

Reclamation Manual

Directives and Standards

Subject:	Drought Response Program
Purpose:	To establish Bureau of Reclamation requirements for reviewing, conducting, and approving activities administered under the Drought Response Program. The benefit of this Directive and Standard (D&S) is the establishment of uniform requirements to promote consistency and efficiency in program implementation.
Authority:	Reclamation Act of June 17, 1902 (Ch. 1093, 32 Stat. 388; 43 U.S.C. 371, et seq.) and acts amendatory thereof and supplementary thereto; Reclamation States Emergency Drought Relief Act of 1991 (Drought Act) (Pub. L. 102-250; 106 Stat. 53; 43 U.S.C. 2201-2247), as amended; Section 9504 of the SECURE Water Act, Subtitle F of Title IX of Pub. L. 111-11, Omnibus Public Lands Management Act of 2009 (SECURE Water Act) (42 U.S.C. 10364); Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661-666c), as amended, and delegated to Reclamation in Departmental Manual 255 DM 1.1B.
Approving Official:	Director, Policy and Administration
Contact:	Water Resources and Planning Division (84-51000)

1. **Introduction.** This D&S sets forth the requirements, responsibilities, selection, and review process for grants, cooperative agreements, and water-related or other contracts approved under the Drought Response Program.
 - A. The Drought Act authorizes Reclamation to provide financial assistance for the development of Drought Contingency Plans.
 - B. The SECURE Water Act authorizes Reclamation to provide financial assistance to plan, design, or construct water management improvements (Drought Resiliency Projects).
 - C. The Drought Act authorizes Reclamation to take actions (Emergency Response Actions) that mitigate and minimize losses and damages resulting from drought conditions.
2. **Applicability.** This D&S applies to activities that are conducted or overseen by Reclamation as part of the Drought Response Program.
3. **Definitions.**
 - A. **Applicant.** An entity that submits an application in response to a Drought Response Program Funding Opportunity Announcement (FOA) or submits a drought assistance request for an emergency response action.

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- B. **Application Review Committee (ARC).** The committee established to review and rank all Drought Response Program applications submitted by eligible applicants in response to a FOA. The ARC is generally comprised of staff members from Reclamation's regional and area offices, Native American and International Affairs Office, and the Technical Service Center.
- C. **Bonneville Power Administration (BPA).** The Federal power marketing agency in the Pacific Northwest (see 3.T.) under the Department of Energy.
- D. **Change of Scope.** Modification of a financial assistance agreement to revise the scope of work provided in the original financial assistance agreement.
- E. **Contracting Officer.** Reclamation employee who possesses specific warranted authority to enter into and administer contracts on behalf of Reclamation.
- F. **Contracting Officer Representative (COR).** Reclamation employee assisting the contracting officer in a technical capacity during contract award and performance.
- G. **Detailed Work Plan.** The detailed work plan developed by the Planning Lead in consultation with Reclamation that describes the tasks and responsibilities for developing a drought contingency plan.
- H. **Drought Contingency Plan.** A comprehensive drought contingency plan, or plan update, that uses a collaborative, proactive approach to build long-term resiliency to drought.
- I. **Drought Planning Task Force (Task Force).** A group of stakeholders in the planning area, convened by the Planning Lead, to actively participate in developing the Drought Contingency Plan.
- J. **Drought Response Program Framework.** A document providing guidance on Reclamation's implementation of the Drought Response Program and on the development of drought contingency plans, available at: <https://www.usbr.gov/drought/>.
- K. **Drought Response Program Grant.** A financial assistance agreement to conduct drought contingency planning or projects under the Drought Response Program.
- L. **Emergency Response Action.** An action taken by Reclamation to mitigate and minimize losses and damages resulting from drought conditions. The action is in response to an approved emergency drought assistance request.
- M. **Financial Assistance Agreement.** As defined in Reclamation Manual (RM) D&S, *Requirements for Award and Administration of Financial Assistance Agreements (Grants and Cooperative Agreements)* (ACM 01-01), a financial assistance agreement is an award which provides support in order to accomplish a public purpose authorized

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by a law or regulation of the United States. Financial assistance awards include grants, cooperative agreements, and other agreements in the form of money or property in lieu of money, by the Federal government to an eligible recipient. The term does not include: technical assistance, provided by Reclamation staff to a local water and/or irrigation district, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; or contracts which are required to be entered into and administered under procurement laws and regulations.

- N. **FOA.** A notice on grants.gov of a competitive Federal grant funding opportunity available to the public.
- O. **Grant Recipient (Recipient).** An eligible applicant who is selected and awarded a Drought Response Program Grant.
- P. **Grants Officer.** Reclamation employee who has been delegated signature authority to oversee FOAs and award financial assistance agreements on behalf of Reclamation.
- Q. **Grants Officer Technical Representative (GOTR).** Reclamation employee designated by the grants officer to oversee the technical and programmatic aspects of a specific Drought Response Program Grant.
- R. **No-Cost Time Extension.** Modification of a Drought Response Program Grant to extend the completion date without the provision of additional Federal funding to the Drought Response Program Grant or substantial changes to the scope of work, budget, or other terms and conditions of the Drought Response Program Grant.
- S. **Non-Reimbursable.** Drought assistance that is borne by Reclamation funding and is not paid back to the Federal Government by the benefitted entity or organization.
- T. **Pacific Northwest.** The states of Washington, Oregon, Idaho, and Montana. (See 6.F.(5)(a) and 7.A.(1).)
- U. **Planning Area.** The geographic area of the drought contingency plan.
- V. **Planning Lead.** The non-Federal entity(s) awarded a Drought Response Program Grant to develop a Drought Contingency Plan.
- W. **Policy.** Reclamation's Office of Policy and Administration.
- X. **Project Costs.** The costs associated with commencing and completing a Drought Response Program Grant.
- Y. **Reclamation Drought Coordinator (Drought Coordinator).** Reclamation employee assigned by the Policy Director who provides Reclamation-wide leadership and coordination for the Drought Response Program.

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- Z. **Reclamation Law(s).** The Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof. The Drought Act is a supplement to the Reclamation laws.
- AA. **Reclamation Project.** Any project constructed or funded under Reclamation law, including projects having approved loans under the Small Reclamation Projects Act of 1956 (Ch. 972, 70 Stat. 1044, 43 U.S.C. 422a, et seq.).
- BB. **Red-Flag Review.** The review conducted by Reclamation offices following the results of the ARC review to identify any reasons why a proposed project would not be feasible or otherwise advisable, including permitting issues, legal issues, past performance, or financial position, and to address any specific concerns or questions raised by members of the ARC.
- CC. **Regional Drought Coordinator (Regional Coordinator).** Reclamation employee assigned by a regional director to serve as the region's primary point of contact who provides regional leadership and coordination for the Drought Response Program.
- DD. **Reimbursable.** Drought assistance that is repaid to the Federal Government by the beneficiary, or some other entity or organization.
- EE. **Review Team.** A group convened by the Drought Coordinator to review a drought contingency plan submitted by a grant recipient.
- FF. **United States Territories.** As defined in the Reclamation Act of 1902, as amended and supplemented, United States Territories include American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.
4. **Responsibilities.**
- A. **Commissioner.** The Commissioner is responsible for determining the appropriate emphasis of the Drought Response Program as a mission goal within Reclamation's overall strategic plan and taking such measures as may be necessary for overall implementation of the program, including review of drought contingency plans developed by states and tribes and responding to emergency assistance requests from governors or governing bodies of affected states and tribes.
- B. **Policy Director.** The Policy Director is responsible for:
- (1) overseeing the execution of Drought Response Program activities on a programmatic level;
 - (2) overseeing program funding and preparing annual budget documents;
 - (3) assigning a Drought Coordinator;

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- (4) establishing and revising evaluation criteria to meet Drought Response Program goals; and
- (5) taking such measures as may be necessary for overall conduct and completion of Drought Response Program activities, including emergency response actions consistent with current RM *Delegations of Authority*.

C. Regional Directors. The regional directors are responsible for:

- (1) overseeing execution of Drought Response Program activities within their respective regions and ensuring compliance with this D&S and other RM Releases;
- (2) appointing a regional coordinator to assist in the overall implementation of Drought Response Program activities in their regions;
- (3) appointing appropriate regional staff to serve on ARCs;
- (4) providing regional staff with appropriate expertise to serve as the GOTR or COR on Drought Response Program activities; and
- (5) taking measures necessary to conduct and complete Drought Response Program activities within their regions, including recommendation, prioritization (if appropriate), and transmittal of emergency response actions, and review of drought contingency plans from states and tribes within their region.

D. Drought Coordinator. The Drought Coordinator is responsible for:

- (1) providing leadership, management, coordination, policy, and expert advice for the Drought Response Program on a Reclamation-wide basis;
- (2) working with the regional coordinators, GOTRs, and CORs to resolve questions, issues and concerns;
- (3) ensuring Drought Response Program activities are carried out in an effective and efficient manner in alignment with program goals and consistent with this D&S and other program, contracting, and financial assistance requirements; and
- (4) taking measures necessary for overall implementation of the Drought Response Program, including the review and evaluation of recommended emergency response actions to ensure consistency with other program activities.

E. Regional Coordinators. The regional coordinators are responsible for:

- (1) providing leadership, management, and coordination for Drought Response Program activities within their respective regions;

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- (2) working with the Drought Coordinator, GOTRs, and CORs to resolve questions, issues and concerns;
- (3) ensuring Drought Response Program activities are carried out in accordance with this D&S and other program, contracting, and financial assistance requirements; and
- (4) taking measures as necessary for implementation of the Drought Response Program, including solicitation of emergency response action requests, determining if requests are appropriate, and submitting requests to the regional director for their recommendation to Policy.

F. **Mission Support Organization Director.** The Mission Support Organization Director is responsible for:

- (1) ensuring Reclamation-wide compliance for the award and oversight of Drought Response Program Grants and contracts under the Drought Response Program; and
- (2) ensuring the timeliness of FOA issuance, award of Drought Response Program Grants, and award of contracts for Emergency Response Actions.

G. **Program and Budget Director.** The Program and Budget Director is responsible for:

- (1) participating in the red-flag review of Drought Response Program Grants; and
- (2) facilitating communication between the Drought Coordinator and the Office of Management and Budget (OMB) for Drought Contingency Plans to be submitted to Congress.

H. **ARC.** The ARC is responsible for:

- (1) reviewing all accepted Drought Response Program Grant applications; and
- (2) ranking applications in accordance with the applicable Drought Response Program Grant evaluation criteria.

I. **Grants Officer.** The grants officer is responsible for:

- (1) support of the competitive selection of Drought Response Program Grants by:
 - (a) ensuring that all FOAs comply with financial assistance requirements;
 - (b) posting FOAs on grants.gov;
 - (c) conducting an initial screening of all applications submitted in response to the FOAs;

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- (d) serving as a point of contact for ARC members during the ARC review; and
- (e) serving as the point of contact for applicants with regard to financial assistance requirements throughout the selection process;
- (2) ensuring that the announcement and selection of Drought Response Program projects are conducted in accordance with government-wide, Department, and Reclamation requirements related to financial assistance; and
- (3) awarding and overseeing specific Drought Response Program Grants, including recipient compliance with all applicable laws and regulations.

J. Contracting Officer. The contracting officer is responsible for:

- (1) awarding (i.e., entering into a contract), administering, and terminating specific contracts for Emergency Response Actions through the Drought Response Program;
- (2) ensuring that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met prior to entering into a contract;
- (3) ensuring compliance with the terms of the specific contract;
- (4) safeguarding the interests of the United States in its contractual relationships; and
- (5) designating a COR when appropriate.

K. GOTR. The GOTR is responsible for:

- (1) acting as the primary point of contact within the region for individual Drought Response Program Grants;
- (2) project coordination and reporting of Drought Response Program activities as assigned;
- (3) working with the regional coordinators to resolve questions and issues as they arise;
- (4) maintaining required training for GOTR certification;
- (5) implementing and coordinating program management support activities specified by the Drought Coordinator; and
- (6) other responsibilities assigned to the GOTR by the grants officer.

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- L. **COR.** The COR is responsible for:
- (1) acting as the primary point of contact within the region for individual contracts;
 - (2) project coordination and reporting of Drought Response Program activities as assigned;
 - (3) working with the regional coordinators to resolve questions and issues as they arise;
 - (4) maintaining required training for COR certification;
 - (5) implementing and coordinating program management support activities specified by the Drought Coordinator; and
 - (6) other responsibilities assigned to the COR by the contracting officer.
5. **Program Budgeting.** The Policy Director will formulate the budget request for the Drought Response Program. The budget request formulated will include funding associated with the costs for selecting, evaluating, conducting, and overseeing Drought Response Program activities. Funding will be held in Policy accounts and will be made available to regional staff.
6. **Drought Response Program Grants.** Unless specifically stated otherwise, the requirements in Paragraphs 6.A.-C. apply to both Drought Contingency Planning Grants and Drought Resiliency Project Grants. Paragraphs 6.D.-F. are only applicable to the Drought Contingency Planning Grants.
- A. **Considerations for Funding.** To be eligible for funding, Reclamation must verify that an application meets the requirements of the FOA, including submission by an eligible applicant and describing an eligible project.
- B. **Selection and Award Process for Financial Assistance.**
- (1) **Selection Process.** Reclamation's process for selecting projects for Drought Response Program Grant funding will adhere to RM D&S, *Merit Based Selection for Financial Assistance* (ACM 01-02). Additional Drought Response Program requirements are as follows:
 - (a) **Preparation of the FOA.** The Drought Coordinator will develop Drought Response Program Grant FOAs consistent with the goals of the Drought Act and SECURE Water Act, Department guidance, ACM 01-02, and this D&S.
 - (i) **Public Comment.** Reclamation will provide an opportunity for public comment on a Drought Response Program Grant FOA that has

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- undergone major revisions from the previous year's FOA, such as significant revisions to the evaluation criteria or the grant objective.
- (ii) **Commissioner Consultation.** If there are significant changes to a Drought Response Program Grant FOA, there will be a consultation with the Commissioner prior to posting the FOA on grants.gov. A consultation will also be provided if requested by the Commissioner.
- (b) **Initial Screening.** If an application is determined to be ineligible for funding at this stage, the grants officer, after consultation with the Drought Coordinator, will notify the applicant in writing of that determination in accordance with requirements set forth in the FOA.
- (c) **Approval Process for Project Selection.**
- (i) **Project Recommendation.** The Policy Director will transmit a prioritized list of proposals recommended for funding to the Commissioner based on the ARC's review and recommendation, and available funding.
 - (ii) **Commissioner Consultation.** The Policy Director will consult with the Commissioner regarding the recommendations and the amount of funding available to determine which projects will be funded, consistent with Drought Response Program goals.
 - (iii) **Final Selection Lists.** Following consultation with the Commissioner, the Policy Director will record in writing the final project selection list, including justification of any deviation from the ARC's final recommendations.
- (2) **Pre-Award.** Reclamation's process for awarding selected projects for Drought Response Program Grant funding will adhere to ACM 01-01. Additional Drought Response Program requirements are as follows:
- (a) **Results.** If the results of pre-award reviews and clearances are unsatisfactory, the grants officer will consult with the Drought Coordinator, regional coordinator, and, as necessary, the GOTR, and will determine whether to remove the project from further consideration for funding.
 - (b) **Revisions to Scope of Work Prior to Award.** If a revision to the Scope of Work is proposed during the development of the financial assistance agreement, the Drought Coordinator, in coordination with the ARC (if necessary), will determine whether any proposed revisions are likely to affect project benefits and costs that were originally evaluated. If necessary, the Drought Coordinator will recommend to the Policy Director reconsideration of award of funding for the revised project.

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- (c) **Environmental and Cultural Resources Compliance.**
- (i) Reclamation will determine the need and extent of required environmental and cultural resources compliance and will communicate with a recipient regarding the estimated environmental and cultural resources compliance cost.
 - (ii) Reclamation will authorize ground-disturbing activities to proceed on a Drought Response Program Grant project only after environmental and cultural resources compliance is complete. The grants officer will issue a notice-to-proceed letter to the recipient once the environmental and cultural resources compliance is complete. The notice-to-proceed may be issued prior to award, at award, or post-award, at the discretion of the grants officer.
- (d) **Financial Assistance Agreement.** In addition to the standard requirements for financial assistance agreements executed by Reclamation, Drought Response Program Grants must also include program-specific requirements (e.g., reporting requirements related to project progress and benefits) to be developed by the Drought Coordinator. The Drought Coordinator will review the financial assistance agreement templates annually prior to any Drought Response Program Grant awards to ensure they are consistent with program requirements.
- (e) **Amount of Award.** Reclamation will only consider providing additional funding in excess of the amount requested in the application or included in the Drought Response Program Grant if a cooperative agreement is the financial assistance instrument and Reclamation has caused additional costs to be incurred. In this case, Reclamation may cost-share the additional costs up to the maximum Federal cost-share limit identified in the authorizing statute.
- (f) **Performance Period.** The effective and completion dates for Drought Response Program Grants must be consistent with the project durations established in the FOA (e.g., 2 or 3 years), unless a time extension is approved by the grants officer after receiving a recommendation from Policy as provided in Paragraph 6.C.(2).
- C. **Post-Award.** Reclamation's post-award process will adhere to ACM 01-01 and ACM 01-02. Additional Drought Response Program requirements are as follows:
- (1) **Communication of Significant Project Impacts.** The grants officer and GOTR will ensure that the regional coordinator and Drought Coordinator are informed (e.g., email communication) of any significant issues that arise during post-award administration, performance, or close-out of the Drought Response Program Grant, including recipient noncompliance with the terms and conditions of the

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award; substantive changes to the scope of work, budget, or schedule; substantive changes to the project benefits or performance metrics; questionable or disallowed costs; or other such issues that may impact the success of the project activities funded by the Drought Response Program Grant.

- (2) **Modifications (Changes in Scope and Time Extensions).** Projects are required to be completed within the timeframe stated in the Drought Response Program Grant and generally shall not exceed the stated project costs. If the recipient is unable to complete the entire project without exceeding the project costs, changing part of the scope, or exceeding the timeframe described in the financial assistance agreement, the following shall apply:
 - (a) **Request to Modify the Financial Assistance Agreement.** If a change in scope or time extension is requested by the recipient, the GOTR in consultation with the regional coordinator and grants officer will submit a formal written request to the Drought Coordinator. (See Appendix A for a Time Extension Request template and Appendix B for a Change of Scope template.)
 - (b) **Analysis of Benefits.** The scope of a project will be scaled back only if the impact to the project benefits will not be significant. The significance of the impact will be determined based on consideration of all the expected benefits of the project and whether the scaled-back project can accomplish the purposes for which the award was made.
 - (c) **Approval Process.** The Drought Coordinator will evaluate the request and transmit a recommendation to the manager of Policy's Water Resources and Planning Division, who will concur with or deny the recommendation of the Drought Coordinator. The Drought Coordinator will provide the signed request form (accepting or denying the request) to the grants officer, regional coordinator, and GOTR.
 - (d) **Formal Modification.** The grants officer will prepare and execute a formal modification to the Drought Response Program Grant based on the Policy recommendation on how to proceed.
- (3) **Recipient Noncompliance.** The grants officer will determine whether failure by the recipient to comply with the terms and conditions of the Drought Response Program Grant, such as noncompliance with the reporting requirements, requires suspension and/or termination of the agreement. Reclamation will consider recipient noncompliance related to a Federal grant during any future red-flag reviews conducted as part of the Drought Response Program and other WaterSMART Programs.

D. Drought Contingency Plan Requirements. Drought Contingency Plans shall be conducted in a manner consistent with this D&S, the Drought Response Program

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Framework, and the Drought Response Program Grant. Reclamation will ensure that completed drought contingency plans address the required elements and planning steps identified in the Drought Response Program Grant.

E. Detailed Work Plan.

- (1) **Submission.** Upon submittal by the Planning Lead, the GOTR will provide copies of the detailed work plan to their regional coordinator and the Drought Coordinator.
- (2) **Review.** The detailed work plan will be reviewed by the GOTR, the appropriate regional coordinator, and the Drought Coordinator. This review will ensure that the detailed work plan contains the requirements described in the Drought Response Program Grant.
 - (a) If the detailed work plan is incomplete, the GOTR will notify the Planning Lead of the items that need to be addressed prior to resubmission of the detailed work plan.
 - (b) After receipt of the additional information, the GOTR will inform the Planning Lead whether the initial request for additional information is fulfilled, or if further clarification is necessary.
- (3) **Acceptance.** If the detailed work plan contains all of the required information, the GOTR, regional coordinator of the planning area, and Drought Coordinator will make a determination on acceptance of the detailed work plan. The GOTR will inform the Planning Lead in writing of the detailed work plan acceptance.

F. Review and Acceptance of a Drought Contingency Plan.

- (1) **Submission.** Upon submission by the Planning Lead of the proposed final drought contingency plan, the GOTR will notify the regional coordinator and the Drought Coordinator.
- (2) **Verification for Programmatic Review.** The GOTR will perform an initial review of the proposed final plan to verify that the required elements of a drought contingency plan are included. This review shall be completed within 14 days of receipt of the plan.
 - (a) If the plan is incomplete, the GOTR will notify the Planning Lead, in writing, of the items that need to be addressed prior to resubmission of the plan. The GOTR must also decide whether a no-cost time extension is required for the programmatic review to be completed within the timeframe of the financial assistance agreement.

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- (b) If the plan appears to contain all of the required information, the GOTR will notify the regional coordinator and the Drought Coordinator that the programmatic review can begin.
- (3) **Establishment of the Review Team.** Once the GOTR receives a completed plan, the Drought Coordinator will establish a review team for the final drought contingency plan. The Review Team will consist of at least three members, including the regional coordinator of the planning area, a regional coordinator from another region, and the Drought Coordinator.
- (4) **Programmatic Review.** The Review Team will review the drought contingency plan to determine whether the information contained therein meets all required elements of a drought contingency plan identified in the financial assistance agreement. This review does not include an assessment of the merits of any recommended action or project identified in the drought contingency plan and does not represent a commitment for provision of Federal funds for actions or projects identified in the plan. The programmatic review shall be completed within 30 days of receipt of the drought contingency plan.
 - (a) If a drought contingency plan is found to contain insufficient information, the Review Team shall request additional information from the Planning Lead through the GOTR. The topics requiring clarification will be described in detail. If necessary, the Drought Coordinator shall convene a meeting with the Planning Lead to discuss the additional information. In the event that a clarification is requested and the remaining duration of the agreement is insufficient, the Drought Coordinator will request that the GOTR initiate a no-cost time extension request.
 - (b) The Review Team will examine the additional information to ensure that all questions have been answered and that any inconsistencies have been resolved. Within 20 days of receipt of the additional information, the GOTR will inform the Planning Lead whether the initial request for additional information is fulfilled or if further clarification is necessary.
- (5) **Acceptance of Drought Contingency Plan.**
 - (a) **Plans submitted by states and tribes.**
 - (i) Once the Review Team deems a plan acceptable, the Drought Coordinator will transmit the Review Team's findings and plan to the regional director(s) of the planning area for review and concurrence. (See (ii) for specific requirements related to Drought Contingency Plans in the Pacific Northwest). Upon concurrence by the regional director(s), the Drought Coordinator will then transmit the Review Team's findings and plan to the Policy Director for review and concurrence that the plan meets programmatic requirements. Upon concurrence by the Policy

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Director, the Drought Coordinator will transmit the Review Team's findings and plan to the Commissioner. After review and concurrence by the Commissioner that the plan is ready for transmittal to OMB, the Drought Coordinator will communicate with the Program and Budget Director to facilitate the transmittal of the plan to OMB.

- (aa) After OMB review, the Drought Coordinator will work with the appropriate regional coordinator(s) and the GOTR to facilitate any necessary changes with the Planning Lead. Upon completion and review of those changes, the Review Team will accept the drought contingency plan. The Drought Coordinator will prepare a plan acceptance memo for transmittal by the GOTR.
- (bb) The Drought Coordinator will then forward the plan to the Commissioner for submittal to Congress, per the Drought Act, on behalf of the Secretary of the Interior. The plan will be submitted to the chairman and ranking members of the Energy and Natural Resources Committees within the U.S. Senate and the U.S. House of Representatives.
- (ii) In accordance with the Drought Act, plans submitted by the states of Washington, Oregon, Idaho, and Montana (Pacific Northwest (see 3.T.)) will only be submitted to Congress at the request of the governor of the affected state in coordination with the other states in the Pacific Northwest and the Administrator of the BPA. Prior to review and concurrence by the Policy Director, the appropriate regional director will confirm, in writing, to the Drought Coordinator that the Administrator of BPA concurs that the plan should be transmitted to Congress.
- (b) **Plans submitted by irrigation districts, water districts, or other organizations with water or power delivery authority.** The Drought Coordinator will prepare a plan acceptance memo for transmittal by the GOTR to the Planning Lead. Concurrently, the appropriate regional coordinator(s) will inform their regional director(s) in writing 10 days before the expected transmittal of the acceptance memo to the Planning Lead, to allow an opportunity for input by the regional director. Unlike the plans submitted by states and tribes, the regional director(s) are not expected to review and concur in the acceptance of plans submitted by irrigation districts, water districts, or other organizations with water or power delivery authority because these plans are not submitted to Congress.
- (c) **Noncompliance.** The Drought Coordinator will inform the grants officer if the Planning Lead does not consider and incorporate the Review Team's findings as they relate to necessary elements of the drought contingency

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plan. Reclamation will consider recipient noncompliance related to a Federal grant during any future red-flag reviews conducted as part of the Drought Response Program and other WaterSMART Programs.

7. **Emergency Response Actions.**

A. **Process for Requesting Emergency Drought Assistance.** In accordance with the Drought Act, Reclamation must ensure that applicants meet the following provisions required for emergency drought assistance.

- (1) **Conditions for Requesting Assistance.** Eligible states and tribes can request drought assistance if:
 - (a) The governor(s) of the affected state(s), or the governing body of the affected tribe, has requested drought assistance from Reclamation and the Commissioner determines that such temporary assistance is merited; or
 - (b) Reclamation has accepted and transmitted a drought contingency plan to Congress (see 6.F.(4)-(5)). Plans submitted by states and tribes that have not received financial assistance to develop or update their drought plan will still be reviewed to ensure the plan contains the required elements of a drought contingency plan consistent with the most recent version of the Drought Response Program Framework.
 - (c) Reclamation must ensure that states in the Pacific Northwest have coordinated with the Administrator of BPA before making a request for drought assistance unless Reclamation has already accepted (see 6.F.(4)-(5)) a drought contingency plan from that state and transmitted it to Congress.
- (2) **Application Submission for Emergency Response Actions.** Reclamation will accept applications for Emergency Response Actions at any time. Funding may be available annually dependent on overall program funding and drought conditions.
- (3) **Application Requirements.**
 - (a) **Complete Application Package.** Requests for assistance must be made through the submission of a completed application, transmitted by memorandum from the regional director to the Policy Director. A complete application package includes all the information as requested in the Request for Emergency Drought Assistance Checklist (see Appendix C). The regional coordinator will ensure the checklist requirements are met prior to submission and will consult with the Drought Coordinator regarding eligibility of the requests.

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- (b) **Project Timeframe.** Emergency response actions must be completed within 1 year of the project's approval, except for temporary water contracts (see 7.C.(2)(a)).

B. Emergency Assistance Selection Process.

- (1) **Evaluation Criteria.** Criteria has been developed consistent with the Drought Act to evaluate and prioritize requests submitted.
- (2) **Evaluation and Review of Requests.** The Drought Coordinator will review and prioritize all requests for emergency response actions in accordance with the established evaluation criteria within 30 days of receipt. The Drought Coordinator will coordinate with the regional coordinators if additional information or clarification is necessary. The Drought Coordinator considers other Drought Response Program activities and funding availability in deciding whether to recommend approval of the emergency drought assistance request.
- (3) **Approval Process for Project Selection.**
 - (a) **Project Recommendation.** The Drought Coordinator will develop and transmit a prioritized list of emergency response actions recommended for funding to the Policy Director.
 - (b) **Project Approval.** The Policy Director will evaluate the prioritized list of emergency response actions and determine those that will be selected for emergency drought assistance. The Policy Director will then take the next steps to initiate the project or delegate authority to a regional director, consistent with the RM *Delegations of Authority*, Paragraph 6.U.(2), depending on which office will implement the emergency response action. Any delegation will include requirements for the implementing office to develop the necessary agreements (contracts, memorandum of agreement, etc.) prior to implementation. The delegation will also provide that it is effective for 1 year. If the project is not completed within 1 year from the date of approval, all remaining funding will be returned to the Drought Response Program unless an extension is granted by the Policy Director.
 - (c) **Unfunded Projects.** Projects that are not funded due to insufficient appropriations may remain under consideration for future approval for 1 year following the date of submission. Upon request by the regional director, these projects may be funded if additional appropriations become available.

- C. **Implementation of Emergency Response Action.** Reclamation will implement the emergency response action(s) or contract with another entity to implement the emergency response action(s). Contracts for emergency response actions will be considered a high priority and will be processed as quickly as possible.

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- (1) **Action Taken by Reclamation.** Reclamation must undertake the emergency response action, or through acquisitions have a contractor undertake the action on Reclamation's behalf. Costs incurred by Reclamation in carrying out construction, management, and conservation activities are non-reimbursable.
- (2) **Temporary Water Contracts.** Pursuant to the Drought Act, water purchases, storage, and conveyance activities will be made available through temporary contracts. These contracts will be provided to the Drought Coordinator before being transmitted externally to ensure consistency with programmatic requirements and the Drought Act. These contracts will adhere to applicable provisions of PEC P05, *Water-Related Contracts – General Principles and Requirements* and PEC 05-01, *Water Rates and Pricing*, the Drought Act, and to the following provisions:
 - (a) **Term.** A temporary water contract authorized by the Drought Act will terminate no later than 2 years after the date of its execution or upon Reclamation's determination that the contract is no longer warranted based on current water supply conditions, whichever occurs first.
 - (b) **Reimbursability.**
 - (i) **Non-Reimbursable.** Water supplies made available for fish and wildlife shall be non-reimbursable for the purposes of protecting or restoring fish and wildlife resources, including mitigation losses that occur as a result of drought conditions or the operation of a Reclamation project during drought conditions.
 - (ii) **Reimbursable.** Water supplies made available for other purposes (i.e., municipal and industrial uses, and agricultural uses) shall be reimbursable. For non-project water stored or conveyed using Reclamation project facilities, the recipient of such water shall be charged at a rate consistent with the provisions of the Drought Act.

D. Post-Selection and Award.

- (1) **Project Oversight.** The regional coordinator, in coordination with appropriate regional and area office staff, will coordinate with the applicant to undertake the emergency response action and will notify the Drought Coordinator of the project's progress and completion.
- (2) **Contract Award.** The contracting officer must consult with the Drought Coordinator and appropriate regional coordinator prior to selecting and designating the COR. Contracting officers may acquire contract deliverables under the authority of FAR 6.302-2 – Unusual and Compelling Urgency. To

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apply this authority, the contracting officer will examine relevant facts on a case-by-case basis. If appropriate under FAR 5.202(a)(2), the contracting officer need not submit the notice required by FAR 5.201.

(3) **Modifications to the Scope, Timeframe, and Budget.**

- (a) **Change of Scope Requests.** If the approved emergency response action cannot be completed as approved and funds remain for an alternate drought assistance project for the same applicant, the regional director may submit a memorandum to the Policy Director with an explanation of previous work completed, how the new scope will meet the requirements of the Drought Response Program, estimates, and any other pertinent information justifying the use of remaining drought funds. The Policy Director, after consultation with the Drought Coordinator, will respond to this memorandum either approving or denying the change of scope request. If approved, the Policy Director will provide an approving delegation stating that the funds are available to proceed with the new scope. If not approved, the remaining funds will be returned to the Drought Response Program.
 - (b) **Time Extension.** If the approved emergency response action cannot be completed as approved in the original 1-year timeframe, the regional director must submit a memorandum to the Policy Director with an explanation and request for an extension to the original delegation of authority. The Policy Director, after consultation with the Drought Coordinator, will respond to this memorandum either approving or denying the time extension request. If approved, the Policy Direction will provide an approving delegation stating an extension to the original 1-year timeframe. If not approved, the remaining funds will be returned to the Drought Response Program.
 - (c) **Additional Funds Requests.** The regional director may submit a memorandum to the Policy Director requesting additional funds if the approved emergency response action costs more than originally estimated and delegated. The request must include an explanation of the work completed, estimates for completion, and a justification for additional funds. The Policy Director, after consultation with the Drought Coordinator, will respond to this memorandum either approving or denying the additional funds.
- (4) **Records.** The regional coordinator shall maintain a record of the transactions and preserve those records for purposes of the Administrative Procedures Act and possible future audits. The regional coordinator will maintain a file that includes all correspondence and agreements regarding the drought assistance request and documentation that describes Reclamation's purpose in conducting the activity, the specific activity and its duration, and the anticipated benefits of such activity. Copies of supporting documents executed to carry out approved

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activities of a non-reimbursable nature will be provided to the Drought Coordinator. The documentation must include, but is not limited to, the following items:

- (a) a copy of the request for assistance;
- (b) copies of supplemental materials provided by the regional coordinator to the Drought Coordinator;
- (c) a copy of the response letter;
- (d) a copy of the funds transfer letter, if applicable;
- (e) documentation of the environmental and cultural resources compliance activities;
- (f) copies of implementing documents (Memorandum of Understanding, contract, etc.);
- (g) documentation of completion of approved activities; and
- (h) documentation of any required legal reviews for statutory legitimacy of any acquisition requirements.

8. **Drought Contingency Planning Authority.** The Drought Act authorizes Reclamation, pursuant to Reclamation Laws and in consultation with other appropriate Federal and state officials, Indian tribes, public, private, and local entities, to prepare or participate in the preparation of cooperative drought contingency plans for the prevention or mitigation of adverse effects of drought conditions. In addition, the Drought Act authorizes the following actions for drought contingency planning:

A. **Technical Assistance.**

- (1) **Water Desalination Projects.** Reclamation is authorized to provide technical assistance to states and local and tribal governmental entities to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such water desalination projects.
- (2) **Drought Contingency Planning.** Reclamation is authorized to provide technical assistance for drought contingency planning in the United States, the District of Columbia, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the United States Territories.

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- B. **Studies.** Reclamation is authorized to conduct studies to identify opportunities to conserve, augment, and make more efficient use of water supplies available to Federal Reclamation projects and Indian water resource developments to be prepared for and better respond to drought conditions.

- C. **Drought Levels.** Reclamation is authorized to work with other Federal and state agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____