

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

Funding Opportunity Title: Fiscal Year (FY) 2024 Clean Water Act Section 319 Tribal Nonpoint Source Pollution Control Program Cooperative Agreements

Announcement Type: Funding Opportunity

Funding Opportunity Number: EPA-CEP-01

Catalog of Federal Domestic Assistance Number: 66.460

Deadlines:

- A full grant application, workplan and budget must be received by electronic submission through Grants.gov by 11:59 pm CST on April 26, 2024.
- First-time applicants must have been approved for Treatment in the Same Manner as a State (TAS) for Clean Water Act Section 319 by October 11, 2023.

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 319 Tribal Nonpoint Source (NPS) Pollution Control Program. Funding is available to tribes having Treatment in the Same Manner as a State (TAS) eligibility. The NPS Program assists federally-recognized Indian tribes in achieving environmental results by developing institutional capacity to administer NPS programs and to protect, improve and enhance natural resources.

This funding opportunity is for tribal base CWA Section 319 funds. At a minimum, the amount offered to Region 6 tribes will be \$45,000 for tribes with TAS for the CWA Section 319 NPS program.

GRANT REQUIREMENTS

I. Eligibility and TAS

To be eligible for CWA Section 319 grants under this funding opportunity, tribes must have received TAS eligibility for the CWA Section 319 program by October 11, 2023.

II. Cost Sharing/Match Requirements

a. Cost Sharing/Match Information

CWA Section 319 requires a non-federal cost share/match of 40 percent of the total project cost, and the cost share/match must be provided from non-federal sources. To receive an award, applicants must demonstrate how they will meet the applicable match requirements by the time of award. The cost share/match requirement can be satisfied by any of the following: (1) allowable costs incurred by the grantee, sub-grantee or a cost-type contractor, including those allowable costs borne by non-federal grants; (2) cash donations from non-federal third-parties; or (3) the value of third-party in-kind contributions. Examples of match calculations are provided in Table 1 below. Please identify match by use of the terms “cost share” or “tribal match.”

The following table demonstrates cost share/match rates of 40% and 10% on CWA Section 319 requests of \$45,000 (base funding). If applicants have additional questions regarding cost share/match calculations, please contact your Project Officer.

There is no match requirement for CWA Section 319 NPS grants assigned to the Performance Partnership Grant (PPG).

The federal amount illustrated in the table is just an example and not the confirmed actual amount to be offered to tribes.

Table 1. Example Match Calculation

Federal Amount	Federal Share	Tribal Share	Tribal Match	Total Amount
\$45,000	60%	40%	\$30,000	\$75,000
\$45,000	90%	10%	\$5,000	\$50,000

Example Calculation:

If you know the total federal funds requested (i.e., \$45,000 for this funding opportunity):

- (1) Divide the total federal funds requested by the maximum federal share allowed.
- (2) Subtract the federal funds requested from the amount derived in step 1.
- (3) The amount derived from step 2 is the non-federal cost share/match.

For Example:

- (1) If the federal funds requested = \$45,000; and the recipient cost share/match is 40%, then the federal share =60% or .60. $\$45,000 \div .60 = \$75,000$ (total project cost) then,
- (2) $\$75,000 - \$45,000 = \$30,000$
- (3) The non-federal cost share/match = \$30,000

b. Request for Hardship Waiver to Reduce Required Match

EPA regulations allow the Agency to decrease the cost share/match requirement from 40 percent to as low as 10 percent if the applicant can demonstrate in writing to the satisfaction of the Regional Administrator that fiscal circumstances within the tribe or within each tribe that is a member of the intertribal consortium are constrained to such an extent that fulfilling the cost share/match requirement would impose undue hardship (see 40 CFR 35.635). Where the stated purpose is to decrease the cost share/match requirement based upon undue hardship, the applicant may prepare a budget and application based upon the assumption that the EPA will approve the reduced cost share/match under 40 CFR 35.635. If the applicant does not demonstrate undue hardship, the applicant must then meet the 40 percent cost share/match requirement.

III. Funding Restrictions

a. Administrative Costs

Pursuant to CWA Section 319(h)(12), administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the grant shall not exceed 10 percent of the grant award (federal share and tribal cost share or match). The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects and technology transfer are not subject to this limitation. For example, staff time implementing a stream restoration project is exempt from the 10 percent cap on administrative costs. Developing a watershed-based plan is also exempt from the 10 percent cap on administrative costs.

Please note that a tribe's indirect cost rate set by Department of Interior is independent of the 10 percent administrative costs mentioned in CWA Section 319(h)(12). If a tribe chooses to include indirect costs in its budget, the indirect cost rate set by the Department of Interior would be the rate that the tribe would start with. However, some of the costs that are covered in the indirect cost rate may be administrative and subject to the 10 percent administrative cap. If they are subject to the administrative cap and are more than 10 percent, the tribe would need to limit the indirect costs included in the budget. The 10 percent administrative cap is intended to limit overall funds for any administrative costs whether they are direct or indirect costs.

b. Water Quality Monitoring

In general, CWA Section 319 funding should not be used for general assessment activities (e.g., monitoring the general status of reservation waters, which may be supported with CWA Section 106 funding). CWA Section 319 funding may not be used to fund any activities required by a National Pollutant Discharge Elimination System permit. This includes monitoring and other activities associated with the storm water permitting program. However, tribes may use CWA Section 319 funding to support NPS project-specific water quality monitoring (i.e., baseline monitoring and post-Best Management Practices (BMP) implementation monitoring), data management, data analysis and the development of watershed-based plans. CWA Section 319 does not, by statute, provide

access for tribes to sample lands or waters not within their jurisdiction. If monitoring is to occur off tribal lands in waterbodies that affect the waters of the reservation, approval must be obtained from the land owner(s) prior to applying for funding.

IV. 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 during the grant project period. 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.

APPLICATION ELEMENTS

1. 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.
- 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.

2. 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 costs in detail and with itemized lists so that EPA can determine the reasonableness and allowability of costs for each workplan component/task including the use of the cost share/match funds.

- c. Total costs must include both federal and cost-share/matching (non-federal) components.
- d. 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. Please use the SF-424A to show the projected spending rate.

REQUIRED FORMS

Please submit the CWA Section 319 grant application package at <http://www.grants.gov>. All forms are located on the website. 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

REFERENCES

Handbook for Developing and Managing Tribal Nonpoint Source Programs,
https://www.epa.gov/sites/production/files/2015-09/documents/2010_02_19_nps_tribal_pdf_tribal_handbook2010.pdf

EQUITY AND ENVIRONMENTAL JUSTICE IN THE NONPOINT SOURCE PROGRAM

The national nonpoint source (NPS) program recognizes the importance of environmental justice (EJ) and is exploring how the program may expand investments for pollution reduction projects that ensure fair and equitable access to improved water quality. The program is making strides to understand how:

- past benefits have been distributed across the landscape,
- to address challenges that disadvantaged communities (DACs) are facing in the Clean Water Act (CWA) Section (§)319 grant process, and
- to bring historically silenced voices to the conversation about water quality benefits.

The CWA §319 program is considered a covered program by the [Justice40 Initiative](#) that was introduced with Executive Order (EO) 14008. These efforts rely on the language and terminology therein. Interim guidance from the Office of Management and Budget can be found [here](#). Additional information on Equity and Environmental Justice in the Nonpoint Source Program can be accessed via <https://www.epa.gov/nps/equity-resources>.

- [Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program \(pdf\)](#), September 2022
 - Highlights efforts and actions taken to address identified barriers and outline upcoming program changes.
- [Achieving Greater Equity in the Nonpoint Source Program Through FY23 Section 319 Grant Allocations \(pdf\)](#), March 2023
 - Outlines EPA's allocation plan for the FY23 CWA §319 appropriation which supports increases to the Tribal CWA §319 base grants via a revised allocation formula developed based on Tribal engagement.

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