

**FINAL REGION 4
TRIBAL 106
PROJECT TASK
SELECTION AND
FUNDING GUIDELINES**

****Interim Guidelines will be reviewed three years from approval for an evaluation and revisions, if needed.**

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I. INTRODUCTION

The Region 4 Tribal 106 Guidelines for Project Selection and Funding (Guidelines) provides an overview of the National Tribal 106 Program Guidance (National Guidance). The National Guidance details the eligible uses for the funds and describes the selection criterion and process used to approve funding amounts and tasks for federally recognized Tribes located in EPA Region 4. It also articulates and outlines the minimum threshold and ranking criterion for project selection to ensure consistency and transparency across the Regional Tribal 106 Program, and discusses the administrative policies used to manage the program. These Guidelines provide the foundation and justification for R4 Tribal 106 funding allocation and project decisions.

Additional details, requirements, and limitations of the Tribal 106 Program can be found in the National [Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act](#) (EPA-832-R-06-003).

II. PROGRAM OVERVIEW

The [Clean Water Act](#) (CWA) of 1972 was developed to address growing environmental and public health concerns related to water pollution. The CWA focuses on regulating discharge of pollutants and to ensure continuing water quality.

The CWA Sections 106 and 518 gives EPA the authority to award grants directly to tribes. All tribes recognized by the Bureau of Indian Affairs (BIA) under the Indian Tribe List Act of 1994 (108 Stat. 4791) are eligible to apply for Treatment in a similar manner to a State (TAS) to receive grants from the CWA Tribal 106 Program unless they have been deemed ineligible to receive federal funds.

Since 1987, Environmental Protection Agency (EPA) has provided technical assistance and funding under the Section 106 program to assist tribes and intertribal consortia to understand, assess, and preserve water resources on their lands. For Tribes, Section 106 grants are a crucial, dedicated source of funds for developing, maintaining, and expanding water quality programs. These programs are designed to control, prevent, and eliminate water pollution as well as to educate tribal members and the general public.

The National Guidance is intended to assist tribes with the design and implementation of an effective and successful water quality program.

A. Tribal 106 Program Categories – per the National Guidance

1. Fundamental program activities establish the foundation for a successful program to identify water quality goals and objectives for your program.

2. Intermediate program activities build the tribal water quality program and advance it towards its water quality goals and objectives.

3. Mature program activities enable tribes to achieve the goals and objectives of their programs as well as develop new water quality goals and objectives.

B. Various Approaches to Developing a Tribal 106 Program:

1. A *nonregulatory approach* focusing on voluntary programs such as Non-Point Source (NPS) pollution prevention and watershed-based approaches to water quality management. This approach identifies nonregulatory means for protecting and improving water quality.

2. A *tribal law approach* uses tribal standards, ordinances, or codes recognized by a tribal government that can be tribally enforced to protect water quality on Indian reservations.

3. An *EPA-approved approach* follows the CWA approach to protecting water quality. This approach includes development of EPA-approved Water Quality Standards (WQS) and Section 401 certification authority to protect water quality on Indian reservations. Tribal WQS approved by EPA can be used by EPA or tribes with authorized National Pollution Discharge Elimination System (NPDES) programs to achieve water quality protection through limits on point source dischargers.

III. FUNDING MECHANISMS FOR TRIBAL 106 FUNDS

Tribes have the option to receive Tribal 106 funds through a direct grant or a Performance Partnership Grant (PPG). A direct grant includes the Tribal 106 Program funds only, while a PPG contains funding from two or more programs to allow flexibility on using funds for cross-program priorities.

IV. FORMULA-BASED PROGRAM

The **National formula** was adopted in 1998 (Appendix A), and allocates annual funding to the regions to support Tribal 106 programs and projects.

Section 106 of the CWA requires EPA to allocate funds “based on the extent of the pollution problem”. For the Tribal Section 106 grants, funds are allocated to the Regions based on the national criteria below.

- Population on tribal lands;
- Reservation land area; and
- Reservation surface water area.

The Regional funding amounts will be based on the criterion in Appendix B, which factors in population, land area, surface water area, and grant performance.

Population is defined as the service population. Service population is the tribe’s estimate of all American Indians and Alaska Natives who are living on or near the tribe’s reservation (or tribal area) during the 2010 calendar year and who are eligible to receive services funded by Indian Affairs. The service population of a tribe is not the same as the members (or “enrollment”) of the

tribe. For example, members of one federally-recognized tribe, whose tribal area is not nearby, may be living nearby the tribal area of another federally-recognized tribe and they may be eligible to receive services from that nearby tribe. In this case, they will be recognized as belonging to the service population of the nearby tribe. See the *2013 American Indian Population and Labor Force Report* by U.S. Department of Interior, Office of the Secretary Office of Assistant Secretary – Indian Affairs January 16, 2014.

Additional information on population for use under the Tribal 106 Program: The numbers in the model correspond to populations on-reservation and off-reservation trust areas. See separate attachments for the United States Department of Commerce, Economics and Statistics Administration, United States Census Bureau 2010 population documents. Specifically, the Census Table GCT-PH1 “Population, Housing Units, Area, and Density: 2010 - United States -- American Indian Area/Alaska Native Area/Alaska Native Regional Corporation 2010 Census Summary File.

Revision for 2019: Region 4 may consider Tribal population data provided within the workplan along with the U.S. Census data. If Tribal population data is not provided, then R4 must use the U.S. Census Data provided in 2010 as the primary data source. Once the U.S. Census data is updated, then the Region will use the latest numbers for the purposes of these Guidelines.

Tribal information on stream mile and land area are obtained from the Water Atlas and the latest Census Bureau information. Hydrologic Resource Area (streams, rivers, lakes, ponds, wetlands) is derived based on square miles of resources within a tribe’s watersheds. If tribal data has not been updated in the last three years, tribes should coordinate their updated information with the EPA Region 4 Tribal 106 Program Coordinator.

Regions are given flexibility in project selection but must ensure that the selection process meets the requirements of CWA Section 106, which state that funds should be used to assist tribes, states, and interstate agencies in administering “programs for the prevention, reduction, and elimination of water pollution.”

V. WORKPLAN INFORMATION AND RANKING

A. Strategic Goals:

Activities funded under this grant program must support EPA’s Strategic Plan 2018-2022 Goal 1: Core Mission and Objective 2: Provide for Clean and Safe Water.

Common/Core Activities within a Tribal 106 Program

- **Program initiation, planning, and administration**
- **Monitoring, data management, and data assessment and analysis**
- **Reporting**

Eligible and ineligible activities are located on pages 3-8 of the National Guidance and in Appendix D of these Guidelines.

Below are some examples of eligible activities to support the Goals and Objectives for the Tribal 106 program. This list is not an exhaustive list of what is fundable, but rather, provides a foundation on the types of tasks the program funds can support.

CWA Section 106 eligible activities may include:

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

Below are some examples of ineligible activities that Tribal 106 funds cannot be used to support. These activities are supported and funded through other EPA Program funds, as noted in the National Guidance.

CWA Section 106-ineligible activities include:

- **Operation and maintenance**
- **Costs associated with other grants**
- **NPS management measures requiring construction**
- **Public Water System Supervision (PWSS) compliance monitoring**

B. Grant Workplan Task Evaluation and Regional Ranking Process (see Appendix B):

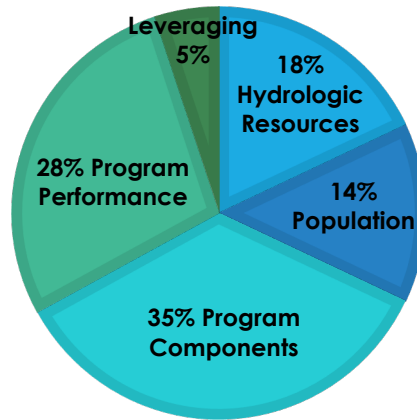
These Guidelines establish threshold requirements to guide and assist the Technical and Project Officers in the project task/workplan approval and total approved grant funding for the fiscal year. The criteria below will be utilized to evaluate each grant application and workplan and assign points based on past and current performance. However, the grant amount will be determined based on available funding, Program and Grant Points, and extra points, if appropriate.

1. PROGRAM POINTS:

The Program points are determined based on the water resource being protected and each tribe's workplan tasks. The funding allocation is factored based on the criteria and sub-criteria outlined below and located in Appendix B, which directly supports the objectives of the Tribal 106 Program. The specific program criteria will factor in Hydrologic Resources, Population, Program Components, Program Performance, and Leveraging, as noted below, and with a possible total of 100 points for these five criteria.

TRIBAL PROGRAM POINTS

■ Hydrologic Resources ■ Population ■ Program Components ■ Program Performance ■ Leveraging



These criteria ensure that projects are designed to address the goals within the Tribal 106 Program.

2. GRANT POINTS:

Points are based on the above criteria and also includes grants and financial management of previous and current Tribal 106 grants, with a possibility of an additional 22 points.

- Unliquidated Obligation (ULO) status against current and active grant (GPI 11-01), (at least one semi-annual draw down in accordance to satisfactory progress of tasks) (6 points);
- Timely submittal of progress reports for semi-annual, annual, and/or final technical reports per the grant term and conditions (6 points); and
- Meeting grant programmatic terms and conditions (10 points) (See Appendix H).

If a tribe's 106 program funding is within a PPG, then the Grant Points will be evaluated and scored in consultation with the PPG Project Officer.

Points in relation to annual grant funding levels:

The point system provides a starting base funding level to award as outlined below and the Technical Officer and Project Officer make the final determinations for the final funding amount per Tribe. Each Tribe's award amount could be higher than the base funding level; however, the R4 annual funding allocation, the workplan tasks, Tribe's maturity, and overall progression of the Tribe's program will determine a higher funding level from the base funding level.

- 110-122 points start with a base funding level at \$60,000
- 90-109 points start with a base funding level at \$50,000

- 75-89 points start with a base funding level at \$40,000
- <75 points will result in the Technical Officer and Project Officer discussing the Tribal 106 Program with Tribal Leaders and Environmental Director(s).

**Region 4 base funding levels above are estimated on historical National Tribal 106 funding allocations received by the Region. Funding amounts may vary based on the fiscal year Regional allocation.

Tribes must have TAS in order to receive Tribal 106 Program grant funds and are subject to assistance agreement regulations, Office of Management and Budget (OMB) cost principles, the Cash Management Improvement Act. EPA policies, and Grants Management and Oversight Requirements (See Appendix F).

C. Coordination Process after Funding Decisions are determined:

After workplans are reviewed, evaluated and points assigned, the Tribal 106 Coordinator (Technical Officer) and Tribal 106 Grants Coordinator (Project Officer) will notify each Tribal Environmental Director to discuss the funding amount decision. Workplan negotiations may be necessary to discuss which tasks may be added or removed based on the goals of the Tribal program, criteria, ranking process and score (as described above), funding eligibility and annual allocation, and tribal fundamental, intermediate, or mature tier level, as well as other factors outlined in this guidance. Appendix B provides a flow chart of the process.

D. One- or Two-Year Workplans:

The Tribal 106 grants are forward-funded with current year funds (example FY19 funds will support FY20 tasks and so forth). Workplans can be based on either one year or two years of tasks (See Appendix C for sample workplan format). However, the first grant award document will only include one year's worth of approved funding. The second year's grant approved funding amount will follow the same criteria evaluation and process outlined in this guidance, with focus given to performance of the first year's tasks, draw downs and ULOs, and timely reporting.

The workplan should be broken down into Year One workplan tasks and Year Two workplan tasks. This format will provide a better understanding and foundation regarding which tasks are funded in year one and year two, and how they interrelate to advance the program. Also, the workplan should include a "wish list or extra tasks to accomplish" if additional funds are/or become available.

Workplans must address the Strategic Goal(s) and Objective(s) in accordance with the EPA Grant Policy GPI 11-03. The statute, regulation, guidance, and/or policy should be referenced per task, along with well-defined outputs, outcomes and task due dates. The semi-annual, annual, and final reports must clearly articulate the accomplishments for each task.

E. Final Agreement of Award Amount and Tasks:

After negotiations, the agreed upon workplan tasks and approved funding amount will be provided via electronic mail to the Tribal representative(s). The approved funding amounts are based on the Program, Grants, and Extra Points criteria as outlined above and in Appendix B.

Nonresponse to EPA representatives' requests for information, whether grant or workplan related, may delay the funding of current or future grant applications.

VI. ANNUAL PROJECT SOLICITATION

The solicitation for projects will be included in the annual Notice of Availability of Funds (NOFA) mailing that is coordinated through the Regional Tribal Relations Coordinator and emailed to each tribe every year around November.

Tribes may submit draft workplans for review to the Program Technical and Project Officer prior to the Grants.gov submittal. The deadline for submitting the initial grant application will be established by the PPG or Program Project Officer.

Each grant submittal into Grants.gov must include the following information in accordance with the Recipient/Applicant Information Notice, ([RAIN](#))-2018-G07-R:

- Grant Application (424 and 424A non-construction);
- Workplan, with budget breakdown;
- Assurance forms (424B)
- Pre-Award Compliance
- >\$100K in Federal Awards – [EPA 6600-06 Form required](#). [Form 6606-06](#)
- Key Contacts
- Other forms, as deemed necessary by the program

All initial grant applications must be submitted through [Grants.gov](#), per EPA's Grants Issuance Policy GPI-14-01, to be eligible for funding from the EPA (see Appendix E). The applicant should ensure all required paperwork is submitted with the application or the application may be denied within the system. Applicant should email its PPG or Program Project Officer the Grants.gov confirmation email, which will alert the Project Officer to look for the submittal in the system.

**The grant application amount does not guarantee the Tribe will receive the full funding amount in the award. Application amounts are estimated based on prior year Regional Allocation for the R4 Tribal 106 Program.

**If funds remain after the final financial report is filed and the grant is closed, then the funds may be recertified back to the Region and will be reallocated based on the original scores of the workplans. The preference is for the Tribe to coordinate and discuss with the Technical and Project Officer the option to extend the grant to fund other tasks from the approved workplan verses returning the funds to EPA.

If recertified funds are available, the R4 Technical and Project Officers will review the unfunded or “wish list” tasks from each Tribe’s workplan to determine which task(s) are eligible and appropriate to fund. Recertified funds will be awarded in accordance with the final original scores and will factor in current performance of the Tribe(s), as well as the amount of recertified funds available to award.

APPENDICES

*Appendix A: National Tribal 106
Allocation Formula*

APPENDIX A National Formula for Tribal 106 Funds

The available national funds are allocated, by [formula](#), among the ten EPA Regions that have federally-recognized tribes. For each Region, the formula calculates both a base allotment and a variable allotment:

- Base Allotment – Provides the Region with \$65,167 per TAS-eligible tribe in the Region.
- Variable Allotment – Provides the Region with a portion of the allotment based on three characteristics of federally recognized tribes in the Region:
 - Land area,
 - Population, and
 - Surface water area.

EPA's regional offices are responsible for managing the funds. Eligible tribes or intertribal consortia apply to the regional office for grants and submit the necessary application materials. Application materials include a detailed work plan and budget outlining activities the tribe will undertake to manage their water resources. The regional offices rely on these work plans when determining funding amounts for each tribe.

By regulation, the maximum federal share is 95%, and tribes are required to provide a 5% match. However, EPA may reduce or eliminate the match requirement if a tribe can show that fulfilling the 5% match would cause undue hardship.

*Appendix B: Program Criterion
Points Chart*

APPENDIX B

R4 Program Funding Factors for Determining Section 106 Grant Allocations

Elements of 106 Program	Total Points	Program Scoring Guidelines				
Hydrologic Resources	24					
Streams (number of miles)		0 - 50 = 2	51-100 = 4	101 - 150 = 6	151 and above = 8	
Wetlands/Lakes/Ponds		0 - 500 = 8	501 and above = 16			
Population *defined on page 5	14					
Total Population	14	0 -1,000 = 7	>1,000 = 14			
Program Components	35					
Monitoring	6	4 basics parameters = 1	6 parameters = 3	9 parameters = 5	additional parameters = 6	
Data Management	5	90 days late on STORET upload = 0	Annual STORET upload = 1	Semi-annual upload = 3	Quarterly upload = 5	
Assessment	9	4 basics parameters = 1	6 parameters = 3	9 parameters = 6	additional parameters = 9	
Standards	5	State Criteria = 1	Tribal Criteria = 3	Federally Approved Criteria = 5		
401 Certification Program	3	Program = 3				
Outreach & Training	2	Outreach = 1	Training = 1			
404 Restoration & Compliance	5	Completed Restoration = 3	Compliance = 2			
Program Performance	22					
Task Completion by due dates & Accomplishments of overall workplan tasks	12	0% Completion = 0	20% completion = 2	60% completion = 4	80% completion = 8	100% completion = 12
Timely Reporting of Program Tasks - All Deliverables	6	90 days late = 0	45-60 days late = 2	30-45 days late = 4	On time = 6	
Program Development	4	Fundamental = 1	Intermediate = 2	Mature = 4		
Non-Section 106 Funding (leveraging)	5	0 - 10% = 1	11% - 20% = 2	21% - 30% = 3	31% - 40% = 4	41% and above = 5
Total Tribal Score	100					

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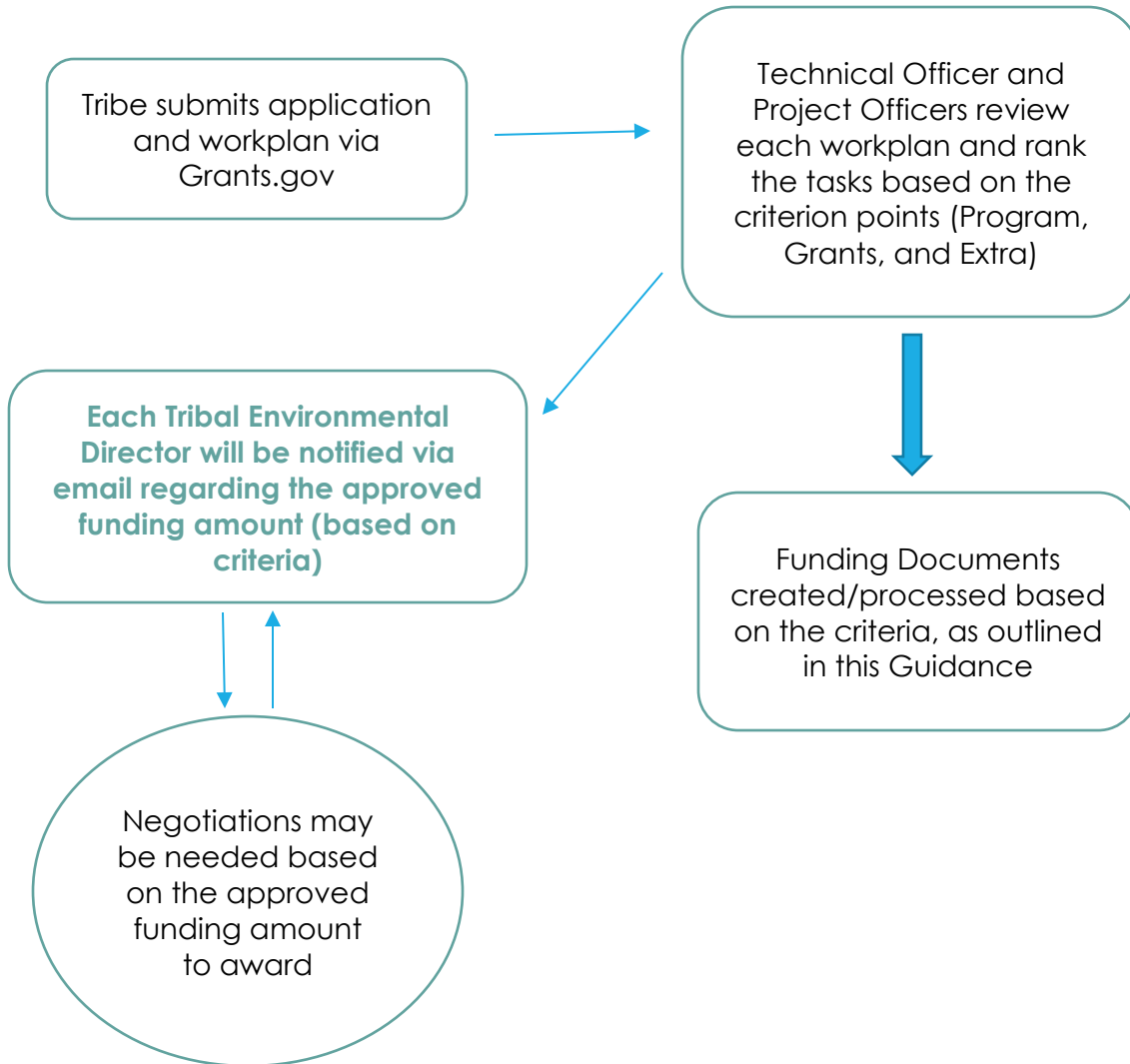
APPENDIX B

R4 Grant Funding Factors for Determining Section 106 Grant Allocations

Scores	Total Points	Lowest			Highest
ULOs	6	>12 months with ULO = 0	9 – 12 months with ULO = 2	7 – 8 months with ULO = 4	Timely draws at least quarterly, or every 6 months = 6
Timely Reporting of reports (quarterly, semi-annual, annual, and final progress reports)	6	>6 months past due = 0	3 – 6 months = 2	1 – 2 months = 4	Timely within 90 days of project end date = 6
Meeting Grant Programmatic Terms and Conditions	10	Issue with complying >6 = 0	Issue with complying 3 - 5 = 2	Issue with complying 1 – 2 = 6	History of meeting T&Cs on current and past grants = 10
TOTAL POINTS	22				

APPENDIX B

FLOWCHART OF WORKPLAN REVIEW and FUNDING DECISION PROCESS



*Appendix C: Sample Two-Year
Workplan*

**APPENDIX C
SAMPLE TWO-YEAR WORKPLAN**

ONE YEAR OF WOKRPLAN TASKS AND FUNDING <u>OR</u> MULTI –YEAR FUNDING AND TASKS					
Work Plan Objective 1: SAMPLE Maintain Water Quality Program					
Basis for 106 Work Plan Tasks- “Guidance on Awards of Grants to Indian Tribes under section 106 of the Clean Water Act.”					
EPA Strategic Plan Initiative- “Goal 2- Clean and Safe Water”					
NO.	Task	Project anticipated Output/ Outcome	Due Date List specific date	Estimated Cost	End-of –Year Tribe Report/ State Comments <i>(Indicate whether task has been met by writing the date the task was completed. If the task is not completed provide an explanation for any delays or issues encountered.)</i>
1	First Year Task:			\$	
	Second Year Task:			\$	
2	First Year Task:			\$	
	Second Year Task:			\$	

ONE YEAR OF WOKRPLAN TASKS AND FUNDING OR MULTI –YEAR FUNDING AND TASKS

Work Plan Objective 2: SAMPLE Water Quality Sampling and Analysis

Basis for 106 Work Plan Tasks- *“Guidance on Awards of Grants to Indian Tribes under section 106 of the Clean Water Act.”*

EPA Strategic Plan Initiative- *“Goal 2- Clean and Safe Water”*

NO.	Task	Project anticipated Output/ Outcome	Due Date List specific date	Estimated Cost	End-of –Year Tribe Report/ State Comments <i>(Indicate whether task has been met by writing the date the task was completed. If the task is not completed provide an explanation for any delays or issues encountered.)</i>
1	First Year Task: Second Year Task:			\$ \$	
2	First Year Task: Second Year Task:			\$ \$	

*Appendix D: Eligible and
Ineligible Tribal 106 Activities*

APPENDIX D

Chart from the National Tribal 106 Program Guidance, pages 3-8

CATEGORY	ACTIVITIES
Program Management	<ul style="list-style-type: none"> Capacity building Compliance and enforcement Finance, budgeting, and record-keeping Networking and cross-boundary coordination Non-structural source water, surface water, ground water, and wetland protection Personnel costs, including contractor costs Planning, developing, improving, or maintaining a water pollution control program Program initiation and administration Training Water quality planning, assessments, and studies
Monitoring	<ul style="list-style-type: none"> Quality Assurance Project Plan (QAPP) development Data analysis and assessment Data management Experiments Investigations, surveys, and special studies Data collection and related quality assurance Laboratory costs Research and development Source water, surface water, ground water, and wetlands monitoring activities
Standards Based	<ul style="list-style-type: none"> Developing water quality standards (WQS) Permit issuance, including National Pollutant Discharge Elimination System (NPDES) permits to control point sources Violation enforcement activities aimed at correcting violations, deterring future violations, and promoting equal treatment of the regulated community Developing a 401 Certification Program Developing total maximum daily loads (TMDLs)
Non-Point Source	<ul style="list-style-type: none"> Attending NPS meetings and trainings Developing non-structural controls to reduce NPS pollution Forming partnerships to address NPS issues NPS inventories, assessments, and management plans Watershed-based planning
Community-Based	<ul style="list-style-type: none"> Community/tribal outreach, education, and public awareness Involving the public in program development Establishing voluntary programs
Ineligible Activities	<ul style="list-style-type: none"> Construction, operation, or maintenance of wastewater treatment plants or drinking water systems Costs that are already financed by other grants (e.g., Section 319 grants) NPS management measures requiring construction (i.e., "on the ground" management measures) Public Water System Supervision (PWSS) compliance monitoring

*Appendix E: Grants.gov
Instructions*

APPENDIX E
Grants.gov Noncompetitive Application Submittal for Region 4 Tribes

Applications must be submitted to www.grants.gov by the dates provided by EPA NOFA. **Note EPA Policy Notice (PN)-2018-G12 revises GPI-14-01, requiring that initial applications include all forms required for award and that applicants submit applications through www.grants.gov.**

This document provides information on grants.gov submittal for non-competitive Tribal grants. Tribes needing additional information on submission may contact the regional program project officer.

Grants.gov Requirements

In order to submit applications using Grants.gov, grantees must be registered with Grants.gov. Registration can take up to four weeks. DUNS numbers and active SAM.gov registration is required to register with Grants.gov. More information is available at: <http://www.grants.gov/web/grants/applicants/organization-registration.html>. See additional resources at the end of these instructions also.

Applications submitted through Grants.gov are electronically signed. The registration and account creation with Grants.gov with E-Biz POC approval, establishes an Authorized Organization Representative (AOR). When you submit the application through Grants.gov, the name of your AOR on file will be inserted into the signature line of the application. **Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the Authorized Organization Representative (AOR).** Application Submission Instructions for Tribal Grantees:

- 1). **The link to the site on grants.gov** to access the [application package](#) for this funding opportunity.

- 2). **Enter the appropriate CFDA Number:**
PPG 66.605 GAP 66.926 (EPA-CEP-02) CAA 103 66.034
CAA 105 66.001 CWA 106 66.419 CWA 319 66.460
Tribal Response 66.817

3). Funding Opportunity Number (FON):

EPA-CEP-01 (CFDA 66.001 thru 66.605 – PPG) or
EPA-CEP-02 (CFDA 66.700 thru 66.931 -- GAP).

The Funding Opportunity Competition ID will be left blank. Click “Download Package.” And complete necessary forms and add required attachments (See 5 below for required forms and attachments).

CFDA Number: (#)

 Funding Opportunity Number: (C)

Funding Opportunity Competition ID: (C)

1. Grant Application Package:

CFDA	Opportunity Number ↑	Competition ID	Competition Title	Agency	Instructions & Application
66.001	EPA-R3-001			Environmental Protection Agency	Download
66.032	EPA-R3-001			Environmental Protection Agency	Download
66.034	EPA-R3-001			Environmental Protection Agency	Download
66.040	EPA-R3-001			Environmental Protection Agency	Download

Once the applicant has entered the Funding Opportunity Number (FON) and accessed the list of CFDA's, the applicant will find the appropriate CFDA which contains all necessary forms shown below.

Grants.gov allows applicants to download the full application package and instructions to work offline. In addition to forms that are part of the application instructions, there will be a series of electronic forms that are provided using Adobe Reader. Grants.gov has a [full set of instructions](#) on how to apply for opportunities.

2. Required Grant Application Forms and Attachments:

The first application submitted thru www.grants.gov each Fiscal Year must include the following forms:

- 1) SF 424 Application (Block 5a – Fill in R4-CEP-01 (or 02 for GAP) Federal Identifier)
- 2) SF 424A Budget (2 pages)
- 3) R4 Form Budget Detail Worksheet (PDF Budget Tool may replace)
- 4) *SF 424B Assurances for Non-Construction Programs
- 5) *EPA 4700-4 Pre-award Compliance
- 6) SF LLL (OMB) Lobbying Disclosure (for grants totaling over \$100,000)
- 7) *EPA 5700-54 Key Contacts
- 8) Attachments

- 1) *Current Indirect Cost Rate (IDC) – if older than 3 years, EPA may not allow
- 2) Work Plan(s) [marked Final or Draft, as appropriate]

3. Submit application:

See <http://www.grants.gov/web/grants/applicants/apply-for-grants.html> for more information on this process.

Grants.gov Technical Issues -- grants.gov Contact Information

Applicants needing technical assistance with submissions should contact Grants.gov at <http://www.grants.gov/web/grants/about/contact-us.html> or by phone at 1-800-518-4726 or email at support@grants.gov -- Open 24 hours a day, 7 days a week (except federal holidays).

Grants.gov Resources:

EPA-facilitated Training

http://www.epa.gov/ogd/training/grants_gov_information_sessions_for_applicants.htm

Grants.gov Applicants Page: <http://www.grants.gov/web/grants/applicants.html>

Applicant Resources <http://www.grants.gov/web/grants/applicants/applicant-resources.html>

Info on Registering <http://www.grants.gov/web/grants/applicants/organization-registration.html>

Video Tutorial on Registering for SAM.gov:

<https://www.youtube.com/watch?v=mmHcKCchaiY&feature=youtu.be>

Applicant Resources <http://www.grants.gov/web/grants/applicants/applicant-resources.html>

Grants.gov Applicant Training Video: <http://youtu.be/8HLFoOoVGQY>

Troubleshooting Tips: <http://www.grants.gov/web/grants/support/technical-support/troubleshooting.html>

*Appendix F: Grant Management
and Oversight Requirements*

APPENDIX F Grant Management and Oversight Requirements

Grants awarded through the CWA Tribal 106 program are subject to assistance agreement regulations, Office of Management and Budget (OMB) cost principles, the Cash Management Improvement Act, and Agency policies. Grants must be awarded and managed as any other assistance agreement. The Office of Grants and Debarment (OGD) has developed Orders, Grants Policy Issuances (GPIs) and directives to assist project officers and program offices in fulfilling and understanding their responsibilities (available at <http://intranet.epa.gov/ogd/>). Several grant requirements are discussed in further detail below.

Orders, Policies, and Directives	Overview
EPA Policy 17-01	<u>Sustainability Policy</u>
EPA Policy 16-01	<u>Subaward Policy</u>
EPA Policy 14-01 Electronic Submission of Initial Grant Applications	All <u>Initial grant applications</u> and workplans must be submitted through <u>Grants.gov</u> database, unless a waiver was granted by EPA Office of Grants and Debarment.
EPA Policy 13-02 Streamlining Tribal Grants Management	Policy provides guidance on Tribal grantees bundling and submitting annual certification v/s submitting forms with every grant application. <u>Revisions to Section 4.1 regarding bundling pending</u>
EPA Policy 12-06 Timely Obligation, Award, and Expenditure of EPA Grant Funds	<u>Policy</u> provides guidance on EPA obligating and awarding funds timely, as well as grantees expending the funds in accordance to work completed and ensuring timely draws as least every 180 days.
EPA Policy 12-01 Tribal Indirect Cost Rate	<u>Policy</u> provides guidance on Tribal Indirect Cost Rate as either agreed upon between the Tribe and EPA or set as a flat 10% IDC.
EPA Policy 11-01 Managing ULOs and Ensuring Progress Under EPA Assistance Agreements	Policy provides guidance to ensuring progress and management of unliquidated obligations for EPA assistance agreements. The policy also details the allowable time for project periods, five to seven years based on the type of grant program. Tribal assistance agreements are allowed a maximum of five years for continuing environmental programs (CEPs), example 105, 106, 319, GAP, etc).
EPA Policy 08-02 Project Period Duration and the Use of New Awards to Fund Additional Work	Policy provides criteria for determining when a new award, rather than an amendment, must be used to fund additional work under a discretionary assistance agreement

Orders, Policies, and Directives	Overview
<p>OGD policy memorandum GPI 00-02, <i>Pre-Award Costs</i>, and 2 CFR 225</p>	<p>Applies to all grants awarded on or after April 1, 2000 and addresses EPA’s revised interpretation of a provision in the general grant regulations at 40 CFR 31.23(a) concerning the approval of pre-award costs.</p> <p>Addresses EPA’s interpretation of a provision in the general grant regulations at 40 CFR 31.23(a) allowing up to 90 days of pre-award costs.</p> <ul style="list-style-type: none"> • Recipients may incur pre-award costs [up to] 90 calendar days prior to the award date provided they include such costs in their application, the costs meet the definition of pre-award costs and are approved by the EPA Project Officer and EPA Award Official. • The award official can approve pre-award costs incurred more than 90 calendar days prior to the grant award date, in appropriate circumstances, if the pre-award costs are in conformance with the requirements set forth in 2 CFR 225 (supersedes OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments) and with applicable Agency regulations, policies and guidelines. <p>If otherwise consistent with the coverage of 2 CFR 225, the following two situations may meet the requirements at Appendix B 31. Pre-award costs:</p> <ul style="list-style-type: none"> • Any allowable costs incurred after the start of the fiscal year for which the funds were appropriated but before grant award (i.e. for a FY 2010 project, this date is October 1, 2009). • Allowable facilities planning and design costs associated with the construction portions of the project included in the grant that were incurred before the start of the fiscal year for which the funds were appropriated (i.e. for a FY 2010 project, this date is October 1, 2009).
<p>OMB Circular A-16, which incorporates Executive Order 12906 and the One-Stop Geospatial E-gov Initiative</p>	<p>Project officer must indicate in the funding recommendations for a proposed assistance agreement that the grant involves or relates to the creation, collection, or analysis of geospatial information.</p>
<p>EPA Order 5700.7, <i>Environmental Results Under Assistance Agreements</i></p>	<p>The Order applies to funding packages to the Grants Management Office after January 1, 2005, and requires EPA Program Offices to:</p> <ul style="list-style-type: none"> • Link proposed assistance agreements to the Agency’s Strategic Plan/Government Performance and Results Act (GPRA) architecture; • Ensure that outputs and outcomes are appropriately addressed in assistance agreement work plans and funding recommendations; and • Ensure that progress in achieving agreed-upon outputs and outcomes is adequately addressed in grantee progress reports and advanced monitoring activities.
<p>EPA Order 5700.6A2, <i>Policy on Compliance, Review, and Monitoring</i></p>	<p>Streamlines post-award management of assistance agreements and helps ensure effective oversight of recipient performance and management. Requires EPA project office to develop and carry out post-award monitoring plan, and conduct annual baseline monitoring or the equivalent for every award.</p>

Orders, Policies, and Directives	Overview
Best Practices Guide for Performance Partnership Grants with Tribes	Guidance developed to provide background information on PPGs, eligible programs and activities, flexibilities, and accountability.
“Place of performance” requirement	The latitude and longitude of the project should be provided.
PN-2018-G12	Full Application Requirement within Grants.gov

*Appendix G: Federal
Cross-Cutting
Authorities*

APPENDIX G

Federal Cross-Cutting Authorities

A number of federal laws and Executive Orders apply in Federal financial assistance programs. Below is a list of statutes, regulations, and other information that may be helpful in complying with the requirements of other federal authorities.

Environmental Authorities

- Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended
- Clean Air Act, Pub. L. 84-159, as amended
- Coastal Barrier Resources Act, Pub. L. 97-348
- Coastal Zone Management Act, Pub. L. 92-583, as amended
- Endangered Species Act, Pub. L. 93-205, as amended
- Environmental Justice, Executive Order 12898
- Floodplain Management, Executive Order 11988 as amended by Executive Order 12148
- Protection of Wetlands, Executive Order 11990
- Farmland Protection Policy Act, Pub. L. 97-98
- Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended
- National Environmental Policy Act, Pub. L. 91-190, as amended
- National Historic Preservation Act of 1966, PL 89-665, as amended
- Wild and Scenic Rivers Act, Pub. L. 90-542, as amended

Economic and Miscellaneous Authorities

- Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended
- Executive Order 12372, Intergovernmental Review of Federal Programs
- Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean
- Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal
- Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans
- Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended
- Debarment and Suspension, Executive Order 12549
- Davis-Bacon Act, Pub. L. 107-217, as amended

Social Policy Authorities

- Age Discrimination Act of 1975, Pub. L. 94-135
- Title VI of the Civil Rights Act of 1964, Pub. L. 88-3524
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act)
- Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)
- The Drug-Free Workplace Act of 1988, Pub. L. 100-690 (applies only to the capitalization grant recipient)

- Equal Employment Opportunity, Executive Order 11246
- Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
- Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590
- Anti-Lobbying Provisions (40 CFR part 30) [applies only to capitalization grant recipients].

*Appendix H: Core
Grant 106 Tribal Terms
and Conditions*

APPENDIX H Core Grant Terms and Conditions for Tribal 106

A. Reporting Requirements: Grantees shall submit semi-annual performance reports unless the awarding agency requires quarterly or semi-annual reports.

Semi-annual Progress and Final Report content shall include: (1) comparison of actual accomplishments to the objectives/tasks within the workplan; (2) reasons or justifications why established goals/tasks were not met; and (3) significant developments which may have impacted; therefore, causing delays or issues in meeting tasks within the workplan.

Semi-Annual Progress Reports are due on the following dates:

March and September – annually for multi-year grant

December 31 – project period end date year.

To meet the reporting requirements under 2 C.F.R. § 200.328(a)(2)(i): “The final performance report will be due 90 calendar days after the period of performance end date”. Therefore, the grantee will submit a final performance report on progress in implementing FYXX Tribal 106 workplan activities on **XX** to the Project Officer.

The grantee should notify the EPA Project Officer within 30 days if, at any time, the Tribe encounters difficulties that could impact the recipient’s ability to implement the project on schedule.

**If extensions are granted, then the annual reporting will be extended to include the additional years.

B. Quality Assurance – The QAPP should be consistent with the specifications of the EPA Quality System Document [*EPA Requirements for Quality insurance Project Plan EPA QA/R-5*](#). The grantee will submit by **XX**, to the EPA Project Officer a Clean Water Act Section 106 - Water Pollution Control - Supplemental Quality Assurance Project Plan (QAPP) for the tasks associated with this project grant.

No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance documentation.

Information regarding [EPA’s Quality System for Environmental Data and Technology](#).

C. Quality Management Plan: The Tribe’s Quality Management Plan (QMP) expires on DATE. The Tribe must review, amend if necessary, and submit it to SESD and to the EPA Project Officer by DATE for approval.

D. STORET Data: Water Quality Data and STORET: The EPA requires Tribes, utilizing 106 federal funding, to submit all water quality data in electronic format to the EPA. Water quality data includes: physical/chemical, toxicity, chemistry and habitat. The final location for the data is the STORage and RETrieval system (STORET). Region 4 tribes are must submit data directly into STORET or provide data to Region 4 in a STORET compatible format.

E. EPA's Substantial Involvement – In accordance with the EPA Order 5700.1, Section 7(b)(1), the agreement is being awarded as a cooperative agreement because the EPA has technical consultation on the requirements for Section 303 of the CWA. The EPA's substantial role in this agreement under Section 106 of the CWA also includes, among other activities, the review and approval of grant work plans, monitoring plans, adherence to quality assurance procedures, approval of required reports, and the consultation, review, and the approval of the Tribe's adoption of water quality standards required by the CWA and/or other water quality programs. The EPA will review the best management practices (BMPs) and water quality standards for the tribe.

F. Multi-Year Funding: This is a multi-year grant for a period of two years. The allocations will be added annually to this grant as the annual appropriations are approved for the Tribe. The second year's workplan tasks will be reviewed and may be re-negotiation based on the first year's workplan task completion and on the second year's annual allocation. (***If applicable***)

G. Matching Share Requirement: This award and the resulting federal funding share of 95.00% as shown under "Notice of Award" above is based on estimated costs requested in the recipient's application dated XY. While actual total costs may differ than those estimates, the recipient is required to provide no less than 5% of the final total allowable program/project costs (outlays). The EPA's participation shall not exceed the total amount of federal funds awarded or the maximum federal share for this program of 95% of the final total allowable program/project costs.

H. Equipment: In accordance to 40 C.F.R. § 31.32, the grantee will use, manage, and dispose of equipment acquired under this grant in accordance with tribal laws and procedures. (***If applicable***)

I. Sufficient Progress – In accordance with GPI 11-01 “Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements,” dated September 28, 2012, the EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress on work and on drawing down funds so as to reasonably ensure completion of the project within the project period, including any extensions. The EPA will measure sufficient progress by examining the performance required under the work plans in conjunction with the milestone schedule, the time remaining for performance within the project period, the availability of funds necessary to complete the project, and whether draw down is commensurate with work progress.

J. Geospatial Data - In accordance with Circular A-16 and CIO Policy Transmittal 05-002, all geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

K. Electronic and Information Technology Accessibility: Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in 40 C.F.R. Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology (EIT). In compliance with Section 504, EIT systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, the EPA will consider a recipient's websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 C.F.R. Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities. Recipients may wish to consult the latest Section 508 guidelines issued by the US Access Board or W3C's Web Content Accessibility Guidelines (WCAG) 2.0 (<http://www.access-board.gov/sec508/guide/index.htm>).

L. Competency of Organizations Generating Environmental Measurement Data: 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, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement. (**If applicable >\$200K in EPA Funds**)

M. Key Personnel – The key personnel specified in this grant agreement are considered to be essential to work performance. At least 30 days prior to diverting any of the specified individuals to other programs and/or non-Wetlands related projects (for as soon as possible, if an individual must be replaced, for example, as a result of leaving the employment of the Grantee), the Grantee shall notify the EPA Project Officer and submit a new Key Personnel Form.

N. Procurement: In accordance with 2 CFR 200.318, grantees must adhere to their procurement standards and follow adhere to federal procurement regulations. (**if applicable**).

O. Subaward Reporting Requirement: Per GPI-16-01, the recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.

5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance. **(if applicable)**

P. The EPA Technical Officer assigned to this grant is Eve Zimmerman at (404) 564-9259.