

**Tribal Competitive 319 Grant FY2021 Request for Applications
Frequently Asked Questions**

EPA’s FY2021 Tribal Competitive Section 319 Grant Request for Applications (EPA-OW-OWOW-21-01) is available at <https://www.epa.gov/nps/nonpoint-source-tribal-current-grant-information>. Applications under this announcement are due on **January 14, 2021**.

Questions about the FY2021 Request for Applications are due by **January 5, 2021**. You may submit questions to tribal319grants@epa.gov. The questions and answers below pertain to the FY2021 Request for Applications, and includes Frequently Asked Questions received in previous years.

General Questions about the RFA..... 4

1. Are there any changes to the FY2021 Request for Applications, compared to previous years?..... 4

2. How many applications does EPA typically receive under this RFA? How many applications are typically selected for award? 4

3. Can our tribe apply for more than one competitive 319 grant? 4

4. Can a tribe apply for both a base 319 grant and a competitive 319 grant in the same year?..... 4

5. Is there a page limit and/or formatting requirements for competitive 319 grant applications? 5

6. How should applicants format their application to address each of the ranking criteria and stay within the 15-page limit? 5

7. What qualifies as “supporting materials” not counted against the 15-page limit?5

8. Can supporting documents be included in the same document as the 15-page Project Narrative? 5

9. Under the “Environmental Results Past Performance” evaluation criterion (Criterion “f”), what information are applicants expected to provide about federally-funded assistance agreements their organization performed within the last three years? 5

Questions about eligible activities 6

10. The RFA indicates that the primary focus of proposed projects must be on best management practice (BMP) implementation. The following questions relate to BMP implementation..... 6

a. What is a best management practice (BMP)?..... 6

b. Where can I find a list of structural and nonstructural BMPs eligible under the FY2021 competitive tribal 319 grant RFA?..... 6

c. The RFA indicates that the primary focus of projects should be on BMP implementation, but that the application can also include “other eligible project activities” like NPS education and outreach, project monitoring, training for staff, and watershed-based plan development. What does this mean? 7

11. Can competitive 319 grant funding be used to purchase land?	7
12. Can competitive 319 grant funding be used to address a NPS pollution problem/threat associated with septic systems?	7
13. Is improving forest health by fuel reduction an eligible activity under the Competitive 319 grant?.....	7
14. If the stormwater from a parking lot of a Tribal Casino/Trading Post (or any other Tribal business) is negatively affecting the water quality of the river located within the reservation, is treating that stormwater an eligible activity under the competitive 319 grant?	8
15. Can competitive funding be used to pay for camera inspection of the sewer lines suspected of contributing to a fecal coliform bacteria pollutant problem in a waterbody on the Reservation?.....	8
16. Would an application to work with an engineer to design new crossings as four priority road stream crossing sites, as identified in the tribe’s NPS program plan, be eligible under this announcement? The construction of these crossings would not be a deliverable under the 319 grant, but we do have plans to implement all the designs by the end of 2021 using another funding source.	8
17. Are gray water diversion projects eligible under CWA section 319 grants?	9
18. Can we use competitive 319 funds to install solar powered water pumps to direct high nutrient drainage water from agricultural croplands to treatment wetlands?	9
19. If another party (e.g., a developer) was willing to cover part of the cost of a BMP, is that something we would need to state in the proposal? Is only paying for a portion of the project not considered as competitive?.....	9
20. I have a question about doing a project in phases. The best way I know how to ask it is to provide an example. Our tribe would like to install a green roof on a new building. The total cost is \$250K. We would propose to fund the green roof in the following way. Assuming our tribe is funded in all 3 years, would the following project be allowable under the competitive grant?	9
21. 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?)	10
22. Page 6 of the RFA includes “NPS ordinance development” in the list of examples of other eligible project activities. Can you please provide more detail on what this activity includes?	10
23. Is installation of catchment systems in storm drains an eligible project under the Tribal 319 Competitive Grant program?.....	10
Questions about project location	11
24. Can tribes use competitive 319 grant funding to implement a NPS project that is not on the tribe’s reservation?.....	11

25. The RFA states that “All applications 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? 11

26. Are waters on allotted lands classified differently from reservation waters for the purpose of this grant program? 11

27. Does the applicant need to obtain landowner permission for proposed work that will occur on reservation fee land? 12

28. The FY2021 RFA requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their application that “any necessary access agreements have been obtained from the land owner(s) by the time of application submission.” What is an access agreement? Is it just to access the land to determine if there are suitable BMP sites and/or design the BMP? Or is it actually a cost-share agreement where the landowner is committing to the installation of the BMP? 12

29. The FY2021 RFA requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their application that “any necessary access agreements have been obtained from the land owner(s) by the time of application submission.” Can the access agreement be between another entity, such as a local Soil and Water Conservation District, and a landowner, or does it have to be between the tribe and the landowner? 12

Grant-related Questions 12

30. What is the cost-share/match requirement for a competitive tribal 319 grant? Is the cost-share/match requirement reduced if my tribe qualifies for a hardship waiver or includes the competitive grant funds in a Performance Partnership Grant (PPG)? 12

31. If a tribe is selected for a competitive 319 grant when will funding be available? 13

32. What is the allowed project period length for a competitive 319 grant award? ... 13

33. What costs are included in 10% cap on “Administrative Costs”? 13

34. Does the 10% cap on administrative costs apply to the non-federal match? 13

35. To whom should the Hardship Waiver request be addressed? 13

36. Can we include indirect costs in our proposed budget? 14

37. Can our tribe use unclaimed indirect costs to meet the cost-share/match requirement? By unclaimed, we mean that we would not charge the grant for indirect cost and would use that portion of the 319 grant funds to directly fund project activities to meet the match requirement. 14

38. Can we include a video (e.g., aerial drone footage that shows the proposed project area) as part of our Grants.gov application package? 14

39. Can work completed prior to the Tribal 319 grant start date be used to meet the non-federal match requirement? 14

General Questions about the RFA

1. Are there any changes to the FY2021 Request for Applications, compared to previous years?

There are no substantive changes to this year's Request for Applications (RFA). See below for a bulleted list of the minor changes, compared to last year's FY2020 RFA. As in previous years, the funding available through the FY2021 RFA is primarily targeted to support implementation of NPS best management practices (BMPs) to control sources of NPS pollution. Applicants may also include other eligible activities that support implementation work (e.g., watershed planning, water quality monitoring), but an application should be primarily focused on implementing BMPs that will directly protect or restore water quality.

Changes to FY2021 RFA:

- Throughout RFA – added citations to relevant statutes (e.g., Clean Water Act Sections 319 and 518) and Agency guidance, where appropriate, to provide applicants context for program and grant requirements, etc.
- Removed *Appendix B. List of Categories and Subcategories of NPS Pollution*. Instead, we refer applicants to EPA's *Handbook for Developing and Managing Tribal NPS Pollution Programs Under Section 319 of the Clean Water Act* for example NPS pollution categories and subcategories. Additionally, applicants should refer to their Tribe's NPS Assessment Report and NPS Management Program Plan for this information.
- RFA Section IV.C.1.f - Supporting Materials: Added a list of examples of supporting materials. Added text to emphasize that review committee will only review the material you provide with the application and not outside material (e.g., watershed plans) referenced in your application package.

2. How many applications does EPA typically receive under this RFA? How many applications are typically selected for award?

In the past few years EPA has typically received between 40 and 50 applications under this RFA. The number of applications selected for award is dependent on the amount of Section 319 grant funding available each year. In recent years EPA has awarded approximately \$2.5 million for competitive tribal 319 grants, which equates to approximately 25 projects (assuming a federal award of \$100,000 per project).

3. Can our tribe apply for more than one competitive 319 grant?

No, each tribe may only submit one application under this opportunity. However, there are cases in which applicants will develop proposal work plans that include more than one proposed activity, particularly if requesting the maximum \$100,000 in federal funds. For example, an applicant may propose to install livestock fencing to remove animal access to a waterbody, as well as propose to use funding to install an alternative watering system for the livestock. These activities do not necessarily need to be in the exact same geographic location, but it should be clear from the application how each fits into a watershed approach to address a NPS pollution problem.

4. Can a tribe apply for both a base 319 grant and a competitive 319 grant in the same year?

Yes, tribes eligible for CWA section 319 grant funds may apply for both base and competitive funds in the same year. [Click here for a list of tribes eligible for 319 grant funds in federal fiscal year 2021.](#)

5. Is there a page limit and/or formatting requirements for competitive 319 grant applications?

Yes, there is a page limit on applications. As described in Section IV.C.2 of the FY2021 RFA: *“The application work plan must be limited to no more than fifteen (15) 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.”* The application work plan will be reviewed up to the equivalent of the 15-page single-spaced page limit; excess pages will not be reviewed. It is recommended that applicants use standard 12-point type with 1-inch margins.

Note that supporting materials (e.g., letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, maps of project locations) are not included within the page limit for the application work plan.

6. How should applicants format their application to address each of the ranking criteria and stay within the 15-page limit?

As in past years, the FY2021 RFA indicates that *“It is recommended that you identify within your Project Narrative each individual ranking criterion in Section V.A. that you are addressing. Your Project Narrative should conform to the outline below”* [Section IV.C.2].

7. What qualifies as “supporting materials” not counted against the 15-page limit?

The FY2021 RFA does not include a full list of supporting materials, but instead provides several examples of items that qualify as supporting materials, including: *“...letters of support from potential partners, annotated resumes, data graphs, site photos, diagrams of BMPs, and maps of project location.”* Please note that items explicitly required under the evaluation scoring criteria (see parts a-i under RFA Section IV.C.2) do not qualify as supporting materials, and will be counted towards the 15-page page limit. For example, tables outlining the proposed project work plan (required under evaluation criterion c), project budget (criterion g), and project schedule (criterion h) are counted towards the 15-page Project Narrative page limit.

8. Can supporting documents be included in the same document as the 15-page Project Narrative?

Yes, you may include supporting materials in the same Word document as the Project Narrative application work plan. Given the 15-page limit for the project narrative (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 FY2021 RFA, *“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 Project Narrative. 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 Project Narrative or in a web link. Do not include documents such as watershed plans, assessment reports, or management program plans.”*

9. Under the “Environmental Results Past Performance” evaluation criterion (Criterion “f”), what information are applicants expected to provide about federally-funded assistance agreements their organization performed within the last three years?

As stated in the FY2021 RFA (Section IV.C.2.f and Section V.A.f), applicants should include a list of federally-funded assistance agreements your organization performed within the last three years, as well

as information on how you documented and/or reported on whether you were making progress towards achieving the expected results under those agreements. Please note that under this criterion, reviewers are not looking for a list of deliverables achieved under each agreement. Instead, they are looking for a short description for each agreement listed of how you documented and/or reported during the project period (e.g., through quarterly progress reports and coordination with your EPA Project Officer to address and resolve problems).

The RFA specifies that applicants should provide “no more than 5 agreements, and preferably EPA agreements.” If an applicant does not have any relevant or available information on agreements (federal grants and cooperative agreements but not federal contracts), you must indicate this in the application and you will receive a neutral score for this evaluation criterion.

Questions about eligible activities

10. The RFA indicates that the primary focus of proposed projects must be on best management practice (BMP) implementation. The following questions relate to BMP implementation.

a. What is a best management practice (BMP)?

As defined in EPA’s *National Management Measures* guidance documents (available here: <https://www.epa.gov/nps/nonpoint-source-pollution-technical-guidance-and-tools>), BMPs refer to a practice or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and nonpoint pollutants at levels compatible with economic and environmental quality goals. BMPs can be either structural (e.g., livestock exclusion fencing, streambank shaping and planting to stabilize and reduce erosion) or nonstructural (e.g., grazing or nutrient management practices).

b. Where can I find a list of structural and nonstructural BMPs eligible under the FY2021 competitive tribal 319 grant RFA?

The FY2021 competitive tribal 319 grant RFA does not include a comprehensive list of all BMPs eligible for funding, but see Section I.A for some examples. You should refer to your NPS program documents for more information about which BMPs may be best-suited for a given project location. Your tribe’s ***NPS assessment report*** should describe your NPS program’s process for identifying the BMPs needed to control each NPS pollution (sub)category identified in your NPS assessment report. Additionally, your tribe’s ***NPS management program plan*** should outline actions to be taken over a five-year period to address the problems identified in the assessment report, including specific information on the BMPs to be used.

Many tribes use state or federal tools and resources, such as Internet databases or publications, to identify the kinds of BMPs that will address or prevent the NPS issues identified in their waters. Examples include:

- EPA’s *National Management Measure technical guidance documents* provide technical information, including BMP types, on managing NPS pollution from different sources (Agriculture, Urban Areas, Forestry, Marinas and Recreational Boating, Hydromodification, wetlands/riparian areas).

- The U.S. Department of Agriculture’s Field Office Technical Guide (FOTG) includes state-specific information about NRCS conservation practices, including practice definitions and design standards.

c. The RFA indicates that the primary focus of projects should be on BMP implementation, but that the application can also include “other eligible project activities” like NPS education and outreach, project monitoring, training for staff, and watershed-based plan development. What does this mean?

The FY2021 competitive tribal 319 grant funding is primarily targeted to support implementation of BMPs that will directly result in the protection or restoration of water quality. As stated in Section I.A of the FY2021 RFA, “The funding available through this RFA is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs [best management practices].” However, other project activities that support BMP implementation, including assessment and watershed planning, can be a part of a competitive grant application work plan. While there is no cap on the portion of the federal competitive grant that may be used for these other project activities (but note that a maximum of 20 percent of the federal portion of the competitive grant can be used to develop or continue work on a watershed-based plan), the primary focus of the application work plan should be on BMP implementation.

11. Can competitive 319 grant funding be used to purchase land?

With few exceptions, such as purchasing a conservation easement, land purchases are ineligible under Section 319(h) grant funding. At a minimum, the applicant would need to demonstrate in their application how protection of land is consistent with the tribe’s NPS management program plan and how it would result in restoration of NPS-impaired waters or protect waters from NPS pollution.

12. Can competitive 319 grant funding be used to address a NPS pollution problem/threat associated with septic systems?

Yes, Section 319 funds may be used to address NPS pollution water quality problems or threats associated with septic systems. In past years, competitive 319 grant funding has been awarded to conduct septic system inventories, educate the community about proper septic system maintenance, perform pump outs of septic systems, and assist in repairing/replacing septic systems identified as failing and contributing to water pollution. All proposed activities must be consistent with and address a NPS pollution priority identified in the tribe’s NPS assessment report and NPS management program plan. As described in the FY2021 RFA, funding available is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs. Your application should demonstrate how the proposed activities will reduce or eliminate the NPS pollution sources contributing to the water quality problem/threat, as evaluated under ranking criterion (d).

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

Yes, wildfire management activities may be eligible under the Section 319 grant program. 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. As described in the FY2021 RFA, competitive 319 grant applications should describe how/what significant water quality benefits will be achieved as a result of

the project(s) through addressing water quality problems or threats. All proposed activities must be consistent with and address a NPS pollution priority identified in the 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.

14. If the stormwater from a parking lot of a Tribal Casino/Trading Post (or any other Tribal business) is negatively affecting the water quality of the river located within the reservation, is treating that stormwater an eligible activity under the competitive 319 grant?

Yes – addressing NPS pollution associated with stormwater runoff from buildings, parking lots, etc. is an eligible activity under the competitive 319 grant. The FY2021 RFA mentions both low impact development and stormwater management practices as examples of the types of best management practices that may be implemented under a competitive 319 grant.

15. Can competitive funding be used to pay for camera inspection of the sewer lines suspected of contributing to a fecal coliform bacteria pollutant problem in a waterbody on the Reservation?

If inspecting the sewer lines for potential contributions to a water quality problem is part of a broader project to help target efforts to manage NPS pollution, it would be eligible under the Section 319 grant program. However, work to repair sewer lines is an ineligible activity.

Note that the FY2021 competitive tribal 319 grant funding is primarily targeted to support implementation of best management practices (BMPs) that will directly result in the protection or restoration of water quality. As stated in Section I.A of the FY2021 RFA, "The funding available through this RFA is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs [best management practices]." However, other project activities that support BMP implementation, including assessment and watershed planning, can be a part of a competitive grant application work plan. While there is no cap on the portion of the federal competitive grant that may be used for these other project activities (but note that a maximum of 20 percent of the federal portion of the competitive grant can be used to develop or continue work on a watershed-based plan), the primary focus of the application work plan should be on BMP implementation.

16. Would an application to work with an engineer to design new crossings as four priority road stream crossing sites, as identified in the tribe's NPS program plan, be eligible under this announcement? The construction of these crossings would not be a deliverable under the 319 grant, but we do have plans to implement all the designs by the end of 2021 using another funding source.

Through the FY2021 RFA, as in previous years, EPA is specifically soliciting projects that are primarily aimed at implementing on-the-ground NPS projects (i.e., implementing BMPs). From the RFA: "The funding available through this RFA is primarily targeted to support on-the-ground implementation of nine element watershed-based plans and watershed projects to control sources of NPS pollution through the implementation of BMPs. In addition, eligible implementation activities like assessment and planning can be part of a competitive application. However, if an application includes planning or other eligible implementation activities, the applicant should also include NPS BMP implementation as part of the application."

So while engineering designs of the road crossing improvements could be part of a competitive grant application, the proposed work would also have to involve using federal 319 funds for an on-the-ground implementation project. The ranking criteria that reviewers use to evaluate applications are primarily focused on how a project implemented during the grant period (typically 2-3 years) will result in water quality benefits.

17. Are gray water diversion projects eligible under CWA section 319 grants?

In general, grey water diversion projects are not eligible under the CWA Section 319 grant program, as they are aimed at diverting wastewater rather than addressing sources of NPS pollution. Previous tribal competitive 319 grants have addressed stormwater runoff, for example by installing rain gardens, permeable pavement and other green infrastructure/low impact development practices to reduce pollutant loadings from developed areas (e.g., parking lots, buildings). These projects differ from grey water diversion in that they address runoff pollution, rather than diverting wastewater.

18. Can we use competitive 319 funds to install solar powered water pumps to direct high nutrient drainage water from agricultural croplands to treatment wetlands?

Yes, 319 grant funding can be used for drainage water management systems to manage NPS pollution associated with agricultural lands. Your proposed project to "install solar powered water pumps for drainage of high nutrient return flows to the treatment wetlands" is an eligible activity under CWA Section 319 grants.

19. If another party (e.g., a developer) was willing to cover part of the cost of a BMP, is that something we would need to state in the proposal? Is only paying for a portion of the project not considered as competitive?

Yes – information about other funding sources contributing to the project should be mentioned in your application, particularly if those other funds are being used alongside competitive 319 funds to install a project. In this case, you would want to indicate that these other funds have been secured at the time you submit your competitive grant application. Again, this demonstrates to reviewers that the project is ready to proceed if awarded.

20. I have a question about doing a project in phases. The best way I know how to ask it is to provide an example. Our tribe would like to install a green roof on a new building. The total cost is \$250K. We would propose to fund the green roof in the following way. Assuming our tribe is funded in all 3 years, would the following project be allowable under the competitive grant?

- *Year 1: Tribe requests 100k over a 3 year period (with plans to do the actual project in year 3)*
- *Year 2: Tribe requests 100k over a 2 year period*
- *Year 3: Tribe requests 50k over a 1 year period; starting and finishing the project in this year with a total of \$250k*

In the example you provide, it sounds like the construction of the green roof would occur in Year 3 and would be contingent upon the tribe successfully obtaining a competitive grant in each of the three years (i.e., the roof, with a cost of \$250K, could not be installed if you are unsuccessful in any of the three years).

A project structured this way is unlikely to be funded under the competition. Reviewers are assessing the readiness to proceed of each application during evaluation. Since there would be uncertainty about

whether the project could be completed under Year 3, contingent on obtaining the full funding amount, the project you describe does not demonstrate a readiness to proceed. Additionally, per EPA's grant policy, only in very limited cases can changes be made to a project after being selected via a national competition. This would create an issue if you were unsuccessful in year 2 or 3 and had to modify the work plan to change the project.

For these reasons, any multi-phase projects need to have discrete parts that can be implemented without being contingent on future funding.

21. 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?)

No, EPA does not specify thresholds for water quality that need to be achieved through a competitive tribal 319 grant. As described in the FY2021 RFA, applications should *"Describe how, and what, significant water quality benefits will be achieved as a result of the proposed project. Describe how the proposed project addresses the water quality problems or threats, either through restoring NPS-impaired waters or protecting waters from NPS pollution."* 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.

Each application will be evaluated based upon the extent and quality to which it describes how and what 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 protecting waters from NPS pollution.

22. Page 6 of the RFA includes "NPS ordinance development" in the list of examples of other eligible project activities. Can you please provide more detail on what this activity includes?

"NPS ordinance development" could include tribal staff time spent researching and drafting a environmental code/ordinance to submit to tribal government leaders to consider enacting to address NPS pollution. Since this work doesn't directly result in protecting/restoring water quality (e.g., there's no assurance tribal government will enact the new ordinance), it should not be the primary focus of your competitive 319 grant application. Your application should focus primarily on proposed BMP work, but may include some staff time spent developing NPS-related ordinances.

These are not tribal-specific, but here are some examples of NPS-related ordinances to address urban runoff: <https://www.epa.gov/nps/urban-runoff-model-ordinances-prevent-and-control-nonpoint-source-pollution>.

23. Is installation of catchment systems in storm drains an eligible project under the Tribal 319 Competitive Grant program?

Yes, this would be an eligible project under Section 319 grants, as long as the work is not directly required under a municipal separate storm sewer system (MS4) federal NPDES permit.

Questions about project location

24. Can tribes use competitive 319 grant funding to implement a NPS project that is not on the tribe's reservation?

Yes, as described in Section III.D.3 of the FY2021 RFA, *“CWA section 319 grant funds awarded under this competition may be awarded to tribes for use outside the reservation only if they support activities that are related to waters within a reservation and are consistent with the applicant’s nonpoint source assessment report and management program. These activities may include either those relating to sources upstream of a waterway entering the reservation, or activities downstream of reservation waters.”*

25. The RFA states that “All applications 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?

“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 contact EPA for more information about eligibility pertaining to “reservation waters.”

Applicants may use section 319 funds to perform eligible activities outside a reservation if: (1) the activity pertains to the management and protection of waters within a reservation; and (2) just as for on-reservation activities, the tribe meets all other applicable requirements.

Please note that one of the threshold criteria described in the 2021 RFA (see Section III.D.3) requires that for applicants proposing any project work, such as NPS BMP implementation activities or monitoring, that will occur off-reservation, *“...the applicant must assess and indicate in their application whether land access/permission is required, and if so must demonstrate in the application that any necessary access agreements have been obtained from the land owner(s) by the time of application submission.”*

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

“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 contact EPA for more information about eligibility pertaining to “reservation waters.”

27. Does the applicant need to obtain landowner permission for proposed work that will occur on reservation fee land?

Yes, the applicant must obtain necessary access agreements for any off-reservation work to be completed as part of the proposed work plan. This includes work on land that the tribe does not own. As stated in Section III.D of the FY2021 RFA, “If any project work, such as NPS BMP implementation activities or monitoring, is to occur off-reservation the applicant must assess and indicate in their application whether land access/permission is required, and if so must demonstrate in the application that any necessary access agreements have been obtained from the land owner(s) by the time of application submission.”

28. The FY2021 RFA requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their application that “any necessary access agreements have been obtained from the land owner(s) by the time of application submission.” What is an access agreement? Is it just to access the land to determine if there are suitable BMP sites and/or design the BMP? Or is it actually a cost-share agreement where the landowner is committing to the installation of the BMP?

Per the FY2021 RFA, EPA wants to be sure the proposed work can move forward as planned, if selected for award. To this end, we ask that the applicant obtain permission from the landowner for any work (water quality monitoring, BMP implementation) that will take place on land that the tribe does not own. A letter of support from the land owner would suffice and can be included in the application package.

29. The FY2021 RFA requires that applicants obtain any necessary “access agreements” for proposed work that will occur off-reservation, and to demonstrate in their application that “any necessary access agreements have been obtained from the land owner(s) by the time of application submission.” Can the access agreement be between another entity, such as a local Soil and Water Conservation District, and a landowner, or does it have to be between the tribe and the landowner?

Since the tribe is the entity applying for the 319 grant and responsible for implementing the work, if selected for award, the landowner should have signed off on the specific scope of work to be implemented on their land with 319 dollars.

Grant-related Questions

30. What is the cost-share/match requirement for a competitive tribal 319 grant? Is the cost-share/match requirement reduced if my tribe qualifies for a hardship waiver or includes the competitive grant funds in a Performance Partnership Grant (PPG)?

As described in the FY2021 RFA, the cost share/match requirement is 40 percent of the total project costs (e.g., for a federal request of \$100,000, a 40% non-federal match would equal \$66,667, representing 40% of the total project cost of \$166,667). As stated in the FY2021 RFA, EPA may reduce the cost share/match requirement to as low as 10 percent of total project costs if the applicant “*can demonstrate in writing to the satisfaction of the Regional Administrator that fiscal circumstances within the tribe or within each tribe that is a member of the intertribal consortium are constrained to such an extent that fulfilling the cost share/match requirement would impose undue hardship (see 40 CFR 35.635).*”

As described in the FY2021 RFA, if a tribal applicant includes the funds for a grant awarded under the FY2021 RFA in an approved Performance Partnership Grant (PPG), the cost share/match requirement *“shall be 5 percent or less (see 40 CFR 35.536 (c)) of the allowable cost of the work-plan budget for those grant funds during the first two years in which the tribe or intertribal consortium receives the PPG. After two years, the cost share/match requirement may be increased up to a maximum of 10 percent of the work-plan budget for those funds (as determined by the Regional Administrator).”* The cost share/match requirement for a tribe with their 319 grant in a PPG may also be waived entirely *“...if, based on an objective assessment of socioeconomic indicators, the Regional Administrator determines that meeting the cost share would impose an undue hardship” (see 40 CFR 35.536 (d)).*

31. If a tribe is selected for a competitive 319 grant when will funding be available?

EPA anticipates that awards will be announced in April 2021. The start date for awards will be negotiated between the applicant and the EPA Region as part of the final grant award package. Competitive 319 funds are typically awarded to tribes at the same time as base 319 grants.

You should plan to begin work on the competitive grant project no earlier than fall 2021. While we expect to announce the awarded projects in spring 2021, it typically takes a few months to finalize the award package with your EPA project officer.

32. What is the allowed project period length for a competitive 319 grant award?

Tribal competitive 319 grant project periods typically range from 1 to 3 years. Pending EPA regional project officer approval, tribal competitive 319 grant project periods may extend up to a maximum of five years. The project period depends in part on whether the funds will be added to a Performance Partnership Grant (PPG). As described in Section III.F of the FY2021 RFA, if competitive 319 grant funds are added to a PPG *“The proposed project under this grant announcement must have a project period that is within the PPG project period. It cannot be longer than the PPG project period.”*

33. What costs are included in 10% cap on “Administrative Costs”?

As stated in Section III.E of the FY2021 RFA, *“Pursuant to CWA section 319(h)(12), administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the grant shall not exceed 10 percent of the grant award (federal share and tribal cost share or match).”* For example, this cap may apply to administrative staff time supporting general environmental department tasks, tribal council member time spent reviewing grant documents, etc. Administrative costs that exceed the 10% cap may be paid by sources other than the federal funds and required tribal cost-share/match. The limitation on administrative costs does not apply when competitive tribal 319 grant funds are included in a Performance Partnership Grant (PPG). While the indirect cost rate, as set by the US Department of Interior, is separate from the administrative costs cap, administrative costs may include direct and/or indirect costs.

34. Does the 10% cap on administrative costs apply to the non-federal match?

Yes, the 10% cap on administrative costs applies to both the federal funds, as well as the non-federal match. Under the grant regulations at 2 CFR 200.306(b) cost share must be allowable, which includes conforming to the limitations in the award. In this case, that would include the limitation on administrative costs.

35. To whom should the Hardship Waiver request be addressed?

The cost share waiver request should be addressed to the EPA Regional Administrator, as the EPA Regional offices are responsible for evaluating these requests. If applicable, you must include the waiver

request as part of your application package. As stated in Section III.C of the FY2021 RFA: *“If the Tribe or intertribal consortium is interested in obtaining a cost share waiver for the funds to be awarded under this solicitation, they must submit a cost share waiver request as part of their application submission – such request is not subject to any page limitations specified for the application in Section IV of this solicitation.”*

36. Can we include indirect costs in our proposed budget?

Yes – you may include indirect cost in your application budget. The indirect cost rate should be that set by the US Department of Interior. If your budget does include an indirect cost, you must include the negotiated indirect cost rate agreement document as an attachment. See EPA’s *Indirect Cost Guidance for Recipients of EPA Assistance Agreements* policy for additional information: <https://www.epa.gov/grants/rain-2018-g02>.

37. Can our tribe use unclaimed indirect costs to meet the cost-share/match requirement? By unclaimed, we mean that we would not charge the grant for indirect cost and would use that portion of the 319 grant funds to directly fund project activities to meet the match requirement.

Yes – per section 6.5 of the [EPA’s Indirect Cost Policy for Recipients of EPA Assistance Agreements](#) and 2 CFR 200.306(c), “recipients with approved negotiated IDC rates may use unrecovered IDCs, including IDCs attributable to cost-sharing or matching, to meet a required or voluntary cost-share with prior EPA approval.” Please include your plan to use unrecovered IDC as cost-share/match in the budget section of your competitive application. Page 7-8 of [EPA’s IDC policy guidance](#) has more information about this.

38. Can we include a video (e.g., aerial drone footage that shows the proposed project area) as part of our Grants.gov application package?

Please see the Grants.gov FAQs page, which advises applicants to keep their entire application package to less than 200 MB. See here: <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#attachments>. You can contact Grants.gov support desk for additional questions about individual file uploads. You might also consider putting the video on a YouTube channel or other web-streaming site, and include a link to the video in your application.

39. Can work completed prior to the Tribal 319 grant start date be used to meet the non-federal match requirement?

No. The non-federal match must occur during the project period of the grant award.