

**Questions and Answers Regarding
FY2012 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint
Source Management Grants Under Clean Water Act (CWA) Section 319**

The RFP for competitive Section 319 grants in FY 2012 states that: "Questions about this RFP must be submitted in writing via e-mail and must be received by the EPA Regional Contact identified in Section VII by January 11, 2012. Written responses will be posted on EPA's website at: <http://www.epa.gov/nps/tribal>."

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

QUESTION 1

Can we submit our competitive grant application by electronic submission, and email it to our Regional tribal 319 Coordinator?

ANSWER

E-mail submissions are not permitted under this RFP. Electronic proposal submission must be sent through www.grants.gov. Hard copy proposals must be received by the EPA Regional Contact (See Section VII of the RFP) by 5:00 P.M. local time **January 20, 2012**, or by electronic submission through **Grants.gov by 11:59 P.M. Eastern Standard Time (EST) January 20, 2012**. Hard copy proposals must be submitted by hand delivery, express delivery service, or courier service. Hard copy proposals submitted by any type of regular U.S. Postal Service mail will not be considered. **EPA will not accept faxed submissions or e-mail submissions.**

QUESTION 2

Can you please tell me how many applications your office received in the last round of funding, and of those, how many were awarded?

ANSWER

EPA received a total of 53 proposals in response to the competitive announcement in FY 2011 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319 - Funding Opportunity Number EPA-OW-OWOW-11-01. Of those, 24 proposals were selected for award.

QUESTION 3

Is there any page limit placed on competitive section 319 grant proposals?

ANSWER

There is no page limit on proposals.

QUESTION 4

Do you have any more details on the RFP announcement dates and due dates for 319 base, competitive and CWA Section 106? It appears that the National Comp RFP is due a few months before the base grant is due. When are selections to be made and offers made for each 319 program?

ANSWER

You can find information regarding the tribal nonpoint source base and competitive grant proposal deadlines here: <http://water.epa.gov/polwaste/nps/tribal/funding12.cfm> Note that each EPA Region has its own deadline for the base grant, and the competitive grant has a national deadline of January 20, 2012. Check with your EPA Regional 106 Coordinator regarding CWA 106 grant proposal deadlines.

QUESTION 5

One more question on the NPS Competitive RFP: is the award limited to a 1-year project period? Is a 2-year project period acceptable? If we received a 2-year project period would that take us out of the running for next year's RFP?

ANSWER

Applicants can submit a work plan with a 2 year project period in their competitive grant proposal. If the applicant is awarded a grant for a 2 year project period they can apply for competitive funding the next fiscal year.

QUESTION 6

Reading through the RFP, it says:

a. EPA anticipates notification to successful applicant(s) will be made by the appropriate EPA Regional contact via e-mail or phone call, followed by a formal letter through the U.S. Postal Service Mail on or around March 30, 2012. This notification, which advises that the applicant's proposal has been selected and is being recommended for award, is not an authorization to begin performance, nor is it a guarantee that an award will be made. The award notice signed by the EPA Award Official is the authorizing document and will be provided through U.S. Postal Mail. At a minimum, this process can take 90 days from the date of selection notification.

Do you have any insight on to when these awards are typically made available?

ANSWER

Historically funds have been made available by late spring/early summer; however, given the nature of the federal budget cycle, we cannot commit to an exact date of when the tribal 319 competitive grant awards will be made.

QUESTION 7

In reviewing the RFP for NPS 319 competitive grant, the following statement caught my eye:

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

We have funds that meet this requirement. I am looking for a way to utilize them as match. Are there any other requirements of the funding that I need to know about? Do the BIA funds need to be directly involved with the project somehow? Do the BIA funds need to be specific to related subjects (such as groundwater monitoring, for instance). Or will any old BIA funding suffice as match? How would you suggest I document such funds as match? How much documentation do you require?

ANSWER

The same requirements apply for BIA funds as with any other allowable funds used towards the tribal match therefore matching funds need to be directly related to the proposed project. The same documentation requirements applies to all sources of matching funds and how the match will be used should be included and identified within the work plan and budget.

QUESTION 8

I am looking at the quote “administrative costs.....shall not exceed 10 percent.....” “education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation.” My question concerns Watershed-based plan development. Realizing that this needs to be less than 20% of federal share, does Watershed-based planning fit into any of the above-mentioned exemptions?

ANSWER

Yes, developing a watershed-based plan is exempt from the 10% cap on administrative costs.

9. In the FY12 RFP for the Competitive 319, it says that cost share/match requirements may be reduced to as low as 10 percent, if the applicant meets certain requirements. We received a letter from our Region informing us that, based on our Tribe’s socio-economic indicators, our cost-share requirements have been reduced to 0% until September 30, 2013. I was just wondering how I should address this in my proposal. Do I need to attach this letter with my application, or just detail it in the budget narrative? I want to make sure that my proposal doesn’t get dinged for not putting any cost share in it.

It would be good to include the letter with your competitive grant application, as well as detailing the 0% match within the budget and narrative workplan. It's important to make it clear to the reviewers that this 0% waiver determination has been made by the Region office.

10. The RFP states: *vi. Environmental Outputs, Outcomes, and Tracking (as described in evaluation factor V.A.f (i) and (ii)). Work plan commitments for each work plan component, including anticipated environmental outputs and outcomes (as required by EPA Order 5700.7), the linkage to the Strategic Plan Goal 2, Objective 2.2, and the applicant’s plan for tracking and measuring its progress towards achieving the expected outputs and outcomes including those identified in Section I of this RFP.*

Can you guide us to the Strategic Plan and EPA Order 5700.7?

The link to EPA's 2011-2015 Strategic Plan is on pages 5 and 24 of the RFP and is available at the link below. Just click on the "FY2011-2015 Strategic Plan". The language for Goal 2, Objective 2.2 starts on page 46 of the paper document or page 50 of the electronic version.

<http://www.epa.gov/planandbudget/strategicplan.html>

The link to the EPA Order 5700.7 is on page 5 of the RFP and is available at the link below.

<http://www.epa.gov/ogd/grants/award/5700.7.pdf>

11. The RFP states: *i. Subcategories of NPS pollution (as described in evaluation factor V.A.a). Identify and describe the extent and magnitude of the subcategories of NPS pollution. Identify the area the estimate applies to (project(s) area, larger watershed, reservation, etc.). Include photos if possible, either as attachments or within the proposal narrative.*

While we do have data that describes sedimentation, siltation, suspended material and turbidity in our rivers as a result of logging, can you guide us to studies or documents in the literature that will help us to quantify reduction's in these NPS parameters through the installation and maintenance of BMPs . This is needed for us to help determine outcomes. For instance, if we install so many miles of silt fencing, which would be an output, how do we quantify the outcomes without some sort of research that has be done to establish baseline data or "before" and after installation of BMPs. What does the EPA have that we can use?

As stated on Page 30 of the RFP, EPA employees can not provide advice to applicants on how to respond to ranking criteria. We suggest that you check EPA's website for information, contact your state nonpoint source program, your local cooperative extension office, or state NRCS office for possible assistance.

12. The CWA sec. 319 Competitive Grant RFP states: *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 federal portion of the grant award. The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation. Note that indirect cost rates are set by Department of Interior for the tribe and are independent of indirect costs mentioned in CWA.*

Our tribe uses an indirect cost rate which is above 10%. Does this mean I need to use a rate of 10% or the higher rate set by the Department of Interior for the Tribe? Does the \$150,000 cap on requested funds for CWA sec. 319 Competitive Grant include indirect costs? Should the indirect cost rate be applied to only direct costs or direct costs + tribal match?

The indirect cost rate set by the Department of Interior applies to indirect costs of your proposal. Some indirect costs may not be considered administrative, though. The 10% is to limit overall funds for administrative costs, which may include direct or indirect costs. The 10% administrative cost cap applies to the federal share and the tribal cost share. Note that costs that exceed the 10% administrative cap may be paid by sources other than the federal funds and required tribal cost share. The DOI indirect cost rate is separate from the administrative cap. The 10% administrative cap does not expressly impact the indirect cost rate but it could impact the indirect costs that may be paid with federal funds or required cost share funds. Some of the costs in the indirect cost rate are going to be subject to the administrative cap. Any administrative cost, whether it is indirect or direct, will count toward the administrative cap. And, any administrative cost that exceeds the 10% limit may not be funded with federal funds or the required tribal cost share. This is true even if the administrative costs otherwise fit within the DOI indirect cost rate of 30%.

The \$150,000 federal share does include indirect costs.

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

13. The Pacific Coast and Strait of Juan De Fuca Tribes, along with other communities and ports up and down the entire West Coast, are facing an oncoming event of Japanese tsunami marine debris that is headed this way. The Tribe is already receiving some of the advance debris. Mostly light, large material that is being wind blown in advance of the main marine current driven debris field that is expected to arrive sometime in late 2012 and 2013. This debris will likely affect not only our beaches but estuaries of rivers and watersheds all up and down the coast and inland up the Strait of Juan De Fuca and the Columbia River. Information we have obtained suggests that this debris could even block ports. It is anticipated that our estuaries, rivers, and ultimately our watersheds may be adversely affected by this solid waste debris, which may also contain other types of

commercial and industrial toxins that we will have to deal with. This is especially true for two watersheds listed in our approved Watershed Based Management Plan.

The Tribe would like to know whether this “event” would be eligible for funding under CWA 319. It is anticipated that funds would be used to help set up infrastructure and capacity to deal with this debris, including, but not limited to, outreach and education, beach and river monitoring, coordination with emergency preparedness programs (oil spill and tsunami), other coastal tribes and jurisdictions (local, state, and federal), mobilization, staging, and initial beach and watershed clean up of advance debris such as we are starting to receive now.

Yes, you can use 319 funding to address the marine debris issues that the tribe will be facing. The waters affected are part of the reservation and the activities that you proposed are eligible activities. You can use 319 base or competitive funding to support these activities as long as you amend your assessment report and management program to reflect marine debris as a source of nonpoint source pollution on the reservation. You will need to amend your assessment report and management program by the time the grant funds are issued.

If you submit competitive proposal addressing marine debris, please note in your proposal that you will be amending your assessment report and management program to include this new non point source.

This procedure applies to emergency situations, including tsunami marine debris.

14. I have a question on the 2012 competitive grant proposal. I am writing about a project located on a ranch that was recently categorized a CAFO. Would it be ok if I used wording from the Order of Compliance Letter sent to the landowner by the EPA in the competitive grant proposal? My proposal would work on other sections of the Ranch that were not a part of the CAFO designation and were not listed in the order.

There are no restrictions against using language from an order for compliance within your competitive grant proposal (for example, to help describe a nonpoint source pollution problem). However, using 319 funds on any part of the CAFO is ineligible, according to the CWA Section 319 guidelines which state: Any AFO that is defined or designated to be a "concentrated" AFO (i.e., "CAFO") under 40 CFR section 122.23 is ineligible for funding under Section 319.

15. I read a question about whether the award is limited to 1-2 year projects. Is the time limited to two years or can it still be up to 5 years like previous projects?

You can submit a work plan for a 5 year project period.

16. Concerning the 319 competitive RFP grant, could we use a portion of funds for emptying septic tanks by septic truck haulers? The haulers will be trained to do an inspection of the drain field and tank for proper functioning of the system? We will use the inspections to determine replacement of tank and/or drain field.

Section 319 funds may be used to conduct inventories of the septic systems and to educate the community about proper septic system maintenance. Septic rehabilitation is eligible for funding and can include the repair or replacement of septic systems which have been identified as *failing and contributing to water pollution*. However, ongoing maintenance of existing systems that are *not* malfunctioning is *not* eligible for Section 319 dollars.