



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R24AS00013

Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2024



Mission Statements

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

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

The mission of Reclamation's Native American Affairs Program is to ensure that federally recognized Indian Tribes have the opportunity to participate in Reclamation programs in a way that fulfills the Federal responsibility toward Tribes, respects Tribal sovereignty, and strengthens the unique government-to-government relationship.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Native American and International Affairs Office
Funding Opportunity Title:	Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R24AS00013
Assistance Listing Number:	15.519
Dates: (See NOFO Sec. D.4)	Application due date: Tuesday, March 12, 2024, at 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	Federally recognized Indian Tribes in the 17 Western States identified in the Reclamation Act of June 17, 1902 as amended and supplemented, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.
Recipient Cost Share: (See NOFO Sec. C.2)	None required
Federal Funding Amount: (See NOFO Sec. B.2)	The total Federal funding amount will not exceed \$400,000 per applicant. Applicants may submit more than one application for funding consideration. However, no more than \$400,000 will be awarded to any one applicant under this NOFO.
Period of Performance: (See NOFO Sec C.3.3)	All work on a project funded under this NOFO should be completed within 2 years from the date of the execution of a grant/cooperative agreement.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 10-15 projects contingent upon available appropriations.

Application Checklist

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

✓	Mandatory Application Components:	Required content	Page
✓	Mandatory Federal Forms: <ul style="list-style-type: none"> • SF-424: Application for Federal Assistance (Office of Management and Budget [OMB]) • SF-424A: Budget Information - Non-Construction Programs (OMB) • SF-424B: Assurances - Non-Construction Programs (OMB) 	See Sec. D.2.2.1	9
✓	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See Sec. D.3	15
✓	Technical Proposal (Use Project Narrative Attachment Form to upload in grants.gov)	See Sec. D.2.2.2	9
✓	Budget Narrative (Use Budget Narrative Attachment Form to upload in grants.gov)	See Sec D.2.2.3	11
✓	Recommended Application Components:	Required content	Page
	Environmental and cultural resources compliance	See Sec. D.2.2.4	12
	Required permits or approvals	See Sec. D.2.2.5	12
	Overlap or duplication of effort statement	See Sec D.2.2.6	12
	Conflict of interest disclosure statement	See Sec D.2.2.7	13
	Uniform audit reporting statement	See Sec D.2.2.8	14
	Letters of support	See Sec. D.2.2.11	15
	Personnel Qualifications	See Sec. E.1.3	23
	OMB Form 4040-0013: Certification Regarding Lobbying		
	SF-LLL: Disclosure of Lobbying Activities (if applicable) (OMB)		

waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.

13. Anticipated impact if no waiver is issued.

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

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

F.7.2

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

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

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

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

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

F.3. Reporting—Requirements and Distribution

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

F.3.1. Financial Reports

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report (FFR) on a semi-annual basis and will submit a Final FFR within 120 days of performance period end date. Reporting due dates will be identified in the Notice of Award Terms and Conditions. The SF-425 must be signed by a person legally authorized to obligate the recipient. The latest reporting forms are available at www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement.

Interim performance reports submitted on a semi-annual basis, that include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period.
- The reasons why established milestones were not met, if applicable.
- The status of milestones from the previous reporting period that were not met, if applicable.
- Whether the project is on schedule and within the original cost estimate.
- Any additional pertinent information or issues related to the status of the project.

F.3.3. Final Performance Report

Recipients will be required to submit a final performance report encompassing the entire period of performance within 120 days of the period of performance end date. The final performance report must include, but is not limited to, the following information:

- Whether the project objectives and goals were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits.
- How the project met the objectives of the Tribe or tribal organization.
- Photographs documenting the project are also appreciated.

Note: Reclamation may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on Reclamation's website.

F.3.4 Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4. Disclosures

F.4.1 Conflicts of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability (2 CFR §1402.315)

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

F.6. Releasing Applications

Following awards of funding, Reclamation may post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

F.7 Freedom of Information Act

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available.

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples).

Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

Section G. Federal Awarding Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to:

Name: Christina Munoz
Email: bor-sha-fafoa@usbr.gov
Phone: 720-614-2192

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R24AS00013 in the subject.**

G.2. Reclamation Program Coordinator Contact

Indian Tribes and tribal organizations with questions regarding this NOFO, applicant and project eligibility, and the application review process or learning more about the other forms of technical assistance that Reclamation provides to Tribes and Tribal organizations, should direct questions to the appropriate Regional point of contact.

Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions

Douglas Davis
Native American Affairs Program Manager
Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Office
PO Box 36900
Billings, MT 59107-6900
douglasdavis@usbr.gov
(406) 247-7710

List of Tribes in the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions:

<https://www.usbr.gov/native/support/Tribes/GreatPlainsTribes.pdf>

Lower Colorado Basin Region

Kaylee Nelson
Acting Native American Affairs Program Manager
Lower Colorado Basin Regional Office

PO Box 61470
Boulder City, NV 89006-1470
kdnelson@usbr.gov
(702) 293-8073

List of Tribes in the Lower Colorado Basin Region

<https://www.usbr.gov/native/support/Tribes/LowerColoradoTribes.pdf>

California-Great Basin Region

Kevin Clancy
Native American Affairs Program Manager
California-Great Basin Regional Office
2800 Cottage Way, Federal Office Building
Sacramento, CA 95825-1898
kclancy@usbr.gov
(916) 978-5194

List of Tribes in the California-Great Basin Region:

<https://www.usbr.gov/native/support/Tribes/Mid-PacificTribes.pdf>

Columbia-Pacific Northwest Region

Melinda Hernandez-Burke
Native American Affairs Program Manager
Columbia-Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234
mhernandezburke@usbr.gov
(208) 215-0065

List of Tribes in the Columbia-Pacific Northwest Region:

<https://www.usbr.gov/native/support/Tribes/PacificNorthwestTribes.pdf>

Upper Colorado Basin Region

Ernest Rheaume
Native American Affairs Program Manager
Upper Colorado Basin Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138-1102
erheaume@usbr.gov
(970) 317-1487

List of Tribes in the Upper Colorado Basin Region:

https://www.usbr.gov/native/support/Tribes/UpperColoradoTribes_508.pdf

Section H. Other Information

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

H.1. Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on NEPA, ESA, and NHPA requirements.

Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

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

- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office, the State Historic Preservation Office, or the Tribal Historic Preservation Officer can assist in answering this question.
- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

H.2. Background on Federal Environmental and Cultural Resource Laws

H.2.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund an award under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from 1 day to 1 month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, www.usbr.gov/main/offices.html with questions regarding ESA compliance issues.