

## Chapter 3: Grant Requirements

### Read this chapter...

- To learn how to apply for TAS eligibility for the CWA Section 106 Program.
- For an overview of the CWA Section 106 grant application and administration process.
- To understand pre-award activities and post-award requirements.

### Chapter highlights:

- Flowchart depicting relationship between strategic planning and agency guidance.
- Table of grant options for accessing Section 106 funds.
- Flowchart depicting the grant application process.

This chapter provides an overview of federal requirements to guide Tribes through the Section 106 grant application and administration process. The legal, administrative, financial, and programmatic requirements in this document are designed to ensure consistency among tribal grants.

This chapter provides information about the grant process but does not address all requirements codified in law or EPA program guidelines. EPA Project Officers may ask for additional information based on Section 106 guidance or updated requirements. Tribes interested in applying for Section 106 funds should work with their EPA Project Officer to ensure they meet all grant requirements.

Table 1. Requirements applicable to tribal Section 106 grants

Categories of Requirements	Sections Relevant to Section 106 Grants
Statutory provisions	CWA Sections 106, 305, 504, and 518(e).
Regulations	2 CFR Parts 200 and 1500. 40 CFR Parts 7, 29, 33, 34, 35, and 130.
EPA Grant Guidelines	EPA's <a href="#">National Water Program Guidance</a> . EPA's Guidance on the <a href="#">Water Pollution Control (Section 106) Grants</a> website.

### Federal Grant Requirements

All grants awarded by EPA must meet the requirements described in the Code of Federal Regulations (CFR) Title 2 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (commonly called "Uniform Grant Guidance" or "UGG") and Title 40 Part 35 Protection of Environment. Throughout this chapter, the section of the CFR is referenced to indicate regulatory requirements.

The UGG is a "government-wide framework for grants management," an authoritative set of rules and requirements for federal awards that synthesizes and supersedes guidance from earlier Office of Management and Budget (OMB) circulars. The UGG aims to reduce the administrative burden on award recipients and, at the same time, guard against the risk of waste and misuse of federal funds.

EPA sets out the requirements for all grants at 40 CFR Part 35. Information specific to tribal grants is at 40 CFR 35 Subpart B.

EPA's Office of Grants and Debarment provides Grants Policy Issuances and other policy documents on the [EPA Grants Policy Resources](#) website to support the implementation of grants.

### Applying for TAS for the Section 106 Program

The treatment in a similar manner as a state (TAS) requirements to receive Section 106 grants ensure that Tribes have the legal, financial, technical, and managerial resources to successfully establish and administer a Section 106-funded water quality program. EPA finding that a Tribe meets the TAS criteria authorizes the Tribe to apply for Section 106 grants.

The general requirements for TAS are in CWA Section 518(e) and specific information for Section 106 is in regulation at 40 CFR 130.6(d) and 40 CFR 35.583. The CWA Section 518 statutory requirements are summarized below.

1. The Tribe is recognized by the Secretary of the Interior.
2. The Tribe has a governing body carrying out substantial governmental duties and powers.
3. The functions to be exercised by the Tribe pertain to the management and protection of water resources that are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation.
4. The Tribe is reasonably expected to be capable, in EPA's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the CWA and all applicable regulations.

Tribes seeking TAS submit a Section 106 TAS application to their EPA region.<sup>5</sup> Because Tribes will not have access to Section 106 funds until EPA approves their TAS application, many Tribes have used Indian

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<sup>5</sup> Tribes can submit their demonstrations that they meet the TAS eligibility criteria with a Section 106 grant application, but Tribes cannot receive the grant unless EPA finds that the Tribe meets the TAS requirements.

Environmental General Assistance Program (GAP) grants to build capacity while undergoing the Section 106 TAS application process. See Chapter 9: Other Funding Options for more information on GAP grants.

Tribes with TAS may be a valuable resource to Tribes who are considering applying for Section 106 TAS. EPA regional offices may be able to provide contact information for other tribal water quality programs in the region.

#### Intertribal Consortia

Governing bodies of two or more Tribes can authorize a partnership, called an intertribal consortium or consortia, to apply for and receive assistance under one or more of the programs listed in 40 CFR 35.501. Intertribal consortia can receive grants under Section 106 if they demonstrate that each member Tribe authorizing the consortium to act on their behalf is federally recognized and has met the requirements for Section 106 TAS (40 CFR 35.583). A consortium must adequately document the partnership's existence and the authorization to apply for and receive assistance (40 CFR 35.504). Tribes may receive grants, both as an individual Tribe and as a part of an intertribal consortium, as long as the grants do not fund the same projects.

### Amending a TAS Application to Include Supplemental Lands

Tribes whose reservation lands consist of individual trust parcels that are not part of a formal Indian reservation, or who have acquired lands that have been put into trust outside the exterior boundaries of a formal reservation, may wish to amend their existing TAS approved application. These amendments can include new reservation lands such as lands transferred into federal trust status since the original application was approved.<sup>6</sup>

A Tribe that has previously qualified for TAS need only provide the required information that they have not submitted in a previous application (40 CFR 131.8(b)(6)). Examples of information that can transfer from a prior application include federal recognition and descriptions of the Tribe's governmental functions, as well as descriptions of lands and waters covered by the original approval. An application to amend an existing TAS approval would, however, include information regarding the new reservation lands, such as lands transferred into federal trust lands and associated waters.

### GPRA and Strategic Plans

The Government Performance and Results Act (GPRA) (PL 103-62), later amended by the Government Performance and Results Modernization Act (GPRMA) of 2010, requires federal agencies to set strategic goals, measure performance, and report on the degree to which they met their goals. GPRA requires each federal agency to develop strategic plans to cover a period of at least five years and to include a mission statement, long-term strategic goals, and information on how the goals will be achieved. Strategic plans are the starting point for federal agencies to set annual goals for programs and to measure their performance in achieving those goals. Individual program activities within agencies are

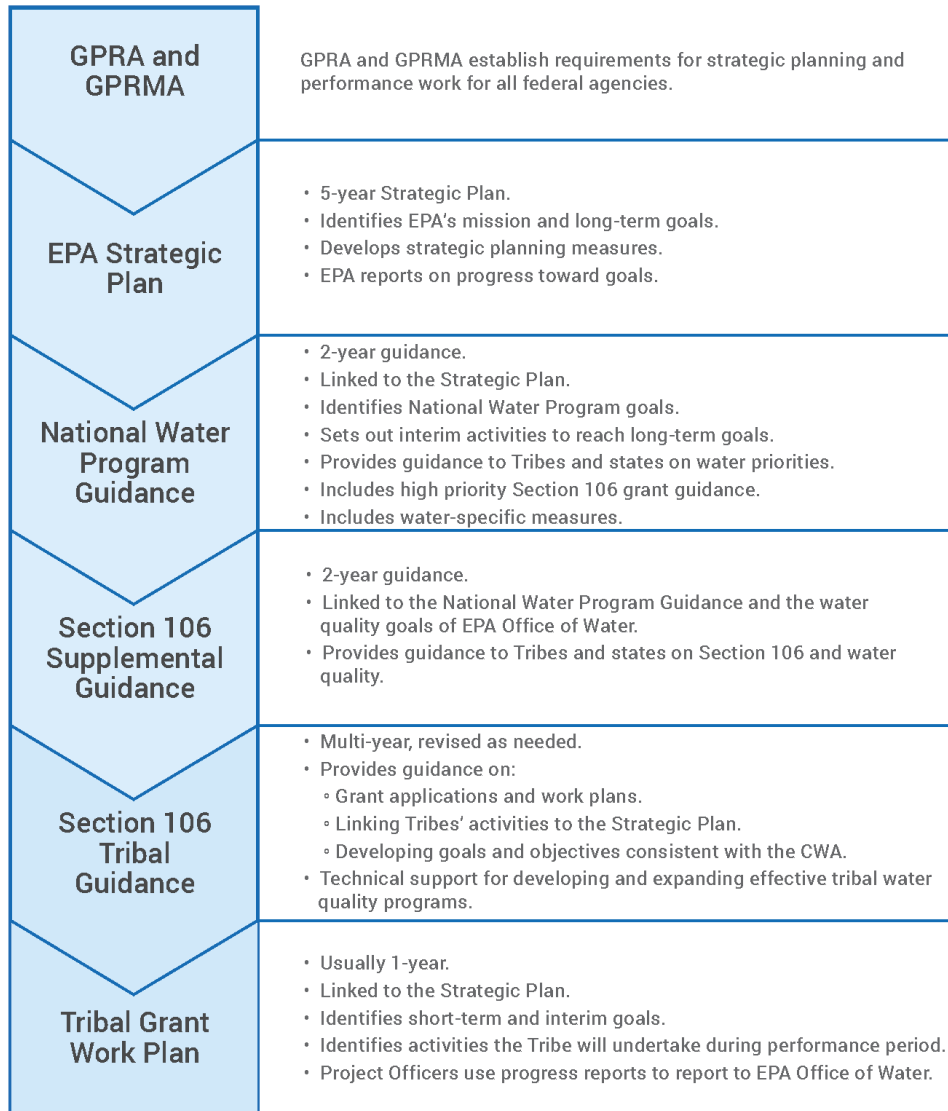
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<sup>6</sup> Consistent with EPA's longstanding approach, properties located outside the boundaries of formal, federally recognized Indian reservations that are held in tribal trust status are informal reservations and are eligible for inclusion in a Tribe's application for CWA program authority. See, for example, Amendments to the Water Quality Standards Regulations that pertain to Standards on Indian Reservations 56 FR 64876, 64881 (December 12, 1991).

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linked to their priorities, strategic goals, annual goals, and measures described in their strategic plans. One way EPA implements its strategic plan is through the awarding of grants. Accordingly, Tribes' grant applications must include work plans that link work plan activities to EPA's current strategic plan, available on the [EPA Strategic Plan](#) website, and the activities they are requesting be funded. See Figure 3 for more information.

Figure 3. Strategic planning and grant performance



**GPRA:** Government Performance and Results Act

**GPRMA:** Government Performance and Results Modernization Act

### Establishing Output- and Outcome-Based Activities: Environmental Results

EPA considers the links between grant activities and the EPA Strategic Plan goals and objectives and how environmental results from the activities will further EPA's goals and objectives (EPA Order Number 5700.7A1 Environmental Results under EPA Assistance Agreements). EPA ensures that grant activities identify outputs and outcomes. Each Tribe's grant work plan needs to describe the link between the

proposed activities and EPA's strategic plan, as well as any expected outputs or outcomes. [EPA Order Number 5700.7A1](#) includes guidance on complying with the order.

**Outputs** reflect the environmental efforts, products, or services a program will provide. Outputs may be qualitative or quantitative, but they must be measurable. Examples of outputs include number of staff trained, number of community outreach events, and number of samples collected.

Environmental **outcomes** are quantifiable changes or benefits resulting from the activities or outputs of the program. Examples of outcomes are measurable improvements in water quality and increases in the number of facilities that meet effluent limits.

Although a Tribe's program should strive to produce outcomes, in some cases outputs will be the most appropriate goals for their work plan activities, especially early in the program's development. For instance, outcomes may take many years to achieve and may occur after a grant period ends. Additionally, even if a Tribe achieves a desired outcome, linking the outcome to the environmental activities may be difficult.

#### Examples of Outputs and Outcomes for Environmental Activities

##### Monitoring

- Outputs: Number of samples collected.
- Outcomes: Improved understanding of waterbody condition.

##### Research and development, studies, surveys, investigations, and experiments

- Outputs: Number of experiments or samples collected, number of reports or publications.
- Outcomes: Advanced knowledge on the effects of water pollution as reflected in a peer-reviewed scientific journal article.

##### Training and outreach

- Outputs: Number of training sessions, number of persons trained.
- Outcomes: Increase in knowledge as demonstrated by pre- and post-training surveys.

##### Compliance and enforcement

- Outputs: Number of inspections or enforcement actions.
- Outcomes: Increase in number of facilities that reduce discharge or other pollutants, quantity of discharge, or pollutants reduced.

## Establishing Adequate Financial Management Systems and Managerial and Technical Capacity

Before applying for a Section 106 grant, a Tribe must be able to adequately track grant expenditures and establish and maintain effective accounting procedures to comply with grant requirements (2 CFR 200.208). Tribes are also required to register with the [System for Award Management \(SAM.gov\)](#) to be eligible for a federal grant and submit annual grant Financial Reports.

Tribes should have the capacity and capabilities to accept and manage federal funds, while also ensuring managerial and technical capabilities are in place to complete their work plan tasks. As part of the

annual and final evaluation process, EPA assesses the capacity and capabilities of Tribes to achieve and complete tasks. Capacity and capabilities include internal controls under 2 CFR 200 Part E:

1. Tribes design and implement processes to provide reasonable assurance that the objectives in the following categories can be met:
  - i. Effective and efficient operations.
  - ii. Reliable reporting for internal and external use.
  - iii. Compliance with applicable laws and regulations.
2. Federal awarding agencies must follow internal control compliance requirements in accordance with UGG Cost Principles (2 CFR 200 Subpart E).

### Identifying the Best Vehicle for a Section 106 Grant

Before submitting a grant application, Tribes should consider all the possible Section 106 grant application options and discuss with their Project Officer which is best for the Tribe’s program. Table 2 summarizes three options for accessing Section 106 grants and their key features.

Performance Partnership Grants (PPGs)	
<p>Section 106 grants are one of many grants eligible for inclusion in PPGs (<a href="#">40 CFR Part 35.101a</a>). EPA’s <a href="#">National Environmental Performance Partnership System (NEPPS)</a> website can be used as a resource to identify other programs that are also eligible for PPGs. PPGs combine funds from two or more environmental programs into a single grant application with a single budget to reduce administrative burden. Tribes that are interested in pursuing PPGs should work with their EPA regional office to develop a PPG that meets EPA statutory and program requirements. EPA’s <a href="#">NEPPS: Guidance, Policies, &amp; Regulations</a> website contains more information on PPGs.</p>	

Table 2. Options for awarding tribal grants

Options for Awarding Tribal Grants	Key Features
Section 106 Grant	<ul style="list-style-type: none"> <li>• Tribes submit a Section 106 specific grant application, work plan, and budget.                             <ul style="list-style-type: none"> <li>○ Can easily track and report the specific activities they conduct and the outcomes.</li> <li>○ Tribes and EPA can track funds easily.</li> </ul> </li> <li>• Tribes can work with EPA to tailor the period of performance to the scope of their Section 106 activities.</li> <li>• Tribes have flexibility in the work plan format.</li> <li>• Tribes do not have the 5 percent match requirement (waived).</li> </ul>
Section 106 as part of a water-focused PPG (Section 106, 319, 104(b)(3), Beaches Environmental Assessment and Coastal Health (BEACH) Act)	<ul style="list-style-type: none"> <li>• Tribes combine water-focused grants into one application, work plan, and budget.</li> <li>• Tribes need to establish the link between Section 106-funded activities in the work plan and track and report on the specific activities they accomplish and the outcomes.</li> <li>• Tribes can work with EPA to tailor the period of performance to the water programs they include.</li> </ul>

Options for Awarding Tribal Grants	Key Features
	<ul style="list-style-type: none"> <li>• Tribes will not be required to provide a financial report outlining how funds were used to support water quality activities.</li> <li>• Tribes have flexibility in the work plan format.</li> <li>• Tribes can work with EPA to unify reporting frequencies.</li> <li>• Tribes may allocate any remaining funds to other eligible PPG activities after completion of all work plan activities.</li> <li>• Tribes do not have match requirements (waived).</li> </ul>
<p>Section 106 as part of a multi-media PPG (GAP Funds and Other Media Programs)</p>	<ul style="list-style-type: none"> <li>• Tribes can combine PPG eligible programs into one application, work plan, and budget.</li> <li>• Tribes need to establish the link between Section 106-funded activities in the work plan and track and report on the specific activities they accomplish and the outcomes.</li> <li>• Tribes will not be required to provide a financial report outlining how funds were used to support water quality activities.</li> <li>• Programmatic requirements for some programs in the PPG may impact the grant’s period of performance.</li> <li>• Tribes may allocate any remaining funds to other eligible PPG activities after completion of all work plan activities.</li> <li>• Tribes do not have match requirements (waived).</li> </ul>

### Applying for and Administering a Grant

This section provides an overview of the grant lifecycle and requirements at each stage of the grant. “Grants” in this section refers to either grants or cooperative agreements, awarded to Tribes or intertribal consortia in the form of Section 106 individual grants or PPGs that include Section 106 funding. The Section 106 Program manages grants consistent with [Grant Policy Issuance \(GPI\) 13-02: Streamlining Tribal Grants Management](#). Figure 4 outlines the grant life cycle.

Figure 4. Grant life cycle



\* If Tribes cannot submit their data directly to WQX, Tribes can submit their data in a WQX compatible format directly to EPA regional staff along with a justification of why they could not load data to WQX.

### Pre-Award Activities

During the pre-award phase, EPA encourages Tribes to:

- Seek informal or formal assistance to answer questions concerning the technical or administrative requirements of the work plan.
- Respond to inquiries from the EPA Project Officer and EPA Grants Management Office concerning the application.
- Revise the application based on comments from the EPA Project Officer and EPA Grants Management Office.



### Understanding Grant Application Package Requirements

A Tribe's grant application package includes (2 CFR 200 Subpart C, 40 CFR 35.507):

- **Grant application form SF 424.** This form, in addition to all required forms and certifications, can be obtained from EPA's [Grantee Forms](#) website. Additional training opportunities are on EPA's [Grants Management Training for Applicants and Recipients](#) website.
- **Proposed work plan.** More information on developing a work plan, including estimated costs, is provided in the Understanding Work Plan Requirements section of this chapter. Tribes should contact their EPA Project Officer for EPA region-specific requirements.
  - **Meet the requirements of 40 CFR Part 35.507.** These requirements specify content Tribes must include in their work plan and are described in the following subsection.
- **Proposed budget.** More information on developing a budget is in the Developing a Budget section of this chapter. Tribes should discuss any funding amount limitations with their Project Officer prior to developing a budget.
- **Requirements in 2 CFR 200.208.** These requirements include special conditions that may apply to specific situations (for example, grants to Special Condition grantees). EPA regional offices will have more information.

Tribes must submit a complete application via Grants.gov. To begin the process, Tribes first create a Grants.gov account by visiting the [Registering with Grants.gov](#) website. More information is in Appendix A: Accessing the Section 106 and PPG Grant Application.

The EPA regional Project Officer can assist with questions regarding the grant application process and work plan due dates.

### Understanding Work Plan Requirements

The work plan is the basis for EPA and the Tribe to manage, plan, and evaluate performance under the grant agreement. Tribes should submit their draft work plan to their Project Officer before starting the grant application to ensure EPA can approve the work plan before the scheduled grant start date. In accordance with GPI 11-03, the work plan needs to consider factors such as EPA's Strategic Plan, national program guidance; tribal goals, objectives, and priorities; and other joint needs or priorities.

For individual grants and PPGs, final work plans must meet the requirements of 2 CFR 200 Subpart C, 40 CFR 35.507, applicable federal statutes, circulars, executive orders, and delegation or authorization agreements. At a minimum, the final work plan must specify:

- Work plan components that the grant will fund. A work plan component is a set of tasks that the Tribe and EPA negotiate. A work plan may have one or more work plan components.
- Estimated work years, or personnel time, and estimated funding amounts for each work plan component.
- Environmental outputs which are the activities or efforts and associated work products related to an environmental goal or objective.
- Environmental outcomes which are the results, effects, or consequences from the environmental program or activity.
- A performance evaluation process and reporting schedule, in accordance with 40 CFR 35.115.
- The roles and responsibilities of the Tribe in carrying out the work plan components.

Appendix B: Work Plan Template includes a sample work plan template.

### Additional Funding

If the Project Officer notifies a Tribe that additional funds are available **after a Tribe has submitted a grant application through Grants.gov but before final approval of the grant application package**, additional information may be required. Tribes submit all requested information directly to the Project Officer, *not* through Grants.gov.

### Match Requirements

**Direct Categorical Section 106 grants:** The EPA Office of Water received a regulatory exception from the 5 percent tribal match requirements for Section 106 grants. Tribes are no longer required to provide a match and can receive 100 percent of the work plan costs ([Memorandum on Class Exemption from 40 CFR 35.585, Maximum Federal Share](#)).

If Tribes choose to voluntarily contribute funds to support additional water quality activities, contributions towards eligible work plan activities should only be reported in the recipient's FFRs. This amount can be reported in "line j. Recipient share of expenditures." This additional funding is considered overmatch and can be used to replace any EPA-funded work plan costs that may be disallowed over the course of the grant period. This approach is recommended to minimize any potential repayments.

**Media-Specific or Multi-Media PPGs:** The EPA Office of Congressional and Intergovernmental Affairs received a regulatory exception from the tribal match requirements in a PPG. Tribes are no longer required to provide a match and can receive 100 percent of the work plan costs for all programs, including Section 106, in the PPG. Tribes can choose to contribute an overmatch, as described above, if funds are available. ([RAIN-2022-G01: Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants \(PPGs\) at 40 CFR 35.536](#))

### Developing a Budget

Each Tribe's application must include a budget, which provides the total cost by category associated with completing the activities in the work plan. A Tribe's budget will reflect the federal dollars that are within the grant work plan. EPA regional offices can help Tribes develop their budgets.

In their program budgets, Tribes include estimated costs to accomplish the activities in their work plans. The costs must be allowable, allocable, and reasonable, as defined by federal cost principles and policies. The cost principles are identified in [2 CFR Part 200 Subpart E](#).

When developing a budget, Tribes should refer to EPA's Grants website for information on how to structure their budget and the details needed for justification (the [EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients](#) has more information). Tribes must identify allowable costs (2 CFR Part 200 Subpart E) in the following cost categories:

1. **Personnel costs** include only direct costs for the salaries, wages, and allowable incentive compensation for those individuals who are employees of the tribal agency who will perform work directly for the project. Employees receive W-2 forms for federal tax purposes. The costs should be broken down by job classification, such as laborer, scientist, or volunteer. Multiplying cost per hour by number of hours worked yields the total personnel costs. (2 CFR 200.430)

2. **Fringe costs** are benefits, allowances, and services that employers provide to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick, or military), employee insurance, pensions, and unemployment benefit plans. (2 CFR 200.431)
3. **Travel costs** are expenses for transportation, mileage, lodging, subsistence, and related items that employees on official travel incur while conducting grant funded activities. (2 CFR 200.475)
4. **Equipment** with a unit cost greater than \$5,000 per unit must have prior EPA approval (2 CFR 200.313 and 200.439). Tribes should discuss equipment purchases with their EPA Project Officer early in the application process.
5. **Supplies** include materials and equipment with a unit cost under \$5,000 necessary for conducting activities in the work plan. Examples include monitoring supplies, computers, paper, and pens.
6. **Contractual costs** include costs for obtaining contractor support to conduct grant activities. These costs include contracts with outside laboratories to analyze water quality samples.
7. **Construction costs** to build or construct structures are not eligible under Section 106.
8. **Other costs** include those costs that do not fit into the above categories. These costs include subawards, telephone and internet services, and utilities; occasional document copying; rent or lease of equipment, office space, or conference facilities; participant support costs (for example, travel costs for interns and other non-employees); conference registration fees; and vehicle maintenance (unless it is under a contract).
9. **Total direct costs** directly relate to accomplishing the project. They are the sum of personnel, fringe, equipment, supplies, contracts, travel, and potentially administrative costs.
10. **Indirect costs** are costs that are incurred to support the overall operation of the organization. Indirect costs may be both administrative and programmatic. The Tribe must have an approved indirect cost rate proposal and provide a copy to EPA. This document substantiates the basis for costs that are common or joint to more than one cost objective (2 CFR 200.414). The Tribe should use the 10 percent de minimis indirect cost rate if they do not have an approved indirect cost rate.

EPA's [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#) provides additional information for recipients of EPA funds when preparing proposed work plans, budgets, and budget narratives for EPA assistance agreements for project grants and cooperative agreements.

#### **Programmatic and Administrative Terms and Conditions**

EPA attaches programmatic terms and conditions to each Tribe's grant award. Example terms and conditions include having a Quality Assurance Project Plan (QAPP) and providing water quality data electronically to EPA via WQX. There may be additional terms and conditions as agreed to by Tribes and their EPA region. EPA's [General Terms and Conditions](#) apply to all EPA grants.

#### **Notice of Award**

The Notice of Award section of each Tribe's grant agreement includes language allowing recipients to demonstrate their commitment to carry out an award by either 1) drawing down funds within 21 days after the EPA award or amendment mailing date, or 2) not filing a notice of disagreement with the

award terms and conditions within 21 days after the EPA award mailing date. If the Tribe does not notify EPA within 21 days, or draws down funds, the Tribe automatically accepts the grant and all terms and conditions.

## Post-Award Requirements

### Quality Assurance

All Section 106-funded programs need to establish and maintain a quality system which ensures that any EPA-funded projects that include data collection establish quality assurance (QA) and quality control (QC) procedures. Information about [How EPA Manages the Quality of its Environmental Information](#) is available online. At a minimum, a Section 106-funded program must have an EPA-approved QAPP before any water quality monitoring activities may begin. More information on developing QAPPs is in Chapter 5: Development and Implementation of a Monitoring Program and on EPA's [Quality Assurance Project Plan Development Tool](#) website.

### Competency Policy

If Tribes generate or use environmental data as part of their Section 106-funded activities and receive over \$200,000 in total EPA assistance, they must submit documentation of their competency prior to award of the agreement, or if that is not practicable, prior to beginning any work involving the generation or use of environmental data under the agreement. Generation or use of environmental data includes environmental sampling, field measurements, and laboratory analyses under Agency-funded agreements. See EPA's [Documents about Measurement Competency Under Assistance Agreements](#). The grantee shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual performance evaluation process.

### Financial and Performance Reporting

In addition to any work plan requirements, there are financial and performance reporting requirements associated with grants. At a minimum, all performance reports must contain the required elements listed in 2 CFR 200 or 40 CFR 35, Subpart B:

- Accomplishments against work plan objectives.
- An explanation if any objectives were not met.
- Any additional pertinent information, such as analyses or explanations of cost overruns.

In their reports, Tribes must also discuss how the activities they performed under their Section 106 work plan addressed water quality problems on their reservation. Tribes have 120 days post project and budget expiration date to submit a final performance report. Each Tribe's EPA region can grant an extension, if needed.

### Receiving Payment for Eligible Costs

EPA enrolls grant recipients in the Automated Standard Application for Payments (ASAP) system at [ASAP.gov](https://www.asap.gov) to transfer authorized payments quickly and securely. Grant recipients request reimbursements from their accounts and should submit, at a minimum, quarterly requests for payment reimbursement. All requests must include only eligible, allowable, allocable, necessary, and reasonable costs the recipient incurred in that quarter. Recipients can also submit more frequent payment requests (such as weekly, bi-monthly, monthly requests) as they incur those costs. [GPI 11-01 Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements](#) provides additional detail on these requirements.

Each Tribe's EPA region may have additional reporting requirements; work plans may establish additional commitments and deliverables based on a Tribe's negotiations with their EPA region. Tribes should check with their EPA regional office for more information on reporting requirements and schedules and check the terms and conditions of their grant award carefully.

### Conducting Joint Program Evaluations

Tribes and their EPA regional office develop a joint process for evaluating work plan progress and accomplishments as part of their approved work plan (40 CFR 35.515). During the evaluation process, Tribes must discuss:

- Accomplishments against work plan commitments.
- Cumulative effectiveness of the work performed under each of the work plan components.
- Existing and potential problem areas.
- Suggestions for improvement and, where feasible, schedules for making improvements.

The joint program evaluation may also include a discussion on water quality problems and the status of the budget. EPA and the Tribe perform the required joint evaluation of performance according to a schedule that the Tribe and EPA negotiate. EPA places copies of the evaluation in official files and provides them to the tribal recipient (40 CFR 35.115(d)).

### Post-Award Changes

Amendments and other changes to grants are governed by 40 CFR 35.514 and 2 CFR 200.308. For changes to the work plan commitments and budget components, Tribes must obtain prior approval from EPA in writing. EPA, in consultation with Tribes, will document these revisions, including budgeted amounts associated with the revisions.

### Federal Requirements for Project Closeout Phase

At the end of the grant project period and budget period, Tribes must complete several steps to close out the program grant (2 CFR 200.344).

The first step is for the Tribe to confirm that they completed all tasks and projects in the grant work plan. If they completed these tasks and projects, the Tribes have 120 days post project and budget expiration date to submit to EPA items outlined in the below checklist. A Tribe's final performance progress report must describe project activities and the extent to which they achieved project goals. The

project closeout checklist (see text box) provides a quick guide to help Tribes through the closeout process.

Project Closeout Checklist	
✓	Verify completion of work plan tasks.
✓	Reconcile any remaining or outstanding grant funds.
✓	Negotiate with EPA regarding disposition of property purchased with grant funds (if needed).
✓	Submit final performance report.
✓	Submit final programmatic deliverables (examples include scheduled submission of the Monitoring Strategy, Water Quality Assessment, and data via WQX).
✓	Request final payment from EPA.
✓	Submit FFR.

Prior to grant closeout, EPA conducts a grant evaluation. During this phase, Tribes are responsible for responding to any inquiries from the EPA Project Officer or EPA Grants Management Specialist. Tribes should ensure they have invoiced and expensed all funds. Tribes should also verify whether unused grant funds may be de-obligated from the grant. Once the EPA Project Officer confirms that the Tribe met all grant commitments, the EPA region's Grants Management Office will complete the closeout process for the grant. Tribal agencies must retain all records for three years after submission of the FFR (2 CFR 200.334). EPA's [Office of Grants and Debarment](#) website contains tutorials, forms, policies and regulations, and other resources to help Tribes navigate the grant application process.