page is one side of a piece of paper).** Pages should be consecutively numbered for ease of reading. It is recommended that applicants use a standard 12-point type with 1-inch margins. Readability is important, and applicants should consider this when selecting a font for use in the Project Narrative. **Additional pages beyond the 15-page limit will not be considered.** Supporting materials, such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of the project location are not included within the page limit. Financial hardship waiver letters and quality assurance/quality control information is not included in the page limit. Your Project Narrative should conform to the outline below.

All Project Narrative work plans must be consistent with the tribe's EPA-approved NPS management program and conform to legal requirements that are applicable to all environmental program grants awarded to tribes (see 40 CFR Parts 35.507 and 35.515) as well as the legal requirements that specifically apply to NPS management grants (see 40 CFR Part 35.638). As provided in those regulations, and in accordance with [EPA Order 5700.7A1, Environmental Results under EPA Assistance Agreements](#), and other applicable EPA policies, all project narratives must include the following information:

a. **Subcategories of NPS Pollution (see also evaluation factor V.A.a)**

Identify and describe the extent and magnitude of subcategories of NPS pollution contributing to the water quality problems or threats described in the application. Provide estimates at the NPS subcategory level of the extent to which these subcategories are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation). Identify the area the estimate applies to (project(s) area, larger watershed, reservation, etc.). Indicate the specific subcategories of NPS pollution you will address through the proposed work plan activities.

Include photos if possible as supporting materials (site photos are considered supporting materials and are not included in the 15-page Project Narrative limit). For additional information about categories and subcategories of NPS pollution, please see EPA's [*Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act*](#) and EPA's "Types of Nonpoint Source Pollution" web pages, at <https://www.epa.gov/nps/types-nonpoint-source-pollution>.

b. Water Quality Problems or Threats (see also evaluation factor V.A.b)

Identify each water quality problem or threat caused by the subcategories of NPS pollution you propose to address through the proposed project(s). Include water quality data analysis to show the water quality impacts from the NPS pollution subcategories of concern. Applicants are encouraged to include water quality data related to the NPS issue of concern to be addressed by the proposed project. Applicants should include specific descriptions of water quality problems or threats, for example, in relation to impairments to water quality standards or other parameters that indicate waterbody health (e.g., decreases in fish or macroinvertebrate counts). Include photos of the NPS issue(s) of concern (site photos and maps are considered supporting materials and are not included in the 15-page Project Narrative limit).

c. Project Goals and Objectives, Work Plan Components, Specific NPS BMPs and Eligible Project Activities to be Implemented, and Project Location(s) (see also evaluation factor V.A.c)

Describe the goals and objectives of the project. Describe each component of the work plan, which includes an outline of all activities to be implemented, including watershed-based plan development, if applicable (see Project Types below for additional information on project components). Provide detailed information regarding the specific NPS BMPs and other eligible project activities to be implemented through the proposed project. Include specific information regarding where the NPS project will take place in relation to the waterbody affected by NPS pollution. EPA recommends including maps of the reservation, waterbody to be addressed, and project location as supporting materials. Photos of project sites should include a detailed description of what is in the photos and clearly link back to the proposed project (site photos and maps are considered supporting materials and are not included in the 15-page Project Narrative limit).

All applications must address one of the following four project types, as described in the table below and in Section III.D above. Identify which project type applies to your application and provide the information relevant to that project type. Please note the narrow definition of a "nine element watershed-based plan" specific to EPA's NPS Program (see Section I.A, as well as Appendix A for a list of the nine elements).

Project Type	Description
i.	<p><u>The work plan develops or continues work on a nine element watershed-based plan and implements a nine element watershed-based plan.</u></p> <p>Include the following information <u>for the nine element watershed-based plan to be developed</u>: (1) the geographical coverage of the watershed plan, (2) a commitment to incorporate the nine elements of a watershed-based plan described in Appendix A, (3) a summary of the work, if any, already completed in developing the watershed-based plan, (4) a specific schedule for developing the watershed-based plan, including cases where plan development may continue past the proposed project period, and (5) an estimate of the funds that will be used to develop the watershed-based plan (not to exceed 20 percent of the federal competitive grant).</p> <p>Include the following information <u>for the nine element watershed-based plan to be implemented</u>: (1) whether the plan includes the nine elements as defined by EPA, (2) whether the watershed-based plan has been reviewed by EPA, and (3) whether the plan it is in final or draft form. Describe how the work plan will make progress towards achieving the overall goals of the watershed-based plan and the specific water quality-based goals identified in the watershed-based plan. Applicants may propose to implement a watershed-based plan authored by the applicant, or authored by another entity (i.e., watershed organization, non-profit, state water quality agency, regional planning commission, etc.).</p>
ii.	<p><u>The work plan develops or continues work on a nine element watershed-based plan and implements a watershed project (that does not implement the watershed-based plan) that is a significant step towards addressing NPS water quality impairments or threats on a watershed-wide basis.</u></p> <p>Include the following information <u>for the nine element watershed-based plan to be developed</u>: (1) the geographical coverage of the watershed plan, (2) a commitment to incorporate the nine elements of a watershed-based plan described in Appendix A, (3) a summary of the work, if any, already completed in developing the watershed-based plan, (4) a specific schedule for developing the watershed-based plan, including cases where plan development may continue past the proposed project period, and (5) an estimate of the funds that will be used to develop the watershed-based plan (not to exceed 20 percent of the federal competitive grant).</p> <p>For the <u>watershed project to be implemented</u>, describe how the watershed approach (see Section I.A) was adopted in developing the proposed project. In addition, describe how the proposed NPS BMPs and other eligible activities will contribute to achieving water quality goals on a watershed scale.</p>

<p>iii.</p>	<p>The work plan <u>implements a nine element watershed-based plan.</u></p> <p>Provide the following information for the nine element watershed-based plan to be implemented: (1) whether the plan includes the nine elements as defined by EPA, (2) whether the watershed-based plan has been reviewed by EPA, and (3) whether the plan it is in final or draft form. Describe how the work plan will make progress towards achieving the overall goals of the watershed-based plan and the specific water quality-based goals identified in the watershed-based plan. Applicants may propose to implement a watershed-based plan authored by the applicant, or authored by another entity (i.e., watershed organization, non-profit, state water quality agency, regional planning commission, etc.).</p>
<p>iv.</p>	<p>The work plan <u>implements a watershed project that is a significant step towards addressing NPS water quality impairments or threats on a watershed-wide basis.</u></p> <p>For the watershed project to be implemented, describe how the watershed approach (see Section I.A) was adopted in developing the proposed project. In addition, describe how the proposed NPS BMPs and other eligible activities will contribute to achieving water quality goals on a watershed scale.</p>

d. Link Between Work Plan Components and NPS Subcategories; Water Quality Benefits (see also evaluation factor V.A.d)

Describe how the proposed work plan components will reduce or eliminate the NPS pollution subcategories contributing to the water quality problem/threat to be addressed by 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.

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. The water quality benefits you describe should be linked to the NPS pollution subcategories (see i above) and the resulting water quality problems or threats (see ii above). Include specific water quality-based goals linked to: load reductions; water quality standards for one or more pollutants; NPS total maximum daily load allocations; measurable, in-stream reductions in a pollutant; and/or improvements in a parameter that indicates waterbody health (e.g., increases in fish or macroinvertebrate counts). If information is not available to make specific estimates, water quality-based goals may include narrative descriptions and best professional judgment based on existing information.

e. Watershed Approach (see also evaluation factor V.A.e)

Describe the watershed-based approach (or estuarine/coastal ecosystem system approach) adopted to determine the project areas and proposed management activities that will be most effective in preventing or reducing NPS pollution. This description should address how the proposed project(s) fit into a broader watershed approach to managing NPS pollution (see also Section I.A and the evaluation factor Section V.A.e). Describe why this project is the best project to be implemented in the watershed based on for example, its scope, location, sequencing in

relation to other projects in the watershed, past watershed planning efforts, or other factors, and/or if the project is part of an existing watershed-based plan. Describe how the proposed project can be linked to or expanded upon to address NPS impairments or threats on a watershed-wide basis, for example, by laying the groundwork for future implementation of NPS management efforts on a watershed basis.

f. **Environmental Results Outputs, Outcomes, and Measuring and Tracking Progress (see also evaluation factor V.A.f.i and V.A.f.ii)**

Include the anticipated environmental outputs and outcomes (as required by EPA Order 5700.7A1) of your project; a description of how the outcomes are linked to EPA's Strategic Plan Goal 1, Objective 1.2; and a plan for tracking and measuring progress towards achieving the expected outputs and outcomes. See Section I.B of this RFA for more information regarding outputs and outcomes and the Strategic Plan.

Environmental Results Past Performance (see also evaluation factor V.A.f.iii)

Submit a list of federally-funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts) that your organization performed within the last three years (no more than five agreements, and preferably EPA agreements), and describe how you documented and/or reported on whether you were making progress towards achieving the expected results (e.g., outputs and outcomes) under those agreements. If you were not making progress, please indicate whether, and how, you documented why not. In evaluating applicants under this factor in Section V.A.f.iii, EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available environmental results past performance information, you must indicate this in the application and you will receive a neutral score for this factor under Section V.A.f. Failure to provide any environmental results past performance information, or failure to include a statement that you do not have any relevant or available environmental results past performance information, may result in a zero score for this factor.

g. **Detailed Budget (see also evaluation factor V.A.g)**

Provide a detailed budget and estimated funding amounts for each work plan component/task. Clearly explain how EPA funds and match will be used. Applicants must itemize costs related to personnel, fringe benefits, contractual costs, travel, equipment, supplies, other direct costs, indirect costs, and total costs. This section provides an opportunity for narrative description of the budget or aspects of the budget such as "other" and "contractual." All subgrant funding should be located in the "other" cost category. Describe itemized costs in sufficient detail for EPA to determine the reasonableness and allowability of costs for each work plan component/task, including the use of the non-federal cost share/match funds. Also indicate whether the applicant has requested a hardship waiver (the non-federal cost share/match may be reduced to 10 percent), or if the competitive funds will be added to a PPG (cost share/match may be reduced to 5 percent for the first two years in which a tribe or intertribal consortia receives a PPG, and then is increased to 10 percent). Please see EPA's [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#) for more information about preparing a project budget. Additionally, see Section III.B and III.C of this RFA for additional information.

Provide information on the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. This can be done, for example, by providing a brief discussion of how the funds will be drawn down over the course of the grant, or provide a timeline as to when the funds are expected to be expended.

Note the following:

- i. Total costs must include both federal and non-federal cost-share/matching components.
 - ii. The use of funding for the development of a watershed-based plan will be limited to 20 percent of the federal portion of the competitive award.
 - iii. Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the assistance agreement shall not exceed 10 percent of the grant award (federal share and tribal cost share/match). The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation.
 - iv. Costs may include financial assistance to persons only to the extent that such assistance is related to the cost of demonstration projects.
- h. Milestone Schedule (see also evaluation factor V.A.h)**
Provide a milestone schedule that covers each year of the total proposed project period (up to four years, and see Section III.F for information about PPG-specific requirements). The milestone schedule should provide a breakout of the project activities into phases with associated tasks and a timeframe for completion of tasks. For each work plan component and task or activity, such information includes, but is not limited to, the following:
- i. Identify a specific “start” and “end” date.
 - ii. Estimate the specific work years.
 - iii. Provide interim milestone dates, particularly for work plan components/tasks that span multiple years.
- i. Roles and Responsibilities (see also evaluation factor V.A.i)**
Describe the roles and responsibilities of the recipient and any partners in carrying out the work plan commitments. This may include, but is not limited to, the following:
- i. Defining the specific level of effort for the responsible parties for each work plan component.
 - ii. Identifying and describing parties who will take the lead in carrying out the work plan commitments.
 - iii. Identifying and describing other programs, parties, and agencies that will provide additional technical and/or financial assistance.
- j. Financial Hardship Waiver Letter and Quality Assurance/Quality Control (not included in the Project Narrative work plan page limit)**
- i. Financial hardship waiver letter requesting a reduced non-federal cost share/match, if applicable.
 - ii. Quality Assurance/Quality Control. If the applicant expects to collect data and information as part of baseline or pre/post-project monitoring, briefly describe how the applicant will comply with the Quality Assurance/Quality Control requirements (see Section VIII.A of this announcement for additional information). Note: Development of a Quality Assurance Project Plan (QAPP) is required of all EPA assistance agreements that fund data collection and assessment. The cost of QAPP development should be included in the project budget. For more information on QAPP development, see VIII.A.

- iii. Eligibility (e.g., adequate documentation to demonstrate eligibility of intertribal consortium).

Note: The applicant should also provide in the Project Narrative any additional information, to the extent not already addressed above, that addresses the selection criteria in Section V.A.

D. Submission Dates and Times

Applications submitted electronically through Grants.gov must be received by **11:59 PM EST / 10:59 PM CST / 9:59 PM MST/ 8:59 PM PST on January 14, 2021**. Late applications will not be considered for funding.

E. Additional Provisions for Applicants Incorporated into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to confidential business information, contracts and subawards under grants, and application assistance and communications, can be found at [EPA Solicitation Clauses](#). These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing applications for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA Headquarters Contact listed in this solicitation to obtain the provisions.

F. Communications with Applicants

In accordance with EPA's Assistance Agreement Competition Policy ([EPA Order 5700.5A1](#)), **EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft application, or provide advice to applicants on how to respond to ranking criteria.**

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the announcement, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about the announcement. Please note that applicants should raise any questions they may have about the solicitation language to EPA Headquarters Contact identified in Section VII as soon as possible so that any questions about the solicitation language may be resolved prior to submitting an application. In addition, if necessary, EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

Questions must be submitted in writing via email and must be received by EPA Headquarters Contact identified below by **January 5, 2021**. Written responses will be posted on EPA's website at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>. EPA strongly recommends interested applicants refer to the FAQs webpage (<https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>) prior to submitting a question.

G. Information Sessions

EPA will host two national Information Sessions regarding this announcement via webinar prior to the closing date of this RFA. These webinars will be held on **Wednesday, December 2, 2020** and **Tuesday, December 8, 2020**. Webinar registration is available at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>. EPA will attempt to answer any appropriate questions in these public forums. Information about these webinars, including Questions and Answers, will be posted at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>.

V. APPLICATION REVIEW INFORMATION

A. Ranking Criteria

All eligible applications, based on the Section III threshold eligibility review, will be evaluated based on the evaluation criteria and weights below (100 point scale). Points will be awarded based on how well and thoroughly each criterion and/or sub-criterion is addressed in the application.

Criteria	Description
<p>a – Subcategories of NPS Pollution</p> <p>(10 points total)</p>	<p>The application will be evaluated based upon the extent, and quality, to which it identifies and describes each subcategory of NPS pollution contributing to the water quality problems or threats described in the application, and the specific subcategories of NPS pollution that will be addressed through the application. (5 points)</p> <p>The application will be evaluated based upon how well it provides estimates at the NPS subcategory level of the extent to which these subcategories are present in the watershed. (5 points)</p> <p>See Section IV.C.2.a for more information.</p>
<p>b – Water Quality Problems/Threats</p> <p>(10 points total)</p>	<p>The application will be evaluated based upon the extent, and quality, to which it identifies and provides specific descriptions of each water quality problem or threat caused by the subcategories of NPS to be addressed in the work plan (see Section IV.C.2.b). (10 points)</p>
<p>c – Project Goals and Objectives; Work Plan Components; Specific NPS BMPs and eligible project activities to be implemented; Project Location</p> <p>(30 points total)</p>	<p>The application will be evaluated based upon the extent and quality to which it clearly describes and addresses:</p> <ul style="list-style-type: none"> • The goal(s) and objective(s) of the project (3 points) • The work plan components, which includes an outline of all activities to be implemented (11 points) • The level of detail provided in relation to the specific NPS BMPs and other eligible project activities to be implemented (11 points) • Specificity in identifying where the NPS project will take place in relation to the waterbody affected by NPS pollution (5 points) <p>See Section IV.C.2.c for more information.</p>
<p>d – Link between work plan components and NPS pollution subcategories; Water quality benefits</p> <p>(10 points total)</p>	<p>Applications will be evaluated on how well they meet each of the following sub-criteria:</p> <p>(i) Extent and quality to which the application describes how the work plan components will reduce or eliminate the NPS pollution subcategories addressed in the application that are contributing to the water quality problem/threat. (5 points)</p> <p>(ii) Extent and quality to which the application 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</p>

	<p>either through restoring NPS-impaired waters or protecting waters from NPS pollution. (5 points)</p> <p>See Section IV.C.2.d for more information.</p>
<p>e – Watershed Approach</p> <p>(10 points total)</p>	<p>Applications will be evaluated on how well they meet each of the following sub-criteria:</p> <p>(i) Extent and quality to which the application demonstrates that a watershed-based approach was adopted in developing the proposed project and describes how the project is the best project to be implemented based on, for example, scope, location, sequencing in relation to other projects in the watershed, past watershed planning efforts, or other factors relevant to the watershed. (5 points)</p> <p>(ii) Extent and quality to which the application demonstrates that the project can be linked to or expanded upon to address NPS impairments or threats on a watershed-wide basis. (5 points)</p> <p>See Section IV.C.2.e for more information.</p>
<p>f – Environmental Results; Measuring and Tracking Progress; Past Performance</p> <p>(10 points total)</p>	<p>Applications will be evaluated on how well they meet each of the following sub-criteria:</p> <p>(i) Extent and quality to which the application demonstrates potential environmental results (i.e., whether the project will result in the protection or restoration of water resources), anticipated outputs and outcomes (see Section I.B for examples of outputs and outcomes), and how the outcomes are linked to EPA’s Strategic Plan (discussed in Section I.B of this RFA and also available at https://www.epa.gov/planandbudget/strategicplan). (3 points)</p> <p>(ii) Extent and quality to which the application demonstrates a sound plan for measuring and tracking progress toward achieving the expected outputs and outcomes (examples of outputs and outcomes can be found in Section I.B of this announcement). (3 points)</p> <p>(iii) Extent and quality to which the applicant adequately documented and/or reported on its progress towards achieving the expected results (e.g., outputs and outcomes) under the federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) identified in the application performed within the last 3 years, and if such progress was not being made, whether the applicant adequately documented and/or reported why not. (4 points)</p> <p>Note: In evaluating applicants under sub-criterion (iii), EPA will consider the information provided by the applicant in its application and may also consider relevant programmatic information from other</p>

	<p>sources including Agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant).</p> <p>Applicants who have no relevant or available past performance information must indicate that in the application and will receive a neutral score for sub-criterion (iii) (i.e., two points). Failure to provide any past performance information, or failure to include a statement in your application that you do not have any relevant or available past performance information, may result in a zero score for sub-criterion (iii).</p> <p>See Section IV.C.2.f for more information.</p>
<p>g – Budget</p> <p>(10 points total)</p>	<p>Applications will be evaluated on how well they meet each of the following sub-criteria:</p> <p>(i) The application will be evaluated based upon the extent and quality to which it demonstrates the reasonableness of the budget and estimated funding amounts for each work plan component/task. Applications will be evaluated based on the adequacy and specificity of the information provided in the detailed budget and whether the proposed costs are reasonable and allowable. Total project costs must include both federal and the required non-federal cost share/match. The cost-effectiveness and reasonableness of all costs (federal and non-federal cost share/match will also be evaluated. (8 points)</p> <p>(ii) Applicants will be evaluated based on their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. (2 points)</p> <p>See Section IV.C.2.g for more information.</p>
<p>h – Milestone Schedule</p> <p>(5 points total)</p>	<p>The applications will be evaluated based upon the adequacy and completeness of the milestone schedule, including timeframes and major milestones to complete significant project tasks (see Section IV.C.2.h). (5 points)</p> <p>Note: A work plan that includes a schedule that can be initiated with minimal delay upon the award of the assistance agreement (i.e., indicates a “readiness to proceed”) may score higher than work plans which may require significant further action before the project can be implemented.</p>
<p>i – Roles and Responsibilities</p> <p>(5 points total)</p>	<p>The application will be evaluated based upon how specifically and clearly it defines the roles and responsibilities of each responsible party in relation to each work plan component (see Section IV.C.2.i). (5 points)</p>

B. Review and Selection Process

All applications received by the submission deadline will be screened by EPA staff against the threshold criteria in Section III.D of the announcement. Applications that do not pass the threshold review will not be evaluated further or considered for funding.

A panel(s) comprised of EPA staff will review the eligible applications based on the evaluation criteria listed in Section V.A. The ranking list will be provided to the headquarters selection official who makes the final funding decisions. In making the final funding decisions, the selection official will consider the application score/ranking and may also take into consideration whether the application is for a high quality work plan that adopts a watershed approach in targeting on-the-ground NPS management activities.

C. Additional Provisions for Applicants Incorporated into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation including the clause on Reporting and Use of Information Concerning Recipient Integrity and Performance can be found at [EPA Solicitation Clauses](#). These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing applications for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with EPA Headquarters Contact listed in this solicitation to obtain the provisions.

VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices

Following EPA's evaluation of applications, all applicants, including those who are not selected for funding, will be notified regarding their status. The notification will be made to the original signer of the Standard Form (SF) 424, Application for Federal Assistance or the project contact listed in the application. The notification, which informs the applicant that its application has been selected and is being recommended for award, is not an authorization to begin work. The official notification of award will be made by the Regional Award Official.

Applicants are cautioned that only an Award Official is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA Award Official, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant or cooperative agreement can officially be awarded. The time between notification of selection and award can take up to 90 days or longer.

EPA reserves the right to negotiate and/or adjust the final grant amount and workplan prior to award, as appropriate and consistent with Agency policy, including EPA's Competition Policy ([EPA Order 5700.5A1](#)). An approvable final work plan is required to include:

1. Work plan components to be funded under the assistance agreement;
2. Estimated work years and the estimated funding amounts for each work plan component;
3. Work plan commitments for each work plan component and a timeframe for their accomplishment;
4. Performance evaluation process and reporting schedule; and

5. Roles and responsibilities of the recipient and EPA (for cooperative agreements only) in carrying out the work plan commitments.

EPA anticipates notification to *successful* applicant(s) will be made by the appropriate EPA Regional contact via e-mail in **April 2021**. This notification, which advises that the applicant's application has been selected and is being recommended for award, is not an authorization to begin performance, nor is it a guarantee that an award will be made. The award notice signed by EPA Award Official is the authorizing document and will be provided through e-mail. At a minimum, this process can take 90 days from the date of selection notification.

EPA Regional contact will notify *unsuccessful* applicant(s) via e-mail within 15 calendar days after final selection of successful applicants. The notification will be sent to the original signer of the application or the project contact listed in the application.

The appropriate EPA Regional contact will notify applicants who do not meet the threshold eligibility criteria under Section III.D via e-mail within 15 calendar days of the Agency's decision on applicant eligibility.

Any additional information about this RFA will be posted on EPA's website at <https://www.epa.gov/nps/tribal/>. Deadline extensions or other modifications if any, will be posted on this website and <https://www.grants.gov/>.

B. Additional Provisions for Applicants Incorporated into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to DUNS, SAM, copyrights, disputes, and administrative capability, can be found at [EPA Solicitation Clauses](#). These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing applications for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with EPA Headquarters Contact listed in this solicitation to obtain the provisions

C. Administrative and National Policy Requirements

1. Grant Requirements

The general award and administration process for assistance agreements to be funded under this announcement are governed by the regulations at 2 CFR Parts 200 and 1500, as applicable. In addition, all applicable legal requirements including, but not limited to, EPA's regulations on environmental program grants for tribes (see 40 CFR Parts 35.500 to 35.735) and regulations specific to NPS grants for tribes (see 40 CFR Parts 35.630 to 35.638), apply to all CWA Section 319 grants. A description of the Agency's substantial involvement in cooperative agreements will be included in the final agreement.

2. Satisfactory Progress

For a tribe or intertribal consortium that received Section 319 funds in the preceding fiscal year, Section 319(h)(8) of the CWA requires that the Regional Administrator determine whether the tribe or each member of the intertribal consortium made "satisfactory progress" during the previous fiscal year in meeting the schedule of activities specified in its EPA-approved NPS management program in order to receive Section 319 funding in the current fiscal year. The Region will base this determination on an examination of tribal activities, reports, reviews, and other documents and discussions with the tribe in the previous year. The Regional Administrator or delegatee must include in each CWA Section 319 grant

award package a written determination that the tribe has made satisfactory progress during the previous fiscal year in meeting the schedule of milestones specified in its NPS management program. The Regional Administrator or delegee must include brief explanations that support their determinations.

3. Operation and Maintenance

Each CWA Section 319 grant must contain an award condition requiring that the tribe assure that any NPS management practices implemented for the project be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

The condition must require the tribe to assure that any subrecipient of Section 319 funds similarly include the same condition in the subaward. Such condition must reserve the right of EPA and the tribe, respectively, to conduct periodic inspections during the life span of the project to ensure that operation and maintenance are occurring, and shall state that, if it is determined that participants are not operating and maintaining practices in an appropriate manner, EPA or the tribe, respectively, will request a refund for the project supported by the grant.

The life span of a project will be determined on a case-by-case basis, tailored to the types of practices expected to be funded in a particular project, and should be specified in the grant condition. For assistance in determining the appropriate life span of the project, tribes may wish to examine other programs implementing similar practices, such as the U.S. Department of Agriculture's conservation programs. For example, for conservation practices, it may be appropriate to construct the life span consistent with the life span for similar conservation practices as determined by the Commodity Credit Corporation (pursuant to the implementation of the Environmental Quality Incentives Program). Following the approach used in many federal funding programs, practices will typically be operated and maintained for a period of at least 5 to 10 years.

4. Grants to Intertribal Consortia

In making CWA Section 319 grant awards to tribes who are part of an intertribal consortia, Regions must include a brief finding in the final funding package that the tribe has demonstrated the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant.

5. Match Requirements

In making CWA Section 319 grant awards to tribes that provide for a reduced match requirement, the Regional Administrator or delegee must include the hardship letter from the tribe in the final funding package for categorical grants or the work plan may be included in a PPG. If the match for the PPG is reduced below 5 percent, the hardship letter should also be included justifying the reduced match under the PPG.

D. Reporting

In general, recipients are responsible for managing the day-to-day operations and activities supported by the assistance funding, to assure compliance with applicable federal requirements, and for ensuring that established milestones and performance goals are being achieved. Recipients must submit performance reports and financial reports according to the established schedule (at least annually, but no more than quarterly). Performance reports and financial reports are due 30 days after the reporting period. The final

report is due 90 days after the assistance agreement has expired. Recipients will be required to report direct and indirect environmental results from the work accomplished through the award. In negotiating assistance agreements, EPA will work closely with the recipient to incorporate appropriate performance measures and reporting requirements in the work plan consistent with 2 CFR Parts 200 and 1500, and 40 CFR Part 45 as appropriate, and 40 CFR Parts 35.507, 35.515, and 35.638. All CWA Section 319 grants must include a set of reporting requirements and a process for evaluating performance. Some of these requirements have been explicitly incorporated into the required work plan components that all tribes must include in order to receive CWA Section 319 grant funding.

E. Debriefings

Unsuccessful applicants interested in requesting a debriefing should refer to the procedures for debriefings in the [Dispute Resolution Procedures](#), which can also be found at 70 FR (Federal Register) 3629, 3630 (January 26, 2005). Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Please note that the FR notice referenced above refers to regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding this, the procedures for competition-related debriefings and disputes remains unchanged from the procedures described at 70 FR 3629 and 3630, as indicated in 2 CFR Part 1500, Subpart E.

F. Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remains unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

VII. AGENCY CONTACTS: EPA HEADQUARTERS AND REGIONAL TRIBAL NPS COORDINATORS

EPA Headquarters – *Office of Wetlands, Oceans, and Watersheds – Watershed Restoration, Assessment and Protection Division*

Steve Epting, e-mail: tribal319grants@epa.gov

Region 1 - *Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*

Bessie Wright, e-mail: wright.bessies@epa.gov

Region 2 - *New Jersey, New York, Puerto Rico, U.S. Virgin Islands*

Aimee Boucher, e-mail: boucher.aimee@epa.gov

Region 3 - *Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, DC*

Fred Suffian, e-mail: suffian.fred@epa.gov

Region 4 - *Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee*

Sharon Brown, e-mail: brown.sharon@epa.gov

Region 5 - *Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin*

Janette Marsh, e-mail: marsh.janette@epa.gov

Region 6 - *Arkansas, Louisiana, New Mexico, Oklahoma, Texas*

Nikole Witt, e-mail: witt.nikole@epa.gov

Region 7 - *Iowa, Kansas, Missouri, Nebraska*

Kimberly Hill, e-mail: hill.kimberly@epa.gov

Region 8 - *Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming*

Peter Monahan, e-mail: monahan.peter@epa.gov

Region 9 - *Arizona, California, Hawaii, Nevada, American Samoa, Mariana Islands, Guam*

Howard Kahan, e-mail: kahan.howard@epa.gov

Region 10 - *Alaska, Idaho, Oregon, Washington*

Krista Mendelman, e-mail: mendelman.krista@epa.gov

VIII. OTHER INFORMATION

A. Quality Assurance/Quality Control (QA/QC)

Quality Assurance/Quality Control (QA/QC) requirements are applicable to these assistance agreements (see 2 CFR Part 1500.11). QA/QC requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. Successful applicants should allow sufficient time and resources for this process.

Applicants who have been collecting water quality data under CWA Section 106 and have an EPA approved Quality Assurance Project Plan (QAPP), may or may not need to develop a QAPP for CWA Section 319 monitoring related to their proposed project. EPA can assist applicants in determining whether QA/QC is required for the proposed project. If QA/QC is required for the project, the applicant is encouraged to work with EPA QA/QC staff to determine the appropriate QA/QC practices for the project. Contact the Agency Contact (See Section VII above for Agency Contact information) for referral to an EPA QA/QC staff person.

Successful applicants must ensure all water quality data generated in accordance with an EPA approved Quality Assurance Project Plan, either directly or by subaward, are transmitted into the Agency's Water Quality Exchange (WQX) data system (formerly known as STORET) annually or by project completion. When uploading data through WQX or WQXweb, data should be identified as CWA Section 319 grant-related by providing project ID **CWA319** in the data submission. More information about WQX and WQXweb, including tutorials, can be found at <https://www.epa.gov/waterdata/storage-and-retrieval-and-water-quality-exchange>.

B. Data Sharing

All recipients of these assistance agreements will be required to share any data generated through this funding agreement as a defined deliverable in the final work plan.

Appendix A – Nine Elements of a Watershed-Based Plan Developed by a Tribe

(as referenced in EPA’s [*Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act*](#))

- a. An identification of the causes and sources or groups of similar sources that will need to be controlled to achieve the goal identified in element (c) below. Sources that need to be controlled should be identified at the significant subcategory level with estimates of the extent to which they are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation).
- b. A description of the NPS BMPs that will need to be implemented to achieve a water quality-based goal described in element (c) below, as well as to achieve other watershed goals identified in the watershed-based plan, and an identification (using a map or a description) of the critical areas for which those measures will be needed to implement the plan.
- c. An estimate of the water quality-based goals expected to be achieved by implementing the measures described in element (b) above. To the extent possible, estimates should identify specific water quality-based goals, which may incorporate, for example: load reductions; water quality standards for one or more pollutants/uses; NPS total maximum daily load allocations; measurable, in-stream reductions in a pollutant; or improvements in a parameter that indicates stream health (e.g., increases in fish or macroinvertebrate counts). If information is not available to make specific estimates, water quality-based goals may include narrative descriptions and best professional judgment based on existing information.
- d. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the plan. As sources of funding, Tribes should consider other relevant Federal, State, local and private funds that may be available to assist in implementing the plan.
- e. An information and education component that will be used to enhance public understanding and encourage early and continued participation in selecting, designing, and implementing the NPS BMPs that will be implemented.
- f. A schedule for implementing the NPS BMPs identified in the plan that is reasonably expeditious.
- g. A description of interim, measurable milestones for determining whether NPS BMPs or other control actions are being implemented.
- h. A set of criteria that can be used to determine whether the water quality-based goals are being achieved over time and substantial progress is being made towards attaining water quality-based goals and, if not, the criteria for determining whether the watershed-based plan needs to be revised.
- i. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under element (h) above.