

## Questions and Answers

### **FY2015 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 2015 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 10, 2014. 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**

Can EPA provide an example of successful 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>).

#### **QUESTION 2**

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 3**

In Section D. Threshold Evaluation, Part 1 it states: “an individual tribe...may not submit more than one proposal under this RFP. I was wondering if it is possible to include 2 different project sites into a workplan, or should the workplan be for only one project site?”

#### **ANSWER**

EPA accepts one workplan per applicant. Your workplan can have several tasks within it -- you're not limited to just one task within the workplan. For example, many applicants have tasks that cover project administration, on-the-ground projects, outreach and education to tribal members, etc. All of those tasks are part of a single workplan.

#### **QUESTION 4**

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 5**

Is it required that we follow standard GAP table format for our competitive grant proposal?

#### **ANSWER**

No, for the competitive proposal please submit your proposal in narrative form.

#### **QUESTION 6**

It appears the RFP calls for narrative description of the work plan elements as opposed to simply producing the work plan in a table format such is used. Is this an accurate interpretation?

#### **ANSWER**

Yes this is an accurate interpretation. Page 16 of the RFP discusses the format of application materials.

#### **QUESTION 7**

Other than a reference to an anticipated notification date of April 2015 and a minimum 90 day period from notification to authorization to proceed, I could not find any reference in the RFP to the time period allowed for a project funded under this program. Based on this information, it appears that it wouldn't be prudent to start the project before Aug 1, and I assume it would need to be completed by July 30 of the following year. Are those correct assumptions?

#### **ANSWER**

The schedule of your workplan depends on many factors. CWA section 319 grants typically range from 1 to 2 years, up to a five year maximum. The grant start date depends upon whether or not the grant will be added to a Performance Partnership Grant or if it will be a standalone categorical grant, among other factors. Contact your EPA Regional NPS Tribal Coordinator for more information on the timing of awards in your Region.

### **QUESTION 8**

We have an NRCS EQIP contract to assist with full implementation of a project (fencing of wetlands, and well development on the land assignment holder's property to ensure his cattle have access to water and stay off the river), and I was wondering if it is allowable to write into the FY2015 CWA319 Competitive proposal supplemental monies to assist with fulfilling the EQIP contract? The monies would not be used as a match.

### **ANSWER**

The proposed project activities: "fencing of wetlands, and well development on the land assignment holder's property to ensure his cattle have access to water and stay off the river" are eligible for grant funding. But keep in mind that any proposed activities must already be identified as a project within the Tribe's NPS Assessment Report and Management Plan.

### **QUESTION 9**

I was wondering if we needed to make a request that any awarded 319 competitive funding be added to our existing PPG? Obviously this would change our match requirement for the project budget. I just want to make sure we capture this correctly in our application packet.

### **ANSWER**

Yes, as stated on page 10 of the RFP, you will need to indicate that if funded your proposal will be part of a PPG and create your budget based on the match that is required in your PPG.

### **QUESTION 10**

Can we buy land that needs restoration?

### **ANSWER**

Land purchases are ineligible under Section 319(h) implementation program funding. However, this limitation does not apply to the acquisition of conservation easements when the original landowner retains title to the property. Purchase of land for conservation easements is allowable. At a minimum the grantee would need to have an analysis showing how this purchase would improve/protect water quality and how it would be kept in easement/protection status over time.

### **QUESTION 11**

Can you elaborate on the NPS regional staff not being allowed to help with the competitive grant process?

### **ANSWER**

EPA NPS regional staff can provide answers on basic application questions, for example, whether or not certain activities are eligible for section 319 funding. EPA staff cannot review draft workplans and provide feedback on draft workplans.

### **QUESTION 12**

Is there an advantage for striving for a higher percentage for the Tribal Match?

### **ANSWER**

No.

### **QUESTION 13**

If a tribe is in the final stage of updating its NPS Assessment and Management Plan, should the Tribe reference the already approved plan or can the Tribe reference the newly updated plan?

### **ANSWER**

Please cite the date of the original NPS Assessment and Management Plan. If your workplan includes components of your updated plan, please make note of that in the narrative portion of your workplan.

### **QUESTION 14**

Can you explain more on the watershed based plans? These are referenced but not a listed requirement? Do we need to have them? Or can NPS projects be done without a watershed plan?

### **ANSWER**

You are not required to have a water-based plan to be eligible for competitive grant funding. Nor will having an EPA-reviewed (or state-approved, depending on the situation) watershed-based plan influence a proposal's score. Please see Section V.A.e (excerpted below) for more detailed information:

*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. Proposals will only be evaluated on one criterion listed below. The watershed based plan referred to below is an EPA-reviewed plan that includes the 9 elements as described in Appendix A. Tribally-authored 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. The watershed plan can be authored by the applicant, or authored by another entity (i.e., watershed organization, non-profit, regional plan commission, etc.). If implementing a watershed-based plan authored by another entity, applicant should clarify that the plan includes the nine elements as defined by EPA, and that the plan has been approved by state staff. If there is not an EPA or state-reviewed watershed based plan, then the project proposed implements a watershed project as described in criterion e.ii or e.iv.*

## **QUESTION 15**

Can you go over administrative costs and salaries?

### **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.

