

## Questions and Answers

### **FY2014 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319**

The RFP for competitive Section 319 grants in FY 2014 states that: “Questions about this RFP must be submitted in writing via e-mail and must be received by the EPA Regional Contact identified in Section VII by December 9, 2013. Written responses will be posted on EPA’s website at: <http://www.epa.gov/nps/tribal>.”

The following questions and answers are in response to the above RFP.

#### **QUESTION 1**

Is there a page limit for competitive section 319 grant proposals?

#### **ANSWER**

Yes, there is a page limit on proposals, as described in Section IV.B.II:

*The proposal work plan must be limited to no more than twelve (12) typewritten single spaced 8.5 X 11 inch pages (a page is one side of paper) (except for documents specifically excluded from the page limit as noted below). Pages should be consecutively numbered for ease of reading. It is recommended that applicants use standard 12-point type with 1-inch margins. While these guidelines establish the minimum type size recommended, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the proposal work plan. Additional pages beyond the 12 page limit will not be considered. Hard copy submissions may be submitted double-sided. The proposal work plan will be reviewed up to the equivalent of the 12 page single-spaced page limit; excess pages will not be reviewed. **Supporting materials** (such as letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of project location) are not included within the page limit for the proposal work plan. The review committee will only review the material you provide with the application and not material referenced in the proposal or in a weblink.*

#### **QUESTION 2**

In Section IV of the RFP, Application and Submission Information, B. Content of Proposal Package Submission, II. Proposal Workplan, viii. Detailed Budget, item c. states:

*“Administrative costs in the forms of salaries, overhead, and indirect costs for services provided and charged against activities and programs carried out with the assistance agreement shall not exceed 10 percent of the federal portion of the grant award.”*

Does this mean that the sole cost (or combination thereof) of proposal wages and indirect on a \$100,000 funding request could not exceed \$10,000 in federal funds (10%)? And if so, is this requirement a new requirement?

## **ANSWER**

This language in the RFP is not a new requirement, and is pursuant to CWA section 319(h)(12). Staff time working on the 319 project is exempt from the 10% administrative cap, as the RFP states: "*The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation.*"

The indirect cost rate set by the Department of Interior applies to indirect costs of your proposal. Some indirect costs may not be considered administrative, though. The 10% is to limit overall funds for administrative costs, which may include direct or indirect costs. The 10% administrative cost cap applies to the federal share and the tribal cost share. Note that costs that exceed the 10% administrative cap may be paid by sources other than the federal funds and required tribal cost share. The DOI indirect cost rate is separate from the administrative cap. The 10% administrative cap does not expressly impact the indirect cost rate but it could impact the indirect costs that may be paid with federal funds or required cost share funds. Some of the costs in the indirect cost rate are going to be subject to the administrative cap. Any administrative cost, whether it is indirect or direct, will count toward the administrative cap. And, any administrative cost that exceeds the 10% limit may not be funded with federal funds or the required tribal cost share.

The \$100,000 federal share does include indirect costs.

The indirect cost rate should be applied to indirect costs. An example of an indirect cost would be, for example, the portion of a secretary's salary when she deals with several programs, whereas a PI who works only on a particular grant would be a direct cost. Administrative costs can be direct or indirect. The statute, above, describes which administrative costs (whether direct or indirect) may be charged against the grant.

## **QUESTION 3**

What is the anticipated start date for the award?

## **ANSWER**

The start date will be negotiated between the applicant and EPA Region as part of the final grant award package. Historically funds have been made available by late spring/early summer; however, given the nature of the federal budget cycle, we cannot commit to an exact date of when the tribal 319 competitive grant awards will be made.

## **QUESTION 4**

Can EPA provide a template or examples of good nonpoint source competitive grant proposals?

## **ANSWER**

Applicants can refer to the September 13, 2011 webcast entitled, "Funding and Implementing your CWA 319 Program: Base and Competitive Funding and Developing Work Plans," for information and tips on how to develop a competitive grant work plan

(<http://water.epa.gov/polwaste/nps/tribal/webinar11.cfm>). Applicants can also participate in one of two national Information Sessions regarding this RFP, to be held on November 20<sup>th</sup> and November 26<sup>th</sup>. Registration information is available here: <http://water.epa.gov/polwaste/nps/tribal/funding14.cfm>

#### **QUESTION 5**

We have a letter from our EPA Region office stating that our Performance Partnership Grant (PPG) cost share for CWA section 106 and 319 grants is approved at 0%, due to hardship. Does the 0% apply to the CWA section 319 competitive grant?

#### **ANSWER**

Yes, you may submit a proposal with 0% match. Make it clear in your proposal budget that you intend to wrap the project into a PPG and that the Region has determined that your PPG cost share is 0% due to hardship.

#### **QUESTION 6**

I had a question about eligible projects, if there's tribal trust property on the river and we wanted to do a project on a tributary upstream, how would that work? We do own land off the tributary but it's not in trust.

#### **ANSWER**

Yes. You can use tribal 319 funding upstream of your tribal trust lands either on any property, owned by the tribe or not if the nonpoint issues that you are addressing there affect waters of the reservation and the issues that you are addressing are described in your assessment report and management program.

#### **QUESTION 7**

Is this grant a nationwide competitive grant or only in our Region?

#### **ANSWER**

The 319 grant competition is a national competition. We generally get about 50 proposals and we anticipate funding about 25 projects this year.

#### **QUESTION 8**

What is the maximum amount for proposals?

#### **ANSWER**

This year the maximum federal amount request is \$100,000. The maximum amount of the overall proposal costs depends upon the tribal match. The tribal match is 40%, but may be lowered to 10% (financial hardship), or 5% (when placed in a PPG). See page 8 of the RFP for a detailed discussion on the cost sharing or match requirements.

**QUESTION 9**

Where in the RFP is there further discussion of the required match?

**ANSWER**

The cost sharing or match requirements can be found beginning on page 8 of the RFP.

**QUESTION 10**

Can we provide links that are on our tribal website to meet the page criteria?

**ANSWER**

The reviewers will only review the material within the proposal itself. Providing web links to additional information is discouraged.

**QUESTION 11**

Can a tribe receive multiple CWA section 319 Competitive grants? If a Tribe currently has a CWA section 319 Competitive grant, can the Tribe apply for a new one this year?

**ANSWER**

Yes, eligible tribes can apply for a CWA section 319 grant each fiscal year.

**QUESTION 12**

Can you submit more than one grant application per year?

**ANSWER**

This is an annual RFP where eligible applicants may submit no more than one application per fiscal year. Individual tribes and intertribal consortium are eligible to apply, see page 7 of the RFP for more information regarding eligible applicants.

**QUESTION 13**

Can NPS funds be utilized for wildlife habitat restoration?

**ANSWER**

Many water quality protection and/or restoration projects have secondary benefits of improving wildlife habitat. Any proposed on-the-ground projects in a submitted work plan should demonstrate a link to water quality protection or improvement.

**QUESTION 14**

Is it preferable to include information on timing/milestones of project activities, FTE and costs in the work plan or have them as separate items? Which way do reviewers prefer to view the work plan?

**ANSWER**

There is no required template for the work plan narrative or supporting materials, however it is recommended that the work plan confirm to the outlined information in Section IV.B.II. Also remember the proposal work plan is limited to no more than 12 typewritten single spaced 8.5 X 11 inch pages – see page 14 of RFP for more information about the page limit.

**QUESTION 15**

Are wetlands competitive grants considered NPS grants, or can you apply for an NPS competitive grant and wetland grant?

**ANSWER**

The Wetland Program Development Grants (WPDGs) are separate from the tribal NPS grants. Wetland protection and restoration are eligible for NPS funding.

**QUESTION 16**

We already include 319 base funds in our PPG, are the competitive tribal Non-Point Source funds treated as a separate pool from the PPG? Will separate reports be completed?

**ANSWER**

It is the discretion of an applicant to determine whether or not to include a competitive tribal NPS 319 grant in an approved PPG. If a proposed PPG work plan differs significantly from the NPS section 319 work plan approved for funding under this RFP, the Regional Administrator must consult with the National Program Manager (see 40 CFR 35.535). The purpose of this consultation is to ensure that a project which is competitively awarded is implemented properly once commingled with other grant programs in a PPG. Section III.B (Page 9) of the RFP has more information about preparing a budget and work plan to include in a PPG. If an applicant's competitive tribal NPS grant is selected for an award, the EPA Regional Coordinator will provide the applicant with information on reporting requirements.

**QUESTION 17**

The PPG has designated staff to work on that 319 project, can we designate additional staff to complete the administrative duties of the NPS 319 project or will these duties be absorbed by the PPG 319 staff?

**ANSWER**

It is the discretion of an applicant as to whether or not some portion of staff time is covered under the competitive grant work plan, or under the PPG. An applicant should include proposed staff time in its budget for the competitive 319 proposal -- refer to Section IV.B.II.viii for more information.

**QUESTION 18**

Will you confirm that BIA Roads funds are an allowable resource for the match?

**ANSWER**

Federal funds are typically not allowed to be used as match towards federal grants. However, some BIA funds can be treated as non-federal funds and can be used as match.

Section III.B. of the RFP states: *“Applicants should be aware that certain funds originating from the Bureau of Indian Affairs (specifically, funds provided under funding agreements, contracts, or grant agreements entered into pursuant to 25 USC Chapter 15, Subchapter II) may be used as match for CWA section 319 funds. Pursuant to 25 USC 458cc(j), these funds are treated as non-federal funds for purposes of meeting match requirements.”*

**QUESTION 19**

Regarding the project completion, do we submit a QAPP or is there a more detailed EPA technical review plan that must be followed before the finished work is approved?

**ANSWER**

Pages 18 and 31 of the RFP have information on how to address Quality Assurance/Quality Control requirements for a competitive grant proposal.

**QUESTION 20**

Once the work is approved, what is the estimated time frame for funds to be authorized for release to the contactors?

**ANSWER**

It is anticipated that competitive tribal 319 NPS grant funds will be awarded to successful applicants in early to mid summer 2014. A successful applicant may begin its project in accordance with the proposal work plan once the applicant receives the award notice signed by the EPA Award Official. The timing of funds released to contractors identified within the proposal work plan is dependent upon the applicant's financial practices.

**QUESTION 21**

Can a tribe submit more than one proposal (for different projects) for the same RFP? Does it matter if they are in the same/different program within the tribe? If a tribe can submit more than one proposal per RFP, can the EPA fund both projects (providing they score high enough)?

**ANSWER**

This is an annual RFP where eligible applicants may submit no more than one application per fiscal year. Individual tribes and intertribal consortium are eligible to apply, see page 7 of the RFP for more information regarding eligible applicants.

## **QUESTION 22**

In trying to replace undersized culverts, we often need hydraulic modeling, analysis and design to be conducted in order to ensure the new culvert is the appropriate size for a given creek's hydrology. Can I write for analyses and design to be done by an outside (contracted) engineering firm to replace undersized culverts, and/or to determine if a culvert is undersized?

## **ANSWER**

Many applicants utilize contractors for additional technical assistance on nonpoint source projects – it is an allowable and eligible cost. Note that the RFP requests that applicants include implementation of on-the-ground projects in their proposed work plan, not just assessment type work.

Section I.A. states (page 4): *“The funding available through this RFP is focused on proposed work plans that describe actual on-the-ground implementation of watershed projects, as opposed to non-structural activities or assessment type work (e.g., monitoring). Although some assessment work is often performed before best management practices (BMPs) or environmental ordinances are established or implemented (e.g., to gather baseline monitoring data and post-BMP implementation monitoring), the ranking criteria in Section V of this RFP have been designed to evaluate an applicant’s proposed work plan based on on-the-ground implementation projects. Therefore, if a proposal includes non-structural activities, the applicant should include on-the-ground activities as part of the proposal.”*

## **QUESTION 23**

Would a septic tank needs assessment stand as good a chance of being funded if you are not yet planning to remove/refurbish/clean out the septic tanks (because you don’t yet have a good estimate of the needs)? Would it be advisable to include the removal or rehabilitation of septic tanks as a task if the exact needs have not yet been fully assessed (but should be in the first part of the project)?

## **ANSWER**

In accordance with Section VII of the RFP, EPA cannot provide advice to applicants on how to respond to ranking criteria. Our response relates solely to eligibility rather than the merits of the proposal from a ranking standpoint. Section 319 funds may be used to conduct inventories of the septic systems and to educate the community about proper septic system maintenance. Septic rehabilitation is eligible for funding and can include the repair or replacement of septic systems which *have been identified as failing and contributing to water pollution*. However, ongoing maintenance of existing systems that are *not* malfunctioning is *not* eligible for Section 319 dollars.

Remember that the competitive funds are encouraged to be used for on-the-ground projects. As page 4 of the RFP states, *“Although some assessment work is often performed before best management practices (BMPs) or environmental ordinances are established or implemented (e.g., to gather baseline monitoring data and post-BMP implementation monitoring), the ranking criteria in Section V of this RFP have been designed to evaluate an applicant’s proposed work plan based on on-the-ground implementation projects. Therefore, if a proposal includes non-*

*structural activities, the applicant should include on-the-ground activities as part of the proposal.”*

**QUESTION 24**

What are the chances for funding overall this year?

**ANSWER**

We generally get about 50 proposals and we anticipate funding about 25 projects this year.

**QUESTION 25**

Is it advisable to have more than one “project” in the proposal?

**ANSWER**

It is the discretion of an applicant as to how many projects are included in the proposed work plan. The number of projects is not included as a ranking criterion.

**QUESTION 26**

Do the projects in your competitive proposal have to be in your NPS Management Plan?

**ANSWER**

Per Section IV.B.II of the RFP, *“All work plans must be consistent with the tribe’s EPA-approved NPS management program and conform to legal requirements that are applicable to all environmental program grants awarded to tribes (see 40 CFR 35.507 and 35.515) as well as the legal requirements that specifically apply to NPS management grants (see 40 CFR 35.638).”*

**QUESTION 27**

Does having an EPA-reviewed Watershed-Based Plan improve the chances of your proposal being selected?

**ANSWER**

Having an EPA-reviewed Watershed-Based Plan does not influence a proposal’s score. Section V.A.e (excerpted below) states that an applicant would need to have an EPA reviewed and approved watershed-based plan in order to apply and be evaluated under a subset of the 4 project types.

*V.A.e. The extent and quality to which the proposal fits into the watershed context and how it addresses one of the following four factors. (10 points maximum.)*

*Whether your proposal includes on-the-ground and non-structural activities or only on-the-ground activities, your project will be evaluated based on how it fits into a watershed context, such as its location, timing, sequencing, past watershed planning efforts, or other factors. In addition, you must identify which of the four project types below applies to the proposal and describe how the project meets the specific evaluation factor below for that type of project. The watershed based plan referred to below is an EPA-reviewed plan that includes the 9 elements as described in Appendix A. Only plans that have been submitted to EPA for 9 element review, and have a letter stating that the plan*



*meets the 9 elements, will be considered a watershed-based plan under project types below. If there is not a reviewed watershed based plan, then the project proposed implements a watershed project as described in criterion e.ii or e.iv.*

### **QUESTION 28**

Would a project that is a continuation of previous projects (e.g., continuing planting of native species in a riparian area to improve water temperature and benthic habitat) have as good a chance of succeeding as “new” projects?

### **ANSWER**

In accordance with Section VII of the RFP, EPA cannot provide advice to applicants on how to respond to ranking criteria. If the proposed project is part of ongoing efforts, an applicant should indicate this in the work plan narrative. Ranking criterion *e* relates to the extent and quality to which the proposal fits into the watershed context and how it addresses one of four factors. From Section V.A. of the RFP, “*Whether your proposal includes on-the-ground and non-structural activities or only on-the-ground activities, your project will be evaluated based on how it fits into a watershed context, such as its location, timing, sequencing, past watershed planning efforts, or other factors.*”

### **QUESTION 29**

Can we use federal funds as a match? I have been speaking to USFWS and am curious to know if we can use them as an administrative match for the CWA 319 Competitive Grant. Also, could we use 638 funds as an administrative match?

### **ANSWER**

Federal funds are typically not allowed to be used as match towards federal grants – the USFWS cannot be used as match. However, some BIA funds can be treated as non-federal funds and can be used as match.

Section III.B. of the RFP states: “*Applicants should be aware that certain funds originating from the Bureau of Indian Affairs (specifically, funds provided under funding agreements, contracts, or grant agreements entered into pursuant to 25 USC Chapter 15, Subchapter II) may be used as match for CWA section 319 funds. Pursuant to 25 USC 458cc(j), these funds are treated as non-federal funds for purposes of meeting match requirements.*”

### **QUESTION 30**

We are considering applying for funds to help address a problematic road-stream crossing identified in our NPS plan. We are collaborating with our local road commission who is improving other aspects of the road as a co-op project through the BIA Roads program. We would apply the EPA Tribal 319 funds to installing an appropriately sized culvert and modifying how stormwater is handled at the site. What are EPA's requirements for acceptance of installed work? Would EPA need to see compaction test results, material tickets, or material certifications, and if so what would be the turn-around time to gain acceptance of work?

**ANSWER**

The issues you have identified would be worked out in the workplan negotiations. Generally the NPS program looks to have culverts done to NRCS specs. The material tickets or material certifications would be maintained in their grant files and be subject to audit.

**QUESTION 31**

Are the PowerPoint slides from the two Q and A webinars available online?

**ANSWER**

Yes, the PowerPoint slides from the November 20<sup>th</sup> and 26<sup>th</sup> webinars are posted on the Information Related to FY2014 Section 319 Funding page:  
<http://water.epa.gov/polwaste/nps/tribal/funding14.cfm>

**QUESTION 32**

Can BIA Road Funds be used as matching funds against the EPA funding?

**ANSWER**

Federal funds are typically not allowed to be used as match towards federal grants – the USFWS cannot be used as match. However, some BIA funds can be treated as non-federal funds and can be used as match.

Section III.B. of the RFP states: *“Applicants should be aware that certain funds originating from the Bureau of Indian Affairs (specifically, funds provided under funding agreements, contracts, or grant agreements entered into pursuant to 25 USC Chapter 15, Subchapter II) may be used as match for CWA section 319 funds. Pursuant to 25 USC 458cc(j), these funds are treated as non-federal funds for purposes of meeting match requirements.”*

**QUESTION 33**

Is there a difference between base and competitive grant funding? Are there projects that cannot be funded through the NPS base funding that can be funded through competitive funding?

**ANSWER**

In general, CWA Section 319 funding supports a wide range of activities. Typically base grant funds go towards staff salary and program administration. Per Section I.A. of the RFP, “the funding available through this RFP is focused on proposed work plans that describe actual on-the-ground implementation of watershed projects, as opposed to non-structural activities or assessment type work (e.g. monitoring).”

**QUESTION 34**

Last year we had a debriefing of our 2013 tribal NPS competitive grant proposal. Can we get a copy of the debriefing?

## **ANSWER**

Unfortunately, we do not provide hard copies of the debriefing materials to grant applicants.

## **QUESTION 35**

We will be submitting a proposal that focuses on sediment dynamics in the River. Numerous reaches of the river are Category 5 listed on the 303(d) list for fine sediment. Baseline monitoring data are scant at most and little attempt has been made to determine the sources of such sediment. We believe it is important to establish an adequate baseline for suspended sediment and turbidity in order to 1) evaluate the effectiveness of our road removal program, and 2) evaluate the change in sediment dynamics (load and yield) that may occur due to glacier ablation with continued climate change. Are these two reasons strong enough for our proposed project to be awarded grant funding under and/or consistent with this grant funding announcement (EPA-OW-OWOW-14-01)?

## **ANSWER**

In accordance with Section VII of the RFP, EPA cannot provide advice to applicants on how to respond to ranking criteria. Our response relates solely to eligibility rather than the merits of the proposal from a ranking standpoint.

Below is the information from pages 4 and 5 of RFP that speaks to the types of proposals emphasized by this RFP...

“The funding available through this RFP is focused on proposed work plans that describe actual on-the-ground implementation of watershed projects, as opposed to non-structural activities or assessment type work (e.g., monitoring). Although some assessment work is often performed before best management practices (BMPs) or environmental ordinances are established or implemented (e.g., to gather baseline monitoring data and post-BMP implementation monitoring), the evaluation factors in Section V of this RFP have been designed to evaluate an applicant’s proposed work plan based on on-the-ground implementation projects. Therefore, if a proposal includes non-structural activities, the applicant should include on-the-ground activities as part of the proposal. Examples of eligible activities to be funded under this RFP include, but are not limited to the following:

On-the-ground eligible activities:

- o Road stabilization/removal;
- o Riparian planting;
- o Stream channel reconstruction;
- o Low impact development projects/storm water management;
- o Livestock exclusion fencing;
- o Springs protection;
- o Septic system rehabilitation

Non-structural eligible activities:

- o NPS ordinance development;
- o Project monitoring (e.g., baseline monitoring and post-BMP implementation monitoring);

- o Development of a watershed-based plan;
- o Training which assists the applicant in developing NPS implementation projects;
- o Staff time and materials towards implementing projects; and
- o NPS education and outreach relevant to successful implementation of NPS projects.”

**QUESTION 36**

I see that the 319 competitive RFP allows for activities downstream of the reservation. Previously, activities upstream of the reservation were allowable with demonstration of impacts of the project on the tribal land and waters. The same language is in the current RFP for downstream projects. This seems like an error, simply due to the nature of water’s natural flow direction. Can you verify?

**ANSWER**

You are correct that activities upstream of the reservation can be eligible for funding, as described in Section III.C of the RFP. In recent discussion with our grants attorney, we have determined that there may be some instances where projects downstream of reservation boundaries can also be eligible for funding. An example of a downstream project could be an actively headcutting stream that may be encroaching upon tribal waters.