



— BUREAU OF —
RECLAMATION

WaterSMART: Aquatic Ecosystem Restoration Projects

Draft Eligibility and Evaluation Criteria for Review and Comment



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; 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.

Opportunity to Comment

Reclamation invites the public, not-for-profit organizations, States, Tribes and local governments, and other Federal agencies, to *comment on the draft eligibility and evaluation criteria for WaterSMART Aquatic Ecosystem Restoration Projects (Attachment A) by June 1st, 2023.*

Comments may be submitted electronically to WaterSMART@usbr.gov.

For questions regarding WaterSMART or this opportunity to comment, please contact Ms. Avra Morgan at 303-445-2906 or aomorgan@usbr.gov.

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Background

As authorized under Section 1109 of Division FF of Public Law (P.L.) 116-260 (33 United States Code [U.S.C.] 2330c), the Consolidated Appropriations Act 2021, and Section 9504(a)(1)(I) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code (U.S.C.) 10364), as amended, and as part of continuing efforts to implement priorities identified in Presidential Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad* (E.O. 14008) and in alignment with other priorities, such as those identified in Presidential Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (E.O. 13985), the Bureau of Reclamation (Reclamation) is proposing a new WaterSMART Program for fiscal year (FY) 2023, the Aquatic Ecosystem Restoration Projects funding opportunity (AERP NOFO).

The Aquatic Ecosystem Restoration Projects funding opportunity will provide funding for the study, design, and construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and result in the improvement of the health of fisheries, wildlife, and aquatic habitat.

Reclamation is seeking comments on the eligibility and draft criteria for the AERP NOFO that was posted on grants.gov in March 2023. Comments received through this solicitation will be considered and incorporated into the funding opportunity in FY 2024.

For additional information on the WaterSMART Program, please see Reclamation's website at: www.usbr.gov/watersmart/index.html

Summary of Program

Aquatic Ecosystem Restoration Projects (Attachment A)

Section 1109 of P.L. 116-260 provides Reclamation with the authority to contribute up to 65% of the cost of aquatic ecosystem restoration projects. The following Eligibility and Evaluation Criteria have been developed as part of Reclamation's implementation of this statutory authority. Through the program, Reclamation will leverage Federal and non-Federal funding to work cooperatively with states, Tribes, and other entities as they study, design and construct aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and result in the improvement of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Consistent with the statute, the evaluation criteria are intended to prioritize projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of

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a larger strategy to replace aging facilities. Program funding will be divided among two task areas: Task A for study and design projects, and Task B for construction projects. Please see Attachment A for detailed information regarding eligible applicants, cost share requirements, project types, and evaluation criteria.

Attachment A: WaterSMART Aquatic Ecosystem Restoration Projects Eligibility Information and Evaluation Criteria

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this funding opportunity are described below.

C.1.1. Category A Applicants

- States, Tribes, irrigation districts, or water districts;
- State, regional, or local authorities, the members of which include one or more organizations with water or power delivery authority;
- Agencies established under State law for the joint exercise of powers;
- Other entities or organizations that own a dam that is eligible for upgrade, modification, or removal.

All applicants must be located in the Western United States or Territories as identified in the Reclamation Act of June 17, 1902, as amended and supplemented; specifically: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, the U.S. Virgin Islands.

C.1.2. Category B Applicants:

Nonprofit conservation organizations that are acting in partnership with, and with the agreement of an entity described in Category A, with respect to a project involving land or infrastructure owned by the Category A entity. All Category B applicants must be located in the United States, or the specific Territories identified above.

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Category B applicants should include with their application a letter from the Category A partner stating that the Category A partner:

- Is acting in partnership with the applicant;
- Agrees to the submittal and content of the application; and
- Intends to participate in the project in some way, for example, by providing input, feedback, or other support for the project.

Note: Partners do not necessarily need to contribute cost share funding.

C.1.3. Ineligible Applicants

Those not eligible include, but are not limited to, the following entities:

- Federal Governmental entities
- Individuals
- Institutes of higher education

C.2. Cost Sharing or Matching

Applicants must be capable of cost sharing 35 percent (35%) or more of the total project costs.

Note: this cost-sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands. The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see Section D.2.3.13 Official Resolution and Section D.2.2.14 Letters of Commitment for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under

P.L. 93-638, as amended. *If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed project.*

C.2.1. Cost Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at www.ecfr.gov.

C.2.2. Third-Party In-Kind Contributions

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO the cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

C.3.1. Multiple Applications

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. Category B applicants may receive a maximum of up to 3 awards provided that the Category A partner entity for each project is different. In general, if you are seeking funding for multiple project components, and the components are interrelated or closely related (e.g., a project to restore and enhance flood plains and a project to remove a barrier to fish passage that are physically and geographically linked), you should combine these in one application. However, if the projects are only loosely related, you should submit them as separate applications.

C.3.2. Excluded Parties

Reclamation conducts a review of the [SAM.gov Exclusions database](http://SAM.gov/Exclusions/database) for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are identified in the [SAM.gov Exclusions database](http://SAM.gov/Exclusions/database) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

C.4. Eligible Projects

In general, to be eligible under this funding opportunity, an aquatic ecosystem restoration Task A: Study and Design, or Task B: Construction project must be for the purpose of improving the health of fisheries, wildlife and/or aquatic habitat, including through habitat restoration and/or improved fish passage via the removal or bypass of barriers. The specific tasks eligible for funding are described in more detail below, in C.5.1. Task A: Study and Design of Aquatic Ecosystem Restoration Projects and C.5.2. Construction of Aquatic Ecosystem Restoration Projects.

Proposed projects will be reviewed by the Program Office to determine whether the application is eligible for evaluation.

C.4.1. Task A: Study and Design

Projects eligible for funding under Task A include study and design activities to develop an aquatic ecosystem restoration project, resulting in the development of a study and design package that can be used to apply for funding under Task B of this NOFO. It is recommended that applicants review the types of construction projects eligible under Section C.4.2. Task B: to inform the development of their Task A: Study and Design proposal.

The intent of Task A is to support the development of study and design products that will prepare the applicant to apply for Task B Construction funding. To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. A 60% design package should include technical study and design documentation supporting the preferred alternative in sufficient detail to be able to obtain the necessary permits and estimate funding required for project implementation. See Attachment A: Design Level Guidance, for more information on 60% design.

Prior to applying for Task A: Study and Design funding, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a restoration concept and prioritization of their specific restoration project(s), and that included some stakeholder involvement.

C.4.1.1. Eligible Study and Design Activities

Activities that are eligible under Task A: Study and Design may include, but are not limited to, the following: These activities are intended to support study and design activities resulting in a 60% design package.

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- **Project Outreach.** Tasks may include, but are not limited to:
 - Stakeholder outreach activities directly linked to the study and design activities, such as public meetings and incorporating input from diverse area stakeholders including but not limited to e.g., municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.
 - Documenting and sharing project goals and objectives.
- **Restoration Project Design Alternatives Analysis.** Tasks may include, but are not limited to:
 - Comparing design alternatives and creation of a decision matrix
 - Conducting design-specific outreach and stakeholder engagement
 - Formulating a site alternative analysis
 - Selecting design criteria and standards
- **Project Analysis and Design.** Tasks may include, but are not limited to:
 - Carrying out applicable studies (environmental, biological, and/or engineering) and complete related modeling and data collection efforts regarding the impacts of proposed restoration activities. Activities may include:
 - Project site evaluation, including surveying and measurement
 - Resource inventory and evaluation
 - Applicable soil and water sampling
 - Analyses considering baseline (no action) and proposed design alternatives evaluation, including, for example:
 - Hydrologic analysis for project site
 - Hydraulic modeling
 - Wetland evaluation
 - Geotechnical investigation
 - Floodplain assessment

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- Baseline habitat conditions, including vegetation conditions and species population surveys
- Completing risk analyses, including
 - Identification of performance and sustainability criteria for project elements and assessment of risk of failure to perform
 - Evaluation of risk to infrastructure, property, human safety, recreation, etc. and potential consequences and supplemental analysis to mitigate risk.
- Developing a post-project monitoring plan

Note: Ground disturbing activities will require environmental and cultural compliance.

- **Complete site-specific design and engineering of the restoration project to reach a target 60% level of final project design** (see *Attachment A: Design Level Guidance*)
Tasks may include, but are not limited to:
 - Preparing design drawings and specifications for the construction of the project.
 - Developing a basis of design document (a report that documents the major design criteria and includes recommended project elements, planning level drawings, preliminary schedules, and cost estimates.)
 - Analyzing the means and methods for construction at the project site and identify constraints (necessary equipment, site access, etc.)
- **Preparation of project cost estimates and development of project construction plan.**
Tasks may include, but are not limited to:
 - Developing project construction material quantities and costs for construction activities
 - Developing an estimated construction budget (including contingencies, labor costs, etc.)
 - Developing the project bid schedule, construction plan, schedule, and milestones for completing the project
- **Legal and Institutional Requirements Research.** Tasks may include, but are not limited to:
 - Researching on legal and institutional requirements; permitting and environmental compliance; land ownership and necessary easements; and state and/or local requirements with the potential to affect implementation of the project.

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- Studying the impacts of any proposed projects on contractual water and power supply obligations, water rights, Tribes, and other area stakeholders.
- Investigating the types of site-specific environmental or cultural compliance will be necessary to implement the project(s) which can include consulting with Reclamation regarding potential environmental compliance

Note: It is not mandatory for Task A projects to address all the activities and sub-tasks listed if that work is not necessary or if the work has already been completed. Applicants can substitute appropriate sub-tasks or may provide explanations for certain sub-tasks that have already been completed or are not necessary. If the applicant has already completed significant study and design work, the applicant must include a summary of the completed work in their proposal.

C.4.1.2. Construction Funding for Completed Task A Study and Design Projects

Upon successful completion of a Study and Design project funded under Task A of this NOFO, the recipient may submit an application for the construction of the aquatic ecosystem restoration project. Applications for construction funding must meet the requirements for Task B: Construction below and contain the content identified in *Section D.2. Content and Form of Application Submission*. Applications for construction funding from recipients of a completed Study and Design award under this NOFO may be evaluated on a rolling basis.

C.4.2. Task B: Construction

Projects eligible for funding under Task B include the construction of aquatic ecosystem restoration projects that are collaboratively developed, have widespread regional benefits, and are for the purpose of improving of the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Projects that affect water resources management in two or more river basins, provide regional benefits not limited to fisheries restoration, and that are a component of a larger strategy to replace aging facilities are prioritized under this program. **Proposed projects should not have an estimated construction start date that is prior to January 2, 2024.**

Applicants submitting a proposal for funding under Task B must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. See Section C.4.2.2. Submittal of Study and Design Products.

C.4.2.1. Eligible Construction Activities

Projects eligible for funding under Task B: Construction may include the following project activities:

Completion of Final Design for Aquatic Ecosystem Restoration Construction Project.

- Conducting final design and pre-construction activities to progress the aquatic ecosystem restoration project from 60% to final design. This task must be completed prior to construction of the restoration project (may be completed by applicant prior to

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- application to this program if no program funding is required). Completion of final design must be paired with subsequent full construction of the restoration project and cannot be completed as a stand-alone Task B: Construction project.

Outreach to Affected Stakeholders.

- Continued engagement regarding final planning and construction processes with a diverse group of stakeholders such as municipal, agricultural, or recreational interest groups, environmental non-profits, landowners, Tribes, and state and local water management entities.

Restoration Activities: This program provides support for restoration projects that are comprehensive and holistic in nature. Accordingly, it is anticipated that proposed projects will include a combination of the following types of restoration activities to be competitive. Eligible restoration activities may include, but are not limited to:

- **Removal or Modification of Barriers to Fish Passage.** Removal or modification of impeding infrastructure, including dams, diversion structures, culverts, roads, or other barriers to fish passage, to reopen migratory pathways, build resilient riparian corridors, and protect aquatic ecosystems. Activities include but are not limited to:
 - Removal or modification of a dam or diversion to reopen or improve migratory pathways
 - Removal, replacement, or modification culverts that restrict aquatic organism migration
 - Removal, modification, or relocation of impeding roads, rail roads, levees, or bridges
 - Replacement of artificial channels with a “natural” channel and floodplain
 - Strategic placement of fish screens to prevent fish passage in diversion ditches or impede the passage of invasive fish.
- **Restoration of Connectivity.** Restoration of connectivity between the river and disconnected floodplains and wetlands to improve environmental flows, build system resiliency, and improve the lateral mobility of a river channel. Activities may include but are not limited to:
 - Improvement of thermal refugia and connectivity to groundwater
 - Removal or modification of artificial embankments to improve floodplain connectivity
 - Increasing the frequency and duration of floodplain inundation by reconnecting incised and disconnected channels

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- Off-channel rehabilitation or enhancement including restoration of backwaters, alcoves, ponds, and abandoned oxbows
- **Restoration of Aquatic Habitat.** Restoration of the riparian area, riverbanks, channels and floodplains to bolster aquatic habitat and build natural resiliency. Activities may include but are not limited to:
 - Riparian planting with native species
 - Removal of invasive riparian vegetation
 - Removal, containment, or relocation of non-native fish and/or restoration of native fish species
 - Placement of natural structures in-channel (rock, logs, and native plants) to create meanders, stabilize river geometry, and create natural habitat or fluvial patterns
 - Restoration of floodplains
 - Installation of grade control structures to stabilize river geometry
 - Creation of natural features in a heavily engineered flood channel
 - Nature-based restoration actions (e.g., installation of beaver dam analogs, post-assisted log structures, etc.)
- **Improvement of Water Availability, Quality, and Temperature.** Activities to improve instream water availability, quality and temperature to improve conditions for aquatic ecosystems. Activities include but are not limited to:
 - Restoration of riparian vegetation along waterways
 - Wetland regeneration
 - Watershed sediment management in areas with degraded habitat due to recent disturbance or wildfire
 - Conservation of water for instream flows, or construction of water management or infrastructure improvements that will bolster instream flows during low water periods (strategic point of diversion changes, or conservation projects resulting increased instream water availability, such as canal piping or lining)

Other Related Activities. Other activities that are similar to the examples listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

Monitoring Plan Development, Baseline Assessment, and Equipment Installation. Activities include but are not limited to development of a monitoring plan, pre-construction monitoring to

track baseline conditions, and installation of monitoring equipment. Projects may also include initial post-construction monitoring for a period of up to six months for the purpose of assessing project success and outcomes. However, the costs for these activities shall not exceed 25 percent of the total project costs. Please note that long-term (i.e. more than six months) post-construction monitoring is considered normal operation and maintenance, and the costs are the responsibility of the applicant.

C.4.2.2. Submittal of Study and Design Products

Applicants for Task B: Construction must submit study and design products, (i.e., the design package) demonstrating that the project is at a 60% design level. Do NOT include design documents with your application. After the application deadline (see Section D.4 Submission Date and Time), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (As outlined in Attachment A: Design Level Guidelines) and confirm project eligibility.

C.4.3. Dam Modification or Removal Projects

Prior to an award of funding, proposals that include the removal or modification of a dam must submit certain documents verifying that the dam owner has agreed to the study, design, or construction of the project and impacted water or power delivery customers have been notified. For specific instructions, see section D.2.2.12 Documents Authorizing the Study, Design, or Construction of a Dam Modification or Removal Project.

C.5. Ineligible Projects

Projects not eligible for funding under this NOFO include scientific research and the project types identified immediately below.

C.5.1. Other Aquatic Ecosystems

Proposals for the restoration of marine and coastal aquatic ecosystems are not eligible for funding under this NOFO.

C.5.2. Monitoring Beyond Six Months Post-Project Completion

Program funding may be used to complete the following activities to support monitoring of performance outcomes associated with the on-the-ground implementation portion of the project: (1) establish a monitoring and data management plan, (2) install necessary equipment to monitor progress and conservation outcomes, and (3) complete up to six months of post-implementation monitoring activities of conservation outcomes of the implementation project. However, costs

for these activities shall not exceed 25 percent of the total project cost. Program funding may not be used to complete long-term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant).

C.5.3. Operations, Maintenance, and Replacement

Proposals for the design of projects considered normal operations, maintenance, and replacement (OM&R) are ineligible for funding under this NOFO. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components.
- Improving an existing facility to operate as originally designed.
- Performing an activity on a recurring basis, even if that period is extended (e.g., 10-year interval).
- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.
- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws.
- Replacing broken meters with new meters of the same type.
- Replacing leaky pipes with new pipes of the same type.
- Completion of one-time leak detection surveys.

Dredging of reservoirs, canals, and rivers to remove normally occurring sediment accumulation for a non-aquatic habitat improvement activity (e.g. solely to improve flood conveyance)

- Reclamation can only provide funding for invasive species removal and fuels management one time per geographic footprint; additional treatments are considered operations and maintenance and are not eligible.

Applicants that have questions regarding OM&R are encouraged to contact the Program Coordinator (see Section G. Agency Contacts) prior to the application deadline for further information.

C.5.4. Water Reclamation, Reuse, and Desalination

Water reclamation, reuse, and desalination projects are not eligible for funding under this NOFO. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project please contact Ms. Maribeth Menendez at 303-445-2094 or mmenendez@usbr.gov.

C.5.5. Injection Wells and Recharge Projects Primarily for Agricultural or Municipal Benefits

Injection wells and recharge projects primarily for agricultural or municipal benefits are not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.6. Water Purchases

Applications to use Federal funding to purchase water are not eligible under this NOFO. Applicants seeking funding to purchase water in a drought emergency should request emergency drought assistance under Reclamation's Drought Response Program.

For more information about the requirements for receiving emergency drought assistance, please see www.usbr.gov/drought or contact the Program Coordinator (see Section G. Agency Contacts).

C.5.7. Land Purchase and Easements

Applications to use Federal funding for the purchase of land, or with the primary purpose to secure a permanent easement, are not eligible under this NOFO.

C.5.8. Building Construction

Applications to construct a building are not eligible for Federal funding under this NOFO (e.g., a building to house administrative staff or to promote public awareness of water conservation).

C.5.9. Pilot Projects

Applications to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology are not eligible for Federal funding under this NOFO.

C.5.10. Removal and Prevention of Invasive Mussel Species

Projects to remove or prevent the invasion or spread of invasive mussel species are not eligible under this NOFO. Reclamation provides funding for these projects under Reclamations Integrated Pest Management and Invasive Species Program. Please contact Jolene Trujillo, at jtrujillo@usbr.gov, for additional information.

C.5.11. Prescribed Burns

Fuels management through prescribed burning is not eligible under this NOFO.

C.5.12. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements are not eligible under this NOFO. Applicants interested in on-farm improvements should contact the U.S. Department of Agriculture and Natural Resources Conservation Service (NRCS) to investigate opportunities for Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or see www.nrcs.usda.gov for further contact information in your area.

This NOFO does not preclude projects located on private land. Some project components may occur on private land, including on agricultural land, if they are part of a project with broader benefits to ecological value or watershed health.

C.5.13. New Conveyance Infrastructure for Municipal or Agricultural Water Delivery

A project that proposes to construct new conveyance to allow for the distribution of additional or new water supplies for municipal or agricultural use is not eligible. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought, for more information.

C.5.14. Mine Remediation Projects

Projects to complete remediation activities in or around a mine site are not eligible for funding under this NOFO.

C.5.15. Projects to Adhere to Specific Regulatory Requirements

Projects or elements of projects addressing specific regulatory requirements mandated by a state or Federal agency action or a court order, such as an order to remove a dam, and project components that are required to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are not eligible for funding under this program.

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However, funding may be used to support more general activities, including recovery actions under the Endangered Species Act (ESA). For more information, contact the program coordinator listed in Section G. Agency Contacts, prior to the application deadline.

C.5.16. Training, Education, and Outreach Activities

General education activities, general stakeholder outreach, the implementation of citizen science training programs, or general staff training are not eligible under this NOFO.

C.5.17. Projects Receiving Other Federal Financial Assistance

Proposals for projects or activities that are funded under another Federal Financial Assistance Agreement are not eligible for funding under this NOFO.

Section E. Evaluation Criteria

E.1 Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget—not the larger project.

Evaluation Criteria: Scoring Summary		Points
A. Project Benefits		30
B. Prior Restoration Planning and Stakeholder Involvement and Support		40 (Task A: Study and Design) 30 (Task B: Construction)
C. Project Implementation and Readiness to Proceed		15
D. Department of the Interior and Bureau of Reclamation Priorities		15
E. Performance Measures (Task B: Construction ONLY)		10 (Task B: Construction ONLY)
	<i>Total</i>	<i>100</i>

Note: Projects may be prioritized to ensure balance among the program task areas and to ensure that the projects address this NOFO's goals and objectives.

E.1.1. Evaluation Criterion A- Project Benefits (30 Points)

Up to **30** points may be awarded based on the evaluation of the benefits that are expected to result from the proposed project. This criterion evaluates the extent to which the project will address restoration or protection needs for aquatic ecosystems.

For Task A: Study and Design applicants, respond to sub-criterion A.1. by describing the anticipated benefits of your study and design effort and the projects you are developing through this effort.

For Task B: Construction applicants, respond to sub-criterion A.1. by describing the estimated benefits of the restoration project(s) you are implementing. **Sub Criterion A.1. General Project Benefits**

- What are the critical issues of concern in the watershed? Provide documentation and support for how the critical issues were identified.
- Explain how your project will benefit aquatic ecosystems, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems. For example, will your project create new habitat, improve water quality, improve stream or riparian conditions, restore fish passage and connectivity, or otherwise benefit aquatic ecosystems. *Note: In your response to this criterion, A.1., please generally describe the expected benefits of your project to aquatic ecosystems; a quantitative explanation of project benefits is requested below in response to criterion A.2.*
- Does the project affect water resources management in 2 or more river basins (defined as a minimum HUC-10 level)? Explain how and identify the area benefitted (provide a map).
- Does the project provide regional benefits, in addition to fish or habitat restoration, including:
 - Supporting water needs for multiple water uses (i.e., agricultural, municipal, Tribal, environmental, recreational)?
 - Reducing water conflicts?
 - Providing other regional benefits, such as job creation or public safety benefits?
- Is this project a component of a broader strategy or plan to replace aging facilities with alternate facilities providing similar benefits? Describe how this project fits within the strategy or plan and how it will continue to provide benefit.
- Describe the status of the species and/or habitat that will benefit from the project:
 - Does the project contribute to the restoration of species listed under the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.)?

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- Does the project contribute to the restoration of listed anadromous fish?
- Are the species subject to a recovery plan or conservation plan under the ESA?
- Has there been a designation of critical habitat? If so, how does the proposed action benefit such critical habitat?
- If the species are not listed under the ESA, please describe their status. For example, are they native species, game species, at-risk species, species of greatest conservation need, species of Tribal significance, or state listed?

Sub Criterion A.2. Quantification of Specific Project Benefits

What are the types and quantities of aquatic ecosystem benefits provided? We have provided separate sub-criteria for Task A: Study and Design and Task B: Construction. Only respond to the appropriate sub-criterion based on what task area your project fits under.

For purposes of this sub criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion A.2.1, and applicants submitting a Task B: Construction proposal need only to respond to Sub-Criterion A.2.2.

A.2.1. Task A: Study and Design Applicants Only. Please respond to the following sub criteria by providing details and quantification of the critical issues within the watershed and explaining how your Task A Study and Design project will address those issues. Please ***only respond to questions that apply to your project.*** Provide documentation and support for each of your responses.

- **Species and Habitat Health**

- Provide information regarding the current status of species and habitat health in the planning area. Provide factual support for the status information, including citations to relevant studies, habitat or species health assessments, and statistical information to describe the critical species and habitat issues of concern in your planning area, including issues related to fish or wildlife health and habitat conditions.
- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected species and habitat benefits of the project you are studying and designing, please do so.

- **Watershed Benefits**

- Provide information regarding the current status of water quality, ecological function, and ecological resiliency in the planning area. Provide factual support, citations to relevant studies, and statistical information to describe the critical issues in your planning area related to water quality, ecological function, ecosystem resiliency conditions.

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- Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected watershed benefits of the project you are studying and designing, please do so.
- **Water Supply Benefits**
 - Provide information regarding the current status of water availability for aquatic ecosystems. Are there issues with sufficient water availability for ecosystems seasonally or year-round? Provide factual support, including hydrographs, citations to relevant studies, and stream flow information to describe the critical issues in your planning area related to water availability for aquatic ecosystems.
 - Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify the expected water supply benefits of the project you are studying and designing, please do so.
- **Other Quantifiable Benefits**
 - Provide information regarding the other critical issues of concern in your project planning area. Are there issues related to human safety (significant flood risk/damaged infrastructure), significant long term management costs, limited economic opportunity or a lack of jobs, lack of recreational access including access to safe recreational spaces or fishing access? Provide factual support, including citations to relevant data or studies, and information to describe the other critical issues in your planning area.
 - Describe how your conceptual project will address these issues and how your study and design efforts will inform your approach. If you are able to quantify other expected benefits of the project you are studying and designing, please do so.

A.2.2 Task B: Construction applicants Only. Please, respond to the following sub criteria by describing the estimated benefits of the restoration project you are implementing. ***Please only respond to questions that apply to your project. For each of your responses, provide documentation and support for how you calculated or estimated project benefits.***

- **Species and Habitat Benefits**

Quantify and provide metrics for the extent to which the project will benefit the species and/or habitat, and provide support for your response:

- To what extent will the project benefit species health and/or species populations? Quantify the benefits, including:
 - Any projected increases in species populations or species health projected to result from your project,

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- To what extent will the project benefit a species listed under the ESA, or otherwise improve the status of listed species?

Provide support for your response, including references to species population information, relevant analyses, statistical data, and other support.

- To what extent will the project improve habitat through restoration activities or improved fish passage? Quantify the benefits, including:
 - The number of acres of habitat to be restored or reconnected,
 - New spawning habitat created,
 - The quality and permeance of additional habitat,
 - Or other metrics demonstrating improved habitat or fish passage.

Provide support for your response, including citations to relevant studies and statistics, or other support.

- **Watershed Benefits**

Quantify and provide metrics for the extent to which the project will provide watershed benefits, and provide support for your response:

- To what extent will the project improve water quality? Quantify the benefits, including:
 - Any anticipated improvement of water quality (e.g., dissolved oxygen, nutrient pollution, improvement of temperature variations, eliminating violations to water quality standards, etc.).

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project benefit ecological function? Quantify the benefits, including:
 - Information about reconnection of floodplains,
 - Improvement of sediment transport,
 - Wetland recovery or wetland/ marsh creation.

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Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- To what extent will the project build ecosystem resiliency? Quantify the benefits, including:
 - The reduction of impacts of climate change,
 - The reduction of impacts of development,
 - Removing invasive
 - species, protection against invasive species, and restoration of native species,
 - Improvement of habitat fragmentation,
 - Or assistance in helping aquatic ecosystems recover from disturbances such as floods, wildfire, or drought.

Provide support for your response, including citations to relevant studies or statistics, and other metrics.

- **Water Supply Benefits**

Quantify and provide metrics for the extent to which the project will increase water supply to an aquatic ecosystem, and provide support for your response:

- To what extent will the project make more water available, or make water available at a more advantageous time or location? Quantify the benefits, including:
 - The estimated amount of water conserved (in acre-feet per year),
 - The total amount of new water made available for instream flow,
 - The relocation of water to optimize timing and quantity of water supplies for ecosystem health,
 - The extent of benefits to fish and wildlife, habitat, or other ecological benefits resulting from the improved water availability.

Provide support for your response, including references to past stream flow reports, relevant hydrographs, fish population data, fish health indicators, and other metrics. Please include a specific quantifiable estimate; do not include a range. Describe the support/documentation for this estimate, including a detailed explanation of how the estimate was determined, including all supporting calculations.

- **Other Quantifiable Benefits**

Are there other quantifiable project benefits not addressed in the preceding questions? If so, what are these benefits? Provide support for your response, including citations to relevant studies or statistics, and other metrics. For example, will your project benefit:

- Improvements in public safety (reduce/eliminate flood risk, dam breach, road damage)
- Reductions in long term management costs (culvert and dam maintenance)
- Job creation or economic opportunity (design or construction jobs, development of new recreation jobs, commercial fishing opportunities)
- Improvements in safe access to nature or recreational opportunities

E.1.1.1. Evaluation Criterion B- Prior Restoration Planning and Stakeholder Involvement and Support (30 or 40 points)

Points will be awarded based on the extent to which the proposal demonstrates diverse stakeholder support for and/ or involvement in the project, and evidence that the project builds upon prior restoration planning efforts.

For Task A: Study and Design projects, more points will be awarded for study and design projects that are inclusive and incorporate input and participation by a diverse range of stakeholders, and that included such input in an earlier stage of the process.

For Task B: Construction projects, more points will be awarded for projects that are supported by a previous planning effort that was inclusive of stakeholder input.

Note: “Diverse stakeholder support” includes a mix of entities internal and external to the applicant’s organization (e.g., municipal, agricultural, recreational, environmental non-profits, landowners, Tribes, and state and local water management entities, among others.)

Note: In documenting prior planning, you may reference publicly available planning documents, and include or attach excerpts from relevant plans or strategies. However, we advise against attaching the entirety of lengthy planning documents and all design documents will be requested by the program office following submittal of your application.

For purposes of this criterion, applicants submitting a Task A: Study and Design proposal need only to respond to Sub-Criterion B1, and applicants submitting a Task B: Construction proposals need only to respond to Sub-Criterion B2.

Sub-Criterion B1: Task A: Study and Design Stakeholder Involvement and Support and Restoration Planning (40 points)

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More points will be awarded for study and design projects that involve a diverse array of stakeholders.

- **Prior Planning and Design:** Prior to applying for a Task A, it is expected that applicants will have already performed some general planning work and preliminary studies (e.g., a watershed restoration plan, planning on a river/stream-reach scale, or other planning effort) that led to the identification of a restoration concept and prioritization of their specific restoration project(s), and that included some stakeholder involvement. The following sub criteria request specific information about those prior planning efforts.
 - Describe any prior planning efforts related to your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and any design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.
 - What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).
 - Was the plan developed collaboratively? If the referenced plan was not developed collaboratively, please explain why, for e.g., the planning effort is focused on a very small area or concerns internal to the applicant.
 - Explain how any prior planning effort relates to your current proposal and how your current proposal adds value and builds on any prior planning efforts.
- **Stakeholder Involvement and Support for Task A: Study and Design Projects**

Identify stakeholders in the project area who have *committed to be involved* in the study and design process.

- Describe what sector(s) the participating stakeholders represent and how they will engage in this effort, e.g., will they contribute funding or in-kind services, or otherwise engage in the study and design process?
 - Provide documentation of the commitment by stakeholders to participate in the study and design process. This could include letters from stakeholders committing to be involved in the study and design process; such letters should explain what their specific interest is and how they plan to participate.
 - Are any stakeholders contributing to the cost-share?
- Describe stakeholders in the project area who have *expressed their support* for the study and design process, whether or not they have committed to participate.

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- Supporting documentation for this sub-criterion could include letters of support from stakeholders or a description of feedback from interested stakeholders.
- What will the applicant do during the study and design process to ensure participation by a diverse array of stakeholders?
 - If some sectors are not yet represented, explain how this will be accomplished. Support could include a description of stakeholder interests in the project area, and what you will do to engage them (e.g., workshops, public meetings, or outreach tools such as using local media, outreach to known stakeholder groups, web-based outreach, social media, or other kinds of announcements, etc.).
- Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

Sub-Criterion B2: Task B: Construction Stakeholder Support and Prior Restoration Planning (30 points)

More points will be awarded for construction projects that were developed through a collaborative planning process inclusive of stakeholder input. Please describe the planning and design process supporting your project.

- **Prior Planning, Study, and Design:** To be eligible for Task B: Construction, applicants must have conducted study and design activities resulting in a design package at a 60% design level. See Attachment A: Design Level Guidance, for more information on 60% design. The following sub criteria request specific information about those prior planning efforts.
 - Describe the planning effort that supports your proposed project, i.e., planning that took place before you submitted your proposal.
 - Describe the specific planning, strategy, study, and design document(s) (plan(s)) that support your project. Explain when the plan was prepared and for what purpose.
 - Does the proposed project contribute to a regional or watershed scale fish passage or aquatic ecosystems strategy or priority restoration efforts (e.g., Federal, State, Tribal, or other association priority plan or designated critical habitat)? If so, name and briefly describe the strategy or effort.
 - What was the scope of the planning effort that supports your project? Describe the geographic extent and types of issues (e.g., water quantity, water quality, and/or issues related to ecosystem health or the health of species and habitat within the watershed).

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- Was the plan developed collaboratively?
 - What stakeholders were involved in preparing the plan and do they represent diverse interests (e.g., agricultural, municipal, tribal, environmental, recreational interests)? What process was used to solicit and incorporate stakeholder input?
 - If the plan was prepared by an entity other than the applicant, explain why it is applicable.
 - Please describe the process for stakeholder involvement and comment on the planning and design effort supporting your project. Describe the how comments were requested, the types of comments received, and how they were considered.
- Describe how the plan provides support for your proposed project.
 - Does the proposed project address a goal or need identified in the plan?
 - Describe how the proposed project is prioritized in the referenced plan.
- How did you select the proposed project from among other project alternatives?
 - Describe the process you used to compare alternatives
 - Did you compare the benefits of different project alternatives (e.g., through a decision matrix, triple-bottom-line analysis, or rapid benefit indicators)? Did you do a qualitative or quantitative comparison of project benefits? If so, please describe the process and the outcomes.
- **Stakeholder Support for the Proposed Task B: Construction Project**
 - Is there widespread support for the project? Please provide specific details regarding any support and/or partners involved in the project. What is the extent of their involvement in the project?
 - Please attach any relevant supporting documents (e.g., letters of support or memorandum of understanding).
 - Are any stakeholders contributing to the project cost-share?
 - Is there opposition to the proposed project effort? If so, describe the opposition and explain how it will be addressed. Opposition will not necessarily result in fewer points.

E.1.2. Evaluation Criterion C— Project Implementation and Readiness to Proceed (15 points)

Up to **15 points** may be awarded based upon the extent to which the proposed project is prepared to commence *study and design* **OR** *construction* work upon entering into a financial assistance agreement.

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Task A: Study and Design applicants should respond to **sub criteria C1**. Applicants that provide a well-developed implementation plan and schedule, logical budget and budget narrative will receive the most points under this criterion.

Task B: Construction applicants should respond to **sub criteria C2**. Applicants that describe a technically sound and feasible project with an implementation plan (e.g., estimated and achievable project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, dates, team members, and detailed budget) will receive the most points under this criterion.

Sub-Criterion C1: Task A: Study and Design Project Implementation

- Describe the implementation plan for the proposed study and design project. Please include an estimated project schedule that shows the stages and duration of the proposed study and design work, including major tasks, milestones, and dates.
 - Describe the plan to conduct project specific outreach during your award period. What regional stakeholders will you target and how will you connect and engage with them and incorporate their feedback?
 - Describe the plan to carry out any relevant studies (e.g., Project-Specific Study and Analysis, Restoration Project Opportunities and Alternatives Analysis, Benefits Analysis, or Legal and Institutional Requirements Research).
 - Describe the current design status of the project and describe the design activities will need to be completed to advance the project to 60% design?
- Proposals with a budget and budget narrative that provide a reasonable explanation of study and design project costs will be prioritized.
- If the applicant intends to do any on-site investigation or monitoring work, please provide documentation of permission and detail any permits or easements that may be required for access.

Sub-Criterion C2: Task B: Construction Readiness to Proceed

- Describe the implementation plan for the proposed construction project. Please include an estimated project schedule that shows the stages and duration of the proposed construction work, including major tasks, milestones, and dates. This may include, but is not limited to, design, environmental and cultural resources compliance, permitting, and construction/installation.
 - Proposals with a budget and budget narrative that provide a reasonable explanation of project costs will be prioritized.
 - Describe any additional efforts planned to engage with regional stakeholders during the final planning and construction phase of your project.

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- Identify and describe all engineering and design work that has been performed in support of the proposed project to date. As a reminder, projects must be at 60% design to be eligible for Task B: Construction funding.(See Attachment A: Design Level Guidance, for an overview of 60% design progress.). If additional design work is required prior to construction, describe the planned process and timeline for completing the design work.

Proposals for a Task B: Construction project must include a list of all products in the design package for the project. **Do not include design documents with your application.** After the application deadline (see *Section D.4 Submission Date and Time*), Reclamation will contact applicants to obtain a copy the design products. The Application Review Committee (ARC) will review the documents to verify whether the project has reached the 60% design threshold (as described in Attachment A: Design Level Guidance) and confirm project eligibility.

- Describe any permits and agency approvals that will be required, along with the process and timeframe for obtaining such permits or approvals.
- If applicable, describe the projects impact on any contractual water or power supply obligations, Indian trust responsibilities, or water rights settlements. Describe any regional water quality control board, state, and/or local requirements with the potential to affect implementation of the project.
- If project construction requires access to the land or water source where the project is located, please include a description of and a timeframe for obtaining any required easements or permits.
- Does the applicant have access to the land or water source where the project is located? Has the applicant obtained any easements that are required for the project? If so, please provide documentation. If the applicant does not yet have permission to access the project location, please describe the process and timeframe for obtaining such permission.
- Identify whether the applicant has contacted the local Reclamation office to discuss the potential environmental and cultural resource compliance requirements for the project and the associated costs. Has a line item been included in the budget for costs associated with compliance? If a contractor will need to complete some of the compliance activities, separate line items should be included in the budget for Reclamation’s costs and the contractor’s costs.
- Describe any unresolved issues associated with implementing the proposed aquatic ecosystem restoration project, how and when such issues will be resolved, and how the project would be affected if such issues are not resolved.

E.1.3. Evaluation Criterion D—Presidential and Department of the Interior Priorities (15 points)

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration’s priorities, including E.O. 14008: *Tackling the Climate Crisis*

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at Home and Abroad and E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*.

Please address only those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the application.

- **Climate Change:** E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity.
 - If applicable, describe how the project addresses climate change and increases resiliency. For example, does the project help communities respond to or recover from drought or reduce flood risk?
 - How will the project build long-term resilience to drought? How many years will the project continue to provide benefits? Please estimate the extent to which the project will build resilience to drought and provide support for your estimate.
 - Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation? Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution? Does the proposed project contribute to climate change resiliency in other ways not described above?
- **Disadvantaged or Underserved Communities:** E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.
 - Please use the Council on Environmental Quality's interactive Climate and Economic Justice Screening Tool, available online at [Explore the map - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#) to identify any disadvantaged communities that will benefit from your project.
 - If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?

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- **Tribal Benefits:** The Department of the Interior is committed to strengthening tribal sovereignty and the fulfillment of Federal Tribal trust responsibilities. The President’s memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*, asserts the importance of honoring the Federal government’s commitments to Tribal Nations.
 - If applicable, describe how the project directly serves and/or benefits a Tribe, supports Tribally led conservation and restoration priorities, and/or if the project incorporates or benefits Indigenous Traditional Knowledge and practices.
 - Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

E.1.4. Evaluation Criterion E—Performance Measures (10 points) Task B: Construction ONLY.

NOTE: This criterion is for Task: B Construction applicants ONLY. Applicants for Task A: Study and Design Funding do not need to respond to Criterion E- Performance Measures.

Up to **10 points** may be provided based on the extent to which the proposal describes a plan to monitor the progress and effectiveness of the project during and after the proposed project period to track success and adaptively address new challenges as they arise. *Note: Program funding may be used to establish a monitoring and data management plan, complete baseline monitoring or collect pre-construction data, and install necessary equipment to monitor progress and conservation outcomes. Program funding may not be used to complete long-term (i.e., more than six months) monitoring of performance after project construction is complete (these costs are considered normal operation and maintenance costs and are the responsibility of the applicant). See Section C.4.2. Eligibility of Monitoring Activities for additional information.*

- What are the desired conditions that this project contributes to and how will outcome objectives and project success be measured?
- Describe the performance measures that will be used to quantitatively or qualitatively define actual project benefits upon completion of the project. Include support for why the specific performance measures were chosen.
- All applicants are required to include information about plans to monitor improved streamflow, aquatic habit, or other expected project benefits. Please describe the plan to monitor the benefits over a five-year period once the project has been completed. Provide detail on the steps to be taken to carry out the plan.

Example performance measures could include the monitoring and improvement of various biotic and physical ecological indicators, including water quality and chemical composition, or observable changes in the presence or composition of vegetation or wildlife.