

Federal Agency Name: U.S. Environmental Protection Agency (EPA) Region 6, Water Quality Protection Division

Funding Opportunity Title: Fiscal Year (FY) 2024 Clean Water Act Section 106 Tribal Water Pollution Control Program Cooperative Agreements

Announcement Type: Funding Opportunity

Funding Opportunity Number: EPA-CEP-01

Catalog of Federal Domestic Assistance Number: 66.419

Deadlines:

- A full grant application, workplan and budget must be received by electronic submission through Grants.gov by 11:59 pm CST on March 15, 2024.
- First-time applicants must also submit a complete Treatment in the Same Manner as a State (TAS) application to be reviewed and approved by EPA or documentation of previous TAS approval prior to receiving Clean Water Act Section 106 funding.

FUNDING OPPORTUNITY DETAILS

Purpose and Available Funds

The U.S. Environmental Protection Agency (EPA) Region 6 Water Division, State/Tribal Programs Section is soliciting applications and workplans for the Fiscal Year (FY) 2024 Clean Water Act (CWA) Section 106 Tribal Water Pollution Control Program. Funding is available to tribes having Treatment in the Same Manner as a State (TAS) eligibility. The Water Pollution Control Program assists Federally-recognized Indian tribes in achieving environmental results by developing institutional capacity to administer water pollution control programs and to protect, improve and enhance natural resources.

In response to this funding opportunity, we request applications to conduct water quality pollution control projects.

EPA Region 6 anticipates allocating approximately \$3.8 million to support CWA Section 106 Tribal Programs. This funding will allow EPA Region 6 to award grants averaging \$65,000 - \$80,000. Final funding amounts will depend on workplan negotiations with your Project Officer and the availability of CWA Section 106 funds. Some awards may be reduced due to prior CWA Section 106 grant performance problems, such as uncompleted deliverables, late reporting and consistently high account balances.

GRANT REQUIREMENTS

Eligibility and TAS

To be eligible for CWA Section 106 grants under this funding opportunity, tribes must have TAS eligibility or submit a TAS application with the grant application (no later than the deadline for submission of the grant application and workplan).

Cost share requirements at 40 CFR 35.585. have been eliminated as of April 5, 2022.

Program Funding Types- Base and Variable

- **Base Program Funding:** The Base Program funding level is \$65,000. These funds support ongoing water quality program activities such as water program staffing, water resources planning, work on tribal water quality related ordinances, review of proposed water permits, education and outreach and operational and support costs such as training, supplies and equipment. Travel funds also can be budgeted for training, conferences and meetings.
- **Base Program with Variable Funding:** Funds requested over the \$65,000 base level are considered variable funding. Variable program activities may include any additional self-determined tribal environmental priorities building upon the tribe's Base Program and must comply with all Base Program requirements. Separate budgets for Base and Variable funding per year are required.

Two-Year Project Period

EPA Region 6 encourages tribes to submit a two-year grant application. The two-year application should include individual workplans, budgets and budget narratives for each year.

Negotiation Process and Past Performance

EPA Region 6 will negotiate the variable funding amount and workplan tasks. Negotiations may be held through conference calls, face to face meetings and/or email. Program funding is dependent upon consistent prior performance, i.e., consistent and timely reporting and accomplishment of workplan tasks year to year. **Poor performance may result in a reduction or a request to complete previous grant agreements before additional funding can be offered.**

Linking Activities to EPA's Strategic Plan

The workplan should discuss the expected results, including outputs and outcomes. Further information regarding EPA's discussion of environmental results in terms of "outputs" and "outcomes" can be found at <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan-overview.pdf> In addition to showing expected results, the workplan should demonstrate a link to activities in EPA's FY 2022-2026 Strategic Plan. The relevant goal in EPA's Strategic Plan is Goal 5: Ensure Clean and Safe Water for All Communities, Objective 5.2: Protect and Restore Waterbodies and Watersheds.

All workplans must discuss how proposed projects address the Strategic Plan priorities and describe the environmental results of the proposed project with well-defined outputs, and, to the maximum extent practicable, well-defined outcomes that demonstrate how the project will contribute to the overall protection and improvement of water quality.

Environmental results are a way to gauge a project's performance and are described in terms of outputs and outcomes. Environmental outputs (or deliverables) refer to an environmental activity, effort and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of environmental outputs may include the number of training courses completed by staff members, the number of permits issued, the number of samples collected and submittal of a Tribal Assessment Report.

Environmental outcomes are the result, effect, or consequence of carrying out an environmental program or activity related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achieved within an assistance agreement funding period. Outcomes may be short-term (changes in learning, knowledge, attitude, skills), intermediate (changes in behavior, practice, or decisions), or long-term (changes in condition of the natural resource). Examples of outcomes may include measurable improvements in water quality and increases in the number of facilities that meet effluent limits.

Eligible & Ineligible Activities

Eligible activities include but are not limited to:

- Water quality planning, assessments and studies
- Ambient monitoring
- Community outreach and education activities
- Source water, surface water, ground water and wetland protection
- Nonpoint source (NPS) control activities (including NPS assessment and management programs)
- Development of water quality standards (WQS)
- Development of watershed based plans
- Development of total maximum daily loads (TMDLs)
- Data management and reporting

Ineligible Activities include but are not limited to:

- Construction, operation or maintenance of wastewater treatment plans or drinking water systems
- Purchase or acquisition of land
- Duplication of efforts funded from another federal source
- Project funded by other grants
- Compliance monitoring of NPDES permitted facilities or public water systems

APPLICATION ELEMENTS

I. Workplan Narrative

- a. **Introduction:** Provide background information about the tribal lands, including land size, population, location, boundaries, and an atlas of water resources (miles/acres of surface water,

ground water and wetlands).

- b. **Project Goals and Objective, Workplan Components and Project Location(s):** Describe the goals and objectives of the project, each component of the workplan (which includes a description of the activities that will be implemented) and the project location(s). EPA recommends including maps of the reservation, waters to be addressed and project location. The workplan should include entering the water quality data collected into EPA's WQX system. The workplan also must include a completed Tribal Sampling Matrix that outlines projected sampling sites, parameters to be sampled, and monitoring frequency. Please refer to Appendix A of this funding opportunity for an example of a sampling matrix.
- c. **Environmental Outputs, Outcomes and Tracking:** Include commitments for each workplan component, including anticipated environmental outputs and outcomes (as required by EPA Order 5700.7), the linkage to the Strategic Plan Objective 5.2 and the applicant's plan for tracking and measuring its progress towards achieving expected outputs and outcomes.
- d. **Schedule:** For each work plan component or task, provide estimated personnel work years, specific "start" and "end" dates and interim milestone dates .
- e. **Roles and Responsibilities:** Describe the roles and responsibilities of the recipient and any partners in carrying out the workplan commitments.
- f. **Workplan Table:** Include a workplan table that identifies workplan goals with tasks and outputs/outcomes, start and end dates, deliverables, responsible staff and work years and estimated cost (per task). The table should include an estimated cost column which totals all the costs for each task including salary, fringe, equipment, contractual, supplies, travel and indirect costs. The table should include base and variable workplan tasks.
- g. **Quality Assurance Project Plans:** Development of a Quality Assurance Project Plan (QAPP) is required of all EPA assistance agreements that fund data collection and assessment. The cost of QAPP development should be included in the project budget.
- h. **Quality Assurance Competency Policy-** In accordance with Agency Policy Directive Number FEM-2012-02, "[Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements,](https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf)" grantees agree that they have demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, grantees agree to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. The grantee shall maintain competency for the duration of the project period of the grant agreement, and it will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may be requested by contacting the Project Officer.

All Performance Partnership Grants and continuing environmental program assistance agreements expected to exceed a total value of over \$200,000 (in federal funding) and will generate or use environmental data in the agreement must include a section in the workplan documenting the

organization's competency. The competency section should explain the similar nature of the scope of work to past performance and the existence of an approved QMP.

II. Budget Narrative and Table

A. Provide a detailed budget and estimated funding amounts for each budget category and workplan component/task. Applicants must itemize costs related to personnel, fringe benefits, contractual costs, travel, equipment, supplies, other direct costs, indirect costs and total costs.

B. Describe itemized costs in sufficient detail for EPA to determine the reasonableness and allowability of costs for each workplan component/task

C. Provide information on the approach, procedures and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. Include a projected timeline of how the funds will be drawn down over the course of the grant. When developing your drawdown schedule, you may wish to consult your financial department for input. You can use the SF-424A to show the projected spending rate.

REQUIRED FORMS

Please use the grants.gov Web site to submit the grant application package. All forms can be found in grants.gov. A full grant application includes the following:

1. Application for Federal Assistance (SF-424)
2. Budget Information Non-Construction Programs (SF-424A)
3. Assurances - Non-Construction Programs (SF-424B)
4. Pre-Award Compliance Review Report for All Applicants and Recipients Requesting Federal Financial Assistance (EPA 4700-4)
5. Key Contacts Form (EPA Form 5700-54)
6. Certification Regarding Lobbying (EPA Form 6600-06)
7. Copy of current Indirect Cost Rate Agreement
8. Workplan Narrative and Table with associated costs
9. Budget Narrative/Justification and Table separated by base and variable funding per year.

TRIBAL ALLOCATION REVIEW WORKSHEET

Individual Performance Evaluation

Region 6 documents factors of individual tribal performance in a worksheet. There is no scoring, competition, or comparison between tribes. Region 6 uses the worksheet activities and elements as a basis for evaluating each tribe's individual performance. Please see Appendix B for performance worksheet activities and elements.

REFERENCES

- **Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for Fiscal Years 2023 and beyond**, referred to as “The Clean Water Act Section 106 Tribal Guidance.” <https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance>.

If you have any questions, please contact your respective Project Officer:

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Appendix A: Tribal Monitoring Program Data

- Tribal data to be substituted for *examples in red* – delete examples and populate with tribal data. Add or delete rows and/or parameters as necessary. You are not expected to be sampling for everything found in the table below – these are just examples.
- Use the table for your workplan to quickly convey the work you will be performing.
- Use the table in the QAPP to indicate where and what you will be sampling.
- Use the table in your TAR (with updated frequency numbers) to indicate your level of effort, where and what you sampled.

Table 1. Projected Sampling Locations, Parameters and Frequency, 10/01/2022 – 9/30/2023

Parameters to be Monitored	Sampling Sites and Frequency of Monitoring						
	Clear Creek at Farm to Market (FM) Road 458	Soggy Bottom Creek at County Road (CR) 39	Kiamichi River at Old Bridge Crossing	Denton Creek at Interstate 35 Bridge	Long Lake at Dam	Long Lake at Muscadine Marina Pier	Red River 0.4 km from intersection of CR 25 and CR 82
Temperature	12	12	12	12	12	12	12
pH	12	12	12	12	12	12	12
Specific Conductance	12	12	12	12	12	12	12
Dissolved Oxygen (D.O.)	12	12	12	12	12	12	12
Turbidity	12	12	12	12	12	12	12
Total Nitrogen	6	6	6	6	6	6	6

Total Phosphorus	6	6	6	6	6	6	6
<i>E. coli</i>	12	12	12	12	12	12	12
Lead in water	4	4		4			
Copper in water	4	4		4			
Hardness	4	4		4			
Atrazine					4	4	
Benthic Macroinvertebrates	1	1		1			
Habitat Assessment	1	1		1			
Latitude / Longitude	32.4542 / 92.6241	31.6475 / 93.8249	30.5874 / 91.8542	33.5874 / 92.58743	31.8532 / 91.8542	33.9852 / 91.6587	35.9852 / 89.6328

Additional Table for Workplan:

Examples in red are for illustrative purposes only and do not reflect researched pricing.

Planned Equipment Purchases	Equipment Name	Cost
	<i>YSI multiprobe sonde</i>	<i>\$8,200</i>
	<i>IDEXX incubator (E. coli)</i>	<i>\$1,200</i>
Contractual Laboratory Expenses	Parameter	Cost
	<i>Total Phosphorus</i>	<i>\$55</i>
	<i>E. coli</i>	<i>\$45</i>
	<i>Benthic Macroinvertebrate Identification</i>	<i>\$450</i>

Appendix B: Tribal Allocation Review Worksheet

**EPA Region 6 Tribal Allocation Review Worksheet
for 106 Grant Applications**

Applicant Name: _____

Requested CWA Section 106 Funding Amount: _____ Project Officer: _____

Date of Review: _____

WORK PLAN ACTIVITIES

Element	Included in work plan?	Comments
Water Quality Monitoring – number of parameters monitored		
Frequency of sampling and number of sites sampled		
Assessment of water monitoring data		
Fish Sampling		
Benthic Macroinvertebrate Sampling		
Active water quality standards program, including 401 certification		
Participation in the ATTAINS pilot		
At least one outreach event related to surface water quality topics for the tribe per year		
Other work plan activities		

WORK PLAN ELEMENTS

Element	Included in work plan?	Comments
Work plan refers to most recent national tribal 106		
Work plan includes reference to EPA's Strategic Plan*		
Work plan includes environmental outputs and		
Work plan includes commitments, deliverables, and time frames to meet these		
Work plan discusses the roles and responsibilities of EPA and tribal staff in the tribe's program		
Work plan includes a performance evaluation process with EPA to review the tribe's 106 grant performance		

**The correct language from the Strategic Plan is as follows: EPA's Strategic Plan is Goal 5: Ensure Clean and Safe Water for All Communities, Objective 5.2: Protect and Restore Waterbodies and Watersheds."*

CURRENT GRANT PERFORMANCE

Element	Is grantee performing?	Comments
Unliquidated Obligations (ULOs): Tribe draws down funds at least every six months		
Tribe uploads data to WQX		
Tribe submits adequate quarterly progress reports on		
Tribe submits final narrative report addressing all elements of work plan, within 120 days of grant's expiration date.		
Element	Is grantee performing?	Comments

Tribe submits Tribal Assessment Report (TAR) within 120 days of grant's expiration date.		
Tribe maintains current QAPP for water quality monitoring and other sampling as needed.		

Evaluation Summary:

- Tribal individual funding amount requested?
- Does the work plan include high priority program activities?
- Does the work plan include all elements above?
- Does the Tribal have the capacity to meet grant requirements?
- Any Tribe's past performance issues?

PROJECT OFFICER INPUT: I have reviewed this grant application and work plan and recommend approval.

I recommend a funding amount of \$_____.

Project Officer Signature:

Date:

Management Review and Signature:

I concur or non-concur this performance review.

The final offer amount is \$

Nelly Smith Chief, State and Tribal Programs

Date: