

# Fiscal Year 2024 Indian Environmental General Assistance Program (GAP) National Notice of Funding Availability (National NOFA)

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## 1. Introduction

With this Notice of Funding Availability (NOFA), EPA invites proposals for Indian Environmental General Assistance Program (GAP) grants and assistance amendments from the Fiscal Year 2024 Congressional appropriation to fund work plans beginning on or after October 1, 2024.

## 2. Program Description

EPA provides GAP financial and technical assistance to Tribal governments and intertribal consortia to assist Tribes in planning, developing, establishing, and maintaining the capacity to implement federal environmental programs administered by the EPA and to assist in implementation of Tribal solid and hazardous waste programs. EPA's GAP Guidance provides a consistent national framework for building Tribal environmental program capacity under GAP and is designed to improve the management of GAP resources.

As described in the national program priorities below, GAP supports Tribal government efforts to develop core environmental program capacities, such as administrative, financial management, information management, environmental baseline needs assessment, public education/communication, legal, technical/analytical, and capacity needed to implement and/or meaningfully participate in federal environmental protection programs. Learn more about GAP on the EPA website at <https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap-program-gap>.

The national program priorities for GAP underscore GAP's role in fostering partnerships between EPA and federally recognized Indian Tribes.

### **Important Reference Documents for GAP**

The following statutes, guidance, policies, and plans govern EPA's administration of GAP grants:

[Indian Environmental General Assistance Program Act of 1992](#)

[Indian Environmental General Assistance Program \(GAP\) Guidance on Financial Assistance Agreements](#) (September 2022) and [GAP Capacity Indicators | US EPA](#)

[GAP Technical Assistance Handbook | US EPA](#)

Solid Waste Disposal Act, commonly known as the [Resource Conservation and Recovery Act](#) Federal Regulations, including [2 CFR Part 200](#), [2 CFR Part 1500](#), and [40 CFR Part 35, Subpart B](#)

[OITA's FY23 – FY24 National Program Guidance](#) (August 2022)

[EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) (1984)

[EPA's FY22 – FY26 Strategic Plan](#)

The national program priorities for the administration of GAP are to:

1. Ensure Tribal governments have the opportunity to build the capacity to:
  - a. Implement federal environmental programs through EPA delegations, authorizations, and approvals, where applicable; and
  - b. Meaningfully participate in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote Tribal self-governance by working closely with Tribes to:
  - a. Accomplish Tribal environmental program goals in EPA-Tribal Environmental Plans (ETEPs) that reflect federal environmental program areas of need to protect human health and the environment;
  - b. Support Tribes' development of strong core environmental program capacities for media-specific programs administered by EPA; and
  - c. Foster Tribes' capacity to assume the authority to implement programs administered by EPA.
3. Promote intergovernmental collaboration and partnership among EPA, Tribes, states, and others, and focus GAP financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).
5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

### **3. Award Information**

#### **Types of Financial Assistance Agreements**

Successful applicants will receive assistance in the form of either a Grant Agreement or a Cooperative Agreement. Cooperative Agreements are awarded when substantial involvement from EPA is anticipated to achieve the work plan deliverables.

GAP is also one of several EPA grants eligible for combining into a Performance Partnership Grant (PPG). See Section 10 of this NOFA for additional information on PPGs.

#### **Cost Match**

Applicants are not required to provide any matching share of GAP project costs.

#### **Period of Performance**

GAP grant project periods may not exceed four years. At the end of a 4-year grant period, Tribes and intertribal consortia may apply for new GAP grants. When GAP funds are included in PPGs, the project period can be up to 5 years.

Current grantees are encouraged to submit multi-year funding requests if they are: (1) completing

proposed activities as scheduled, (2) submitting progress reports on time, (3) fulfilling closeout requirements, (4) regularly drawing funds down, and (5) meeting all other grant requirements. Applicants should discuss this option with their EPA Project Officer before submitting a multi-year proposal.

#### **4. Eligible Recipients**

Indian Tribal governments (Tribes) and intertribal consortia are eligible to receive funds under this grant program<sup>1</sup>.

These terms are defined in [40 CFR 35.502](#) as follows:

An *Indian Tribal government (Tribe)*, except as otherwise defined in statute or applicable program specific regulation, is any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the U.S. Department of the Interior for the special services provided by the United States to Indians because of their status as Indians.

An *intertribal consortium* is a partnership between two or more Tribes authorized by the governing bodies of those Tribes to apply for and receive assistance under GAP.

#### **Intertribal Consortium**

Under EPA's Tribal grant regulations, an intertribal consortium is eligible to receive GAP financial assistance when the consortium can adequately document compliance with the following requirements:<sup>2</sup>

A majority of its members are eligible to receive GAP grants.

1. All member Tribes that meet GAP eligibility requirements authorize the consortium to apply for and receive the award; and
2. Adequate accounting controls are in place to ensure that only members that meet the eligibility requirements will benefit directly from the award and the consortium agrees to an award condition to that effect.

With each new GAP grant application (meaning the first year of a multi-year grant), an intertribal consortium must include documentation of: (1) the existence of the partnership between eligible Tribal governments; and (2) the authorization of the consortium by all GAP-eligible member Tribes to apply for and receive the grant. See Section 3.5 of the 2022 GAP Guidance for details on acceptable forms of documentation.

The Tribe decides who their duly authorized representative is. Duly authorized representatives may include, for example, Tribal leadership, Tribal environmental directors, or Tribal administrators. If documentation includes consortium resolutions, the resolution must have unanimous support, meaning no abstentions and no majority approvals, from all board members.

Intertribal consortia may use GAP funds to provide training and technical assistance to support the environmental priorities of GAP-eligible member Tribes. Alternatively, Tribal governments may choose not to receive GAP funds directly but instead may request for a consortium to receive funding to conduct environmental activities for the benefit of the Tribe.

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<sup>1</sup> [40 CFR §35.543](#).

<sup>2</sup> [40 CFR §35.504](#).

The recipient consortium, with input and agreement from the Tribe, will submit an ETEP to the Region outlining the long-term goals and activities they will conduct for the benefit of the Tribe. Refer to Section 3.5.1 of the GAP Guidance for further details.

## **5. Funding Amounts**

EPA funds applicants in the following order:

1. **Individual Tribes.** The primary purpose of GAP funding is to build Tribal capacity for developing and administering environmental protection programs. Therefore, providing GAP grants to individual Tribal governments is our highest priority. Work plan considerations for Tribes requesting a consortium to receive funding to conduct environmental activities for the benefit of the Tribe should be considered as “individual Tribes.”
2. **Intertribal consortia.** EPA considers funding for intertribal consortia after it has funded individual Tribes’ proposals. Consortia work plans should meet the capacity-building needs of their member Tribes as reflected in EPA-Tribal Environmental Plans (ETEPs) without duplicating members’ efforts.

Applicants may request funding within their Region’s funding parameters for FY24. Final awards must be between \$75,000, for initial awards, and no more than 10% of the total Congressional appropriation, and may be based on factors such as, but not limited to, activities proposed, prior awards to the applicant, existing balances, and reporting status. See Section 8 of this NOFA for more information.

Final GAP funding amounts may also be impacted by the final annual appropriation EPA receives from Congress, newly applying Tribes, rescissions, or similar national or regional funding factors.

## **6. Application Information**

When submitting a *new* application (for the first year of the grant period), the full grant application must be received by electronic submission through [Grants.gov](https://www.grants.gov)<sup>3</sup> by the date for your Region shown in the Application Submittal Schedule (See Table 1, below). When submitting a supplemental application (that is, for any year other than the first), the application may be submitted via Grants.gov (add the grant number in the previous grant number section), or you can email the application to your EPA Project Officer. GAP applications submitted after the Region’s identified due date may not be considered for GAP funding (see Table 1, below). Please refer to Regional guidance for requesting an extension.

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<sup>3</sup> Applicants that have limited or no internet capacity should refer to [Exceptions to the Grants.gov Requirement](#) to learn about how to request an exception.

Regional deadlines are included in the table below.

Table 1- Application Submittal Schedule

Region	Work Plan and Budget Due Date Stand-Alone GAP	Work Plan and Budget Due Date GAP in a PPG	Applications Due in Grants.Gov
1	N/A	June 3, 2024	July 1, 2024
2	Feb/March, 2024 <sup>4</sup>	Feb/March, 2024	Feb/March, 2024
3	May 31, 2024	N/A	May 31, 2024
4	April 1, 2024	April 1, 2024	June 14, 2024
5	60 days from date of allocation letter from EPA Project Officer	60 days from date of allocation letter from EPA Project Officer	Determined by EPA Project Officer
6	February 16, 2024	April 19, 2024	GAP stand-alone: February 16, 2024  GAP in PPGs: April 19, 2024
7	March 4, 2024	March 34, 2024	June 15, 2024
8	February 22, 2024	February 22 2024	June 4, 2024
9	Tribes & Intertribal Consortia: January 26, 2024 with application on Grants.gov & emailed to GAP PO.	Tribes & Intertribal Consortia: January 26, 2024 with application on Grants.gov & emailed to GAP PO.	GAP stand-alone: January 26, 2024  GAP in PPGs: Determined by EPA Project Officer
10	January 19, 2024	January 19, 2024	May 17, 2024

Regions may provide supplemental application guidance; see additional information regarding supplemental proposals below in Section 7. Contact information for each Regional Tribal Program Manager is on the EPA website, <https://www.epa.gov/tribal/epa-tribal-program-managers>.

**Grants.gov Assistance Listings:**

Funding Opportunity Number: [EPA-CEP-02](#)  
Indian Environmental General Assistance Program (GAP) – 66.926

Funding Opportunity Number: [EPA-CEP-01](#)  
Performance Partnership Grants (PPG) – 66.605

<sup>4</sup> EPA Region 2 will provide additional information on work plan and applicant deadlines applicable to R2 applicants.

A full grant application includes the following items (all forms are located at <https://www.epa.gov/grants/epa-grantee-forms>):

1. Work Plan
2. Budget Narrative
3. Application for Federal Assistance (SF-424)
4. Budget Information Non-Construction Programs (SF-424A)
5. Certification Regarding Lobbying (EPA Form 6600-06) - *For new grant applicants only*
6. Pre-award Compliance Review Report (4700-4)
7. Key Contacts Form (Form Approved OMB No: 2030-0020)
8. If the applicant's budget includes indirect costs, a copy of the Approved Indirect Cost Rate Agreement, or the latest proposal (whichever document is most recent)

**As of October 1, 2023, EPA has stopped using GAP Online (GO3). Please do not enter new work plans in GO3.**

A work plan and budget worksheet must be included that covers each year of funding requested.

## **7. Work Plan and Budget Requirements**

### **Work Plan**

An approvable work plan must specify<sup>5</sup>:

- The work plan components to be funded under the grant.
- The estimated work years (i.e., FTE) and estimated funding amounts for each work plan component.
- The work plan commitments for each work plan component, and a time frame for their completion.
- A performance evaluation process and reporting schedule.
- The roles and responsibilities of the applicant and EPA in carrying out the work plan commitments (i.e., explain who will do what).

In addition, the work plan must include:

- A description of proposed eligible GAP activities and how they support the GAP national priorities identified in the 2022 GAP Guidance.
- The expected outcomes and environmental results associated with each work plan component.
- The expected outputs/deliverables that will be submitted to EPA for each commitment.
- For each component, a reference to the corresponding Tribal priority (or priorities) in the ETEP, or if new, the applicant's plan to develop an ETEP (See Section 9 of this NOFA for more information on ETEPs).
- A separate component for solid/hazardous waste service delivery activities (GAP Guidance Section 2.1.1 (2)).

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<sup>5</sup> See [40 CFR §35.507 \(b\)](#) for the first five elements.

### Service Delivery Activities

Recipients may use GAP funding to provide waste service delivery activities, such as the collection, transportation, backhaul, and disposal of solid waste and/or recovered resources. Tribes seeking GAP funding for these activities should include a work plan commitment to report on:

1. the amount of waste collected, transported, backhauled, and disposed,
2. the type of materials serviced,
3. where the serviced materials originated, and
4. the final disposition of the waste materials.

For more information about waste and recovered materials classifications, see:

<https://www.epa.gov/smm/advancing-sustainable-materials-management-facts-and-figures>.

EPA will provide supplemental guidance on service delivery reporting in early FY24.

### Budget

The budget must include sufficient detail for EPA to understand the applicant's planned expenditures, and all items in the budget must be reflected in the work plan.

Submitted budgets should:

- Include all applicable costs, which may include personnel, fringe, travel, equipment, supplies, contracts, consultants, other, and indirect costs.
- Include detailed break outs on cost estimates for equipment, supplies, contracts, and other.
- If the Tribe or intertribal consortium receives income from activities conducted through the grant, such as recycling, include an estimate of the income anticipated for the year (program income).

Regional Offices may not approve Tribal grants where it is anticipated that drawdown of a substantial portion of federal funds will be delayed until the end of the project period without the approval of the American Indian Environmental Office (AIEO). Before approving any such grant, AIEO will confer with the Office of Grants and Debarment and the Office of the Chief Financial Officer in a timely manner.

### Additional Requirements

All applicants must also have:

- Active/updated [UEI \(Unique Entity Identifier\)](#), [SAM.gov](#), and [Grants.gov](#) registrations;
- A single or program-specific audit in compliance with 2 CFR §200 if the applicant spends \$750,000 or more in federal funds annually; and
- Included all information requested in this NOFA in the proposal.

### GAP Supplemental Projects

Tribes are encouraged to submit project proposals for GAP Supplemental Projects as part of their regular GAP application. This way, if there are extra funds available, a Region will not have to request additional projects from the Tribes.

GAP Supplemental Project proposals are discreet projects and/or tasks that can be completed in addition to the GAP grant work plan described above, but similarly consist of a detailed budget and component/commitments that could be completed with additional funding. GAP Supplemental Projects may be funded after all the Region's initial GAP applications have been approved if additional funds are



available. The scope of work for the Supplemental Projects should be appropriate for the amount of funding requested. Please be aware that supplemental projects may not be recommended for funding, or a portion(s) may be approved for award at a reduced amount. Tribes may submit more than one Supplemental Project proposal. If multiple supplemental proposals are submitted, please identify the order in which you would like them considered for funding.

## 8. Application Review Criteria

Each Region should refer to Section 4.2 of the 2022 GAP Guidance when negotiating work plans and determining final award amounts, and should further consider:

- the amount of GAP funding the Region receives;
- the number of Tribes and intertribal consortia submitting applications;
- whether the application was received on time;
- the applicant's level of unexpended GAP funds;
  - *Current grant recipients must be making regular drawdowns per the terms and conditions of the grant agreement and not have a high balance of unexpended funds.*
- whether the work plan includes all the required elements, including components and commitments, long-term and intermediate outcomes, and outputs and deliverables;
- whether proposed activities are allowable and costs reasonable to achieve the project goals;
- whether proposed activities help the applicant to achieve priorities identified in the relevant ETEP(s);
  - *If the Tribe or intertribal consortium (where applicable) does not have a current ETEP, the work plan should include a commitment to complete one.*
- whether proposed activities meet the review factors, including past performance;
  - *Current grant recipients must be making satisfactory progress (meeting project goals and completing work plan commitments in a timely manner, and overseeing finances) and, if not, have a corrective action plan in place*
- whether the applicant is current on all reporting requirements.
  - *Current grant recipients must be up to date with all reporting requirements (progress reporting, closeout requirements for prior GAP grants, and annual Federal Financial Reports)*

Current grant recipients must also ensure that the proposed work plan is not identical to previous work plans and have a demonstrated history of being responsive to EPA requests for information and modifications.

### High Balances

Grantees that have a high balance of unspent GAP funding (referred to as unliquidated obligations (ULOs)), either currently or with a history of high ULOs, will be evaluated by the EPA Project Officer to determine whether a no-cost extension or reduced award may be most appropriate. Learn more about EPA's ULO policy at <https://www.epa.gov/sites/default/files/2020-11/documents/gpi-11-01-managing-unliquidated-obligations.pdf>.

## 9. ETEPs

In accordance with the GAP Guidance, EPA will work with each Tribe to develop and implement an ETEP, which sets the stage for stronger environmental and human health protection in Tribal

communities. [Click here for the ETEP Fact Sheet.](#)

Tribes and EPA should jointly review the ETEP annually, or at a minimum every five years, and update it as needed. Tribes may include activities to update their ETEP in their work plan proposals.

If an applicant has received a GAP grant in the last year but has not completed an ETEP, EPA may award new, incremental, or supplemental funding only for work plan activities related to finalizing the ETEP. For any Tribe seeking GAP funding that does not have an ETEP, including first time applications, the applicant should include developing an ETEP as a work plan commitment.

When updating ETEPs, EPA should list EPA-regulated entities and identify any related planned direct implementation activities. These activities are guides to illustrate the programs a Tribe may develop capacity to administer through program delegation, authorization, or approval. Steps to develop program capacity in these areas can be included in GAP work plans. EPA recommends that the Tribe work with their EPA Project Officer and program office staff to identify program development tasks and program approval processes. Tribes are encouraged to review the list of EPA-regulated entities to ensure it is accurate. Tribes may also identify regulated entities that are not within Indian country but that may impact the Tribe's environment.

For GAP awards made on or after October 1, 2022, capacity indicators should be incorporated into renewing ETEPs. Previously, applicants selected a capacity indicator for each work plan component; this is no longer required. Capacity indicators are measurable conditions that demonstrate environmental program capacity achieved with GAP funding; they are not the same as a list of eligible activities. The current list of GAP Capacity Indicators is available on EPA's website at [GAP Capacity Indicators](#). See Section 2.3 of the 2022 GAP Guidance for more information.

An intertribal consortium who is receiving GAP funding to conduct environmental activities on behalf a member Tribe or Tribes should also develop an ETEP. See Section 3.5.1 of the 2022 GAP Guidance for more information.

## **10. Performance Partnership Grants (PPG)**

PPGs allow eligible Tribes and intertribal consortia to combine funds from at least two eligible environmental grant programs, including GAP, into a single grant to improve environmental performance, increase programmatic flexibility, achieve administrative savings (such as elimination of cost share), and strengthen the partnerships between the Tribe and EPA.

Since multiple programs are involved, PPG proposals and applications may take longer to develop than single grant proposals. PPG deadlines may vary depending on the type of programs involved. Applicants should confirm due dates with their EPA Project Officer.

Tribes and intertribal consortia with PPGs should communicate regularly with their EPA Project Officer when applying for EPA program grants. Grantees may request additional grants be added to their PPG, including competitive grants. A complete list environmental program grants eligible for including in a PPG is available on EPA's website at <https://www.epa.gov/ocir/nepps-implementing-performance-partnerships>.

To learn more about PPGs, and specifically about including GAP in a PPG, see Section 3.4 of the 2022 GAP Guidance.

Effective October 1, 2021, cost match is no longer required for PPGs. See [RAIN-2022-G01, Class](#)

[Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants \(PPGs\)](#) for more information.

**11. Award Acceptance**

Recipients must demonstrate their commitment to carry out an award by either: 1) beginning to draw down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award mailing date.

**Administrative And National Policy Requirements**

Regulations governing the award and the administration of environmental programs for Tribes and intertribal consortium can be found in Title 40 of the Code of Federal Regulations (CFR), Part 35, Subpart B ([40 CFR §35.500-35.518](#)) and [2 CFR §200](#) and [1500](#).

**12. Reporting**

The following reports are required for all grantees. Contact your EPA Project Officer for details.

<b>Report</b>	<b>Due Date (for awards starting October 1)</b>	<b>Due Date (for awards starting January 1)</b>
Progress reports that document progress in performing the commitments listed in the work plan and, if applicable, describe any problems and a plan for resolving them	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due January 30.</li> <li>• Quarter 2: Progress reports due April 30.</li> <li>• Quarter 3: Progress reports due July 30.</li> <li>• Quarter 4: Progress reports due October 30</li> </ul>	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due April 30.</li> <li>• Quarter 2: Progress reports due July 30.</li> <li>• Quarter 3: Progress reports due October 30.</li> <li>• Quarter 4: Progress reports due January 30</li> </ul>
<a href="#">Annual Federal Financial Reports (FFRs) (SF-425)</a>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (December 30)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (March 30)</li> </ul>
<a href="#">Final Federal Financial Report (FFR)(SF-425)</a>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants)</li> </ul>
Final progress/performance report	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants).</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants).</li> </ul>

# Appendix A - Acronyms

CFR	Code of Federal Regulations
ETEP	EPA-Tribal Environmental Plan
GAP	Indian Environmental General Assistance Program
NOFA	Notice of Funding Availability
PPG	Performance Partnership Grant
RAIN	Recipient/Applicant Information Notice
UEI	Unique Entity Identifier
ULO	Unliquidated Obligation