

Questions and Answers

FY2017 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319

The FY2017 RFP for Competitive Section 319 grants in FY2017 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 January 6, 2017. Written responses will be posted on EPA’s website at: <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>”

QUESTION 1

We have several dispersed groundwater pollution sites in the county, including old unlined landfills, septic waste infiltration sites, trailer parks with failing septic systems, and industrial sites. We would like to determine the fate of pollution from these sites in a county-wide numerical groundwater model. So this is non-point, but it is groundwater pollution. If I write a proposal, it will be to fund USGS in their building of a model. It will only be one phase of the model. We will not be able to make a measureable water quality change in the span of the grant. But this is one of the greatest needs of the Tribe in assessing pollution. Would this be in the realm of this year’s 319 proposals?

ANSWER

As stated in Section I.A. of the FY2017 RFP, “the funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and 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.”

Projects aimed primarily at identifying nonpoint sources of pollution and assessing the extent of the problem in a watershed (i.e., cases where the proposal does not include on-the-ground activities, such as septic system repair) may be supported with Clean Water Action section 106 funding. Please see the [Tribal Grants under Section 106 of the Clean Water Act](#) webpage for more information.

QUESTION 2

What are some examples of quantitative estimates to assess water quality improvement resulting from a 319-funded NPS project?

ANSWER

As described in Section I.B. of the FY2017 RFP, “*All proposals must...include specific statements describing the environmental results of the proposed project in terms of 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.*” Section I.B. also includes examples of both environmental outputs (i.e., quantitative or qualitative deliverables that are measurable during the assistance agreement funding period) and environmental outcomes (i.e., environmental, behavioral, health-related or programmatic results that are quantitative in nature and will result from the proposed work).

Additionally, see Ranking Criterion (d) in Section V.A. for examples of water quality-based goals to be achieved as a result of proposed project.

QUESTION 3

Is improving forest health by fuel reduction an eligible activity under the Competitive 319 grant?

ANSWER

Wildfire can result in significant increases in runoff and erosion, which can negatively impact water quality in the streams, rivers, and lakes within a watershed. Reducing the risk of high-intensity fires may result in lower erosion rates following wildfires. Wildfire management activities may be eligible under the Section 319 grant program. As described in the FY2017 RFP, competitive 319 grant proposals should describe how/what significant water quality benefits will be achieved as a result of the project(s), either through restoring NPS-impaired waters or addressing NPS threats to unimpaired waters. All proposed activities should be consistent with and address a NPS pollution priority articulated in your tribe’s NPS assessment report and NPS management program plan.

Please see EPA’s [National Management Measures to Control Nonpoint Source Pollution from Forestry](#) for more information on fire management activities as they relate to nonpoint source pollution.

QUESTION 4

What are the odds for receiving funds on a previous proposal that was unsuccessful because there was confusion from EPA’s review on one specific part of the proposal? Who do I speak with to clear that confusion if we decide to reuse/modify that proposal?

ANSWER

Eligible proposals are evaluated by EPA’s Watershed Project Review Committee composed of EPA staff. Review committee members evaluate proposals based on the ranking criteria set forth in Section V.A. of the RFP. It is recommended that you identify within your proposal work plan each individual ranking criterion you are addressing. Additionally, your proposal work plan should conform to the outline on page 20 of the RFP. You may submit questions about the FY2017 RFP in writing via e-mail by January 6, 2017. Please note that EPA is unable to provide review or provide specific feedback (e.g., on the quality or competitiveness) on a section 319

grant proposal during the open solicitation of proposals period (in FY2017, this period is 12/1/2016 to 1/25/2017).

Following the selection of FY2017 competitive 319 grant recipients (anticipated mid-May 2017), all tribal applicants will be notified of their proposal status. Unsuccessful applicants may obtain a more detailed briefing regarding the strengths and weaknesses of their application, and the basis for the decision to not select their application for award, by making a request for a debriefing to EPA within 15 calendar days of the receipt of the letter from EPA indicating the tribe's proposal status. Debriefings provide an excellent opportunity for tribal applicants to solicit feedback on their proposal, including areas for improvement.

QUESTION 5

How much emphasis in the proposal can be placed on baseline monitoring? Point is that you can't functionally monitor for effectiveness unless you have a baseline against which to measure effectiveness.

ANSWER

Section II.E. of the RFP states: "*Tribes may use CWA section 319 funding to support nonpoint source project-specific water quality monitoring (i.e., baseline monitoring and post-BMP implementation monitoring).*" While the RFP does not explicitly cap the amount of competitive 319 grant funds that may be used for project-specific monitoring, the funding available through this RFP is primarily targeted to support on-the-ground activities (see RFP page 4 for eligible activities), as opposed to non-structural activities or assessment type work (e.g., monitoring). For this reason, the ranking criteria in Section V of the 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 (e.g., monitoring), the applicant should include on-the-ground activities as part of the proposal.

QUESTION 6

Does EPA require information on every federally funded assistance agreement over the last three years, including with other federal agencies, or just those agreements with EPA?

ANSWER

Part (iii) of ranking criterion (f) (see page 27 of the FY2017 RFP) evaluates the "*extent and quality to which the applicant adequately documented and/or reported on its progress towards achieving the expected results (e.g., outputs and outcomes) under the federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) identified in the proposal performed within the last 3 years, and if such progress was not being made, whether the applicant adequately documented and/or reported why not.*"

As stated in the FY2017 RFP, applicants should include no more than 5 agreements, and preferably EPA agreements.

QUESTION 7

Are there specific thresholds for water quality that need to be achieved through a competitive tribal 319 grant? (e.g., is a water quality goal to support fish health scored differently than a water quality goal to support human use?)

ANSWER

No, EPA does not specify thresholds for water quality that need to be achieved through a competitive tribal 319 grant. As described on page 21 of the FY2017 RFP, proposals should *“Describe how/what significant water quality benefits will be achieved as a result of the project(s), either through restoring NPS-impaired waters or addressing NPS threats to unimpaired waters. The water quality benefits you describe should be linked to your water quality problems.”* These water quality benefits, including, for example, specific designated uses (e.g., aquatic life, human use) to be protected or restored, may vary depending on the proposed project.

As described on page 25 of the FY2017 RFP, each proposal will be evaluated based upon the extent and quality to which it describes how the work plan components will reduce or eliminate the sources of NPS pollution identified in the proposal. The proposal will also be evaluated on how significant water quality benefits will be achieved as a result of the project and how it addresses the water quality problems or threats either through restoring NPS-impaired waters or addressing threats to impaired waters.

QUESTION 8

Can supporting documents be included at the end of the same Word document as the workplan?

ANSWER

Yes, you may include supporting materials in the same Word document as the proposal work plan. Given the 15-page limit for the proposal work plan (not including Supporting Materials), please be sure to clearly indicate where the Supporting Materials section begins.

As stated in Section IV.C.2 of the FY2017 RFP, *“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. Supporting material pages should be numbered. The review committee will only review the material you provide with the application and not material referenced in the proposal work plan or in a weblink. Do not include documents such as watershed-based plans or assessment reports and management program plans.”*

QUESTION 9

Our Tribe is in the second year of implementing a Regional Conservation Partnership Program project under USDA-NRCS. Can competitive 319 funds and the match to competitive 319 funds be used as contribution to the RCPP project?

ANSWER

Please contact a representative from the USDA-NRCS Regional Conservation Partnership Program (RCPP) regarding questions about RCPP. Frequently Asked Questions pertaining to the RCPP, including eligibility of 319 funds to fulfill the RCPP “significant partner contributions”

requirement are posted at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/farmland/rcpp/?cid=stelprdb1254188>

QUESTION 10

Our project involves trapping nuisance beavers from urban and suburban areas and relocating them to the headwaters of the watershed on forest service land. The goal is to utilize the beavers to compound water and create wetlands to improve spawning/rearing habitat for salmon, increase riparian habitat, and to increase summer base flows to address climate change concerns.

These waters are on tradition U&A lands and this project will have direct impact on waters upstream of the tribe's watershed. We believe these created wetlands **in general** will address the subcategories of NPS pollution and are in accordance with the county and forest service watershed-based plans. Specific water quality-based goals for fish can be addressed. We have history and performance under federally funded assistance agreements in the past and can meet the match requirements.

ANSWER

In accordance with Section VII of the FY2017 Request for Proposals (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.

That said, I can share a few thoughts about the eligibility of your proposed project in the FY2017 Competitive 319 grant based on information in the FY2017 RFP. Your proposed project may be eligible for Section 319 grant funding. There is nothing in [EPA's Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes](#) (for Tribal Base 319 grants) or [FY2017 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under CWA Section 319](#) (for Tribal Competitive 319 grants) that deems this activity ineligible for funding. However, please consider the following:

- As stated in the FY2017 RFP Section III.D.3 (page 12), CWA section 319 grants may be awarded to tribes *“only if they fund activities that are related to waters within a reservation and are consistent with the applicant's nonpoint source assessment report and management program.”* The proposed work should address a priority NPS pollution problem, as identified in your NPS program documents.
- You mentioned that the created wetlands will “address the subcategories of NPS pollution and are in accordance with the county and forest service watershed-based plans.” As described in FY2017 RFP Section IV.C.2 (pages 20-24), all proposal work plans must include a description of the subcategories of NPS pollution to be addressed (Section IV.C.2.i); the water quality problem or threat to be addressed caused by the subcategories of NPS pollution (Section IV.C.2.ii); a description of how/what significant water quality benefits will be achieved as a result of the project(s), either through restoring NPS-impaired waters or addressing NPS threats to unimpaired waters (Section IV.C.2.iv); and *“Based on your knowledge of the watershed (or estuarine/coastal ecosystem), describe why this project is the best project to be implemented in the watershed based on its location, timing,*

sequencing, past planning, or other factors” (Section IV.C.2.v). The proposal work plan should include any pertinent information from existing watershed plans as to why the proposed work is critical to addressing a NPS pollution problem in the watershed.

QUESTION 11

Please tell us whether the following project would be eligible under the FY2017 Competitive Section 319 Grant. Our tribe has not developed a 9-element watershed-based plan, but the project is identified in our Nonpoint Source Assessment Report and Nonpoint Source Program Plan.

Our tribe proposes to repair and restore impaired reaches of a creek, protect a lake from sediment loading, and enhance groundwater recharge. The project involves restoration and erosion/sediment control along the creek and lake, including construction of approximately 1,000 feet of diversions to direct runoff away from gullies before discharge to the lake, construction of rock-lined ditches for stable outlet to diversions, construction of drop pipe inlets to the lake, and construction of riprap bank protection, planting, and irrigation. The creek work includes clearing and grubbing woody debris, snags, and other obstructions in the center of the stream channel, transplanting willows from the stream bed to stream banks, repair and rehabilitation of existing grade control structures, engineering hydraulic analysis and design, and construction of approximately six control drop structures. Design work will involve identifying locations and preparing construction details for diversions, stable outlets, and grade control structures. Aquifer recharge will be enhanced through hydraulic contouring of portions of the creek channel and by allowing increased percolation from diversions.

ANSWER

Based on your description, your project (restoration of Manzanita Lake and Tule Creek) is most likely eligible under the Tribal CWA Section 319 grant program. A few considerations regarding project eligibility:

- As stated in Section I.A. of the FY2017 Request for Proposals (RFP), “the funding available through this RFP is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects, as opposed to non-structural activities or assessment type work (e.g., monitoring).” So while you may use 319 funds to assist in the “topographic and hydraulic analysis and engineering design” of your project, keep in mind that EPA’s review is based primarily on the proposed on-the-ground work to occur during the grant period.
- You mentioned that this proposed work is not part of a completed 9-element watershed-based plan, and that’s okay! The work is still eligible. Whether or not a 9-element plan has been developed, we ask that applicants provide watershed context for the proposed work (i.e., “...describe why this project is the best project to be implemented in the watershed based on its location, timing, sequencing, past planning, or other factors” (2017 RFP p.21)). If it exists, much of this information can likely be pulled from a 9-element plan. In either case, proposals are evaluated based on its description of the watershed context.
- As stated in the FY2017 RFP, proposed work should be directed at reducing polluted runoff from subcategories of NPSs identified in the tribe’s NPS assessment report and

consistent with the management program. As part of a proposal, the connection to these programmatic documents should be identified.

QUESTION 12

Page 12 of the FY2017 RFP states that “All proposals must include activities that are related to waters within a reservation or they will be rejected.” Does “*waters within a reservation*” apply to ALL lands held in trust? Or, only formal reservations?

ANSWER

“Reservation waters” includes those waters on trust lands held in trust by the federal government. As stated in Section I-6 of the [Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs Under Section 319 of the Clean Water Act](#), tribal NPS program activities should “*pertain to the management and protection of reservation water resources (which includes water resources of tribal trust lands even if those lands have not been designated formally as reservations).*”

Additionally, as stated in Clean Water Act Section 518(e)(2), waters on trust lands held in trust by a state or private party for an Indian tribe may be considered to be part of “reservation waters” if, for example, these trust lands are within the borders of an Indian reservation.

Tribes should talk to their [EPA Regional Tribal Nonpoint Source Coordinator](#) for more information about eligibility pertaining to “reservation waters.”

QUESTION 13

Are waters on allotted lands classified differently from reservation waters for the purpose of this grant program?

ANSWER

“Reservation waters” may include waters on allotted lands. As stated in Clean Water Act Section 518(e)(2), “*the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation...*”

If the allotted land is held by the Indian tribe and subject to “trust restriction on alienation” (as described above), waters on these lands may be considered part of the tribe’s reservation waters. Or, if the allotted land is held by a non-Indian member but within the borders of an Indian reservation, waters on these lands may be considered part of the tribe’s reservation waters.

Tribes should talk to their [EPA Regional Tribal Nonpoint Source Coordinator](#) for more information about eligibility pertaining to “reservation waters.”