



Tribal Consultation Grants for Climate Commitment Act Funding Decisions

Grant Guidelines, Fiscal Year 2023

By

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For the

Air Quality Program

Washington State Department of Ecology

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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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DEPARTMENT OF
ECOLOGY
State of Washington

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Important Information

Apply to: Ecology Air Quality Program via Ecology Administration of Grants and Loans (EAGL)

Title: Tribal Consultation Grants for Climate Commitment Act Funding Decisions

Action: Request for Grant Funding

Eligibility: Available to all twenty-nine federally-recognized Tribes in Washington State and the federally-recognized Tribes with usual and accustomed territories in Washington.

Amount of Funding Available: \$4,000,000 is available for the Department of Ecology to allocate to eligible Tribes for use during State Fiscal Year 2023 (July 1, 2022 through June 30, 2023). Available funds will be distributed equally among all accepted applications.

Application Acceptance Dates: July 5, 2022 through September 7, 2022

Application Due Date: September 7, 2022

Note: Applications must be submitted using Ecology's electronic grant and loan application system called EAGL (Ecology Administration of Grants and Loans).

Chapter 1: Overview of the Tribal Consultation Grants for Climate Commitment Act Funding Decisions

Purpose

The Washington State Department of Ecology’s (Ecology) Tribal Consultation Grant Program for Climate Commitment Act (CCA) Funding Decisions is a non-competitive grant program to provide funds to eligible Tribes to consult on spending decisions from accounts created in the CCA.

Agencies that allocate funding or administer grant programs using funds from the three CCA accounts – the Climate Investment Account (RCW 70A.65.250), the Climate Commitment Account (RCW 70A.65.260), and the Natural Climate Solutions Account (RCW 70A.65.270) – “must offer early, meaningful, and individual consultation with any affected federally recognized tribe on all funding decisions and funding programs that may impact tribal resources” (Engrossed Substitute House Bill 1753, now Chapter 253, Laws of 2022). The purpose of the grants is to support Tribes with funds to engage in these consultation processes.

All twenty-nine federally-recognized Tribes in Washington State and the federally-recognized Tribes with usual and accustomed territories in Washington will be eligible for this non-competitive funding opportunity.

The Legislature appropriated \$4.232 million dollars to Ecology for Fiscal Year (FY) 2023 to administer these grants, of which \$4 million is direct pass through funding to Tribes.

These guidelines provide information about Tribal Consultation Grant Program for FY 2023 only. These guidelines do not apply to any possible grant rounds in future biennia.

All grant applicants should read and understand these guidelines along with the Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL before entering into a grant agreement with Ecology.

Background and Statutory Direction

In the 2022 legislative session, the Washington State Legislature passed Engrossed Substitute House Bill 1753 (now Chapter 253, Laws of 2022), which establishes an enhanced process for tribal consultation on spending decisions from accounts created in the CCA. The bill also directs Ecology to establish a tribal capacity grant program to provide funding to federally-recognized Tribes for the costs of engaging in these consultations.

In the 2022 Supplemental Operating Budget (ESSB 5693 Section 302(51), now Chapter 297, Laws of 2022), the Legislature appropriated \$4.232 million dollars to Ecology for Fiscal Year 2023 to administer grants to federally-recognized Tribes for consultation on spending decisions from CCA accounts.

The CCA, passed in 2021, establishes a cap-and-invest program to help our state meet its statutory greenhouse gas emissions limits. The CCA requires entities covered by the law to obtain emissions allowances at auction, equal to the greenhouse gases they generate. Proceeds from the auction of allowances will be appropriated by the Legislature for projects supporting the clean energy transition and assistance, clean transportation, and climate resiliency projects that promote climate justice.

Statutory and Administrative Requirements

Statutory requirements, administrative rule uses and limitations, and program and agency policy provide the framework for the Funding Guidelines. Key statutes, rules, and policies include, fall under/include:

- [Chapter 253, Laws of 2022 \(ESHB 1753\)](#)²
- [Chapter 297, Laws of 2022 \(ESSB 5693 Section 302\(51\)\)](#)³
- [Administrative Requirements for Recipients of Ecology Grants and Loans \(Yellow Book\)](#)⁴

Ecology's General Terms and Conditions are nonnegotiable and failure to accept these conditions, or any attempt to alter these conditions can result in revocation of grant awards.

Grant Staff

Project Manager

Carrie Sessions

Phone: (360) 584-8602; Email: carrie.sessions@ecy.wa.gov

Responsible for the project management aspects of the agreement. Develops agreement content (scope, task, deliverables), including negotiation with recipients. Monitors progress and deliverables, approves reimbursement requests, and assists Financial Managers with closeout process steps.

Financial Manager

Kelsey Smith

Phone: (564) 200-4466; Email: smke461@ECY.WA.GOV

² <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1753-S.L.pdf?q=20220615130118>

³ <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5693-S.L.pdf?q=20220615130333>

⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>

Responsible for the financial and administrative aspects of an agreement. Develops final agreement, coordinates agreement approval, responds to reimbursement requests (after approved by the Project Manager), coordinates with the Project Manager on amendments and manages agreement closeout process.

Air Quality Program Budget Manager

Pete Siefer

Phone: (360) 485-7648; Email: Pete.Siefer@ecy.wa.gov

Provides general oversight of available funds, establishes distribution amounts for each applicant/recipient.

Chapter 2: Funding Details

This chapter provides a basic overview of the funding program, including applicant and project eligibility and funding provisions.

Applicant Eligibility

This is a non-competitive grant program open to all twenty-nine federally-recognized Tribes in Washington State and the federally-recognized Tribes with usual and accustomed territories in Washington. Each Tribe is eligible to receive a maximum of one funding award.

Eligible Project Activities

Grant funds are to be used to support tribal consultation on spending decisions from accounts created in the CCA, as described in ESHB 1753. Funds may support activities that include, but are not limited to:

- Consultation with agencies that allocate funding or administer grant with CCA funds on funding decisions and funding programs that may impact tribal resources;
- Engaging in pre-application process with project applicants;
- Submitting to an agency (or agencies) a summary of issues, questions, concerns, or other statements regarding a proposed project;
- Requesting and engaging in meetings with state agencies or the Governor's Office to review and resolve consultation issues or disputes; and
- Participating in formal mediation.

Funding may also be used for other activities deemed necessary by the Tribe, and approved by Ecology, to implement or support activities under ESHB 1753.

Grant funds may not be used to cover expenses related to litigation that may arise on spending decisions from CCA accounts.

Grant Award and Match

\$4 million is available for disbursement in FY 2023. Each federally-recognized Tribe with usual and accustomed territories in Washington will be eligible for an equal portion of the funds available. At the close of the application period, Ecology will equally distribute the available funds amongst the Tribes that have submitted a completed application. For example, if applications from twenty Tribes are submitted and complete, Ecology will disperse up to \$200,000 to each Tribe.

There are no match requirements; grant awards will cover 100 percent of eligible costs up to the grant award amount.

Payment Options

Once Ecology has approved a Tribe's application for funding, each Tribe may elect whether they prefer to receive funds on a reimbursement basis or through incremental advance payments.

Advance payments will be made before actual costs are incurred but as close as administratively feasible to when project costs are incurred and actual disbursements will be made.

Ecology retains discretion to cancel the advance payment option based on an initial risk assessment, or lack of project performance, or recipient failure to comply with agreement terms and conditions.

Payment through reimbursement

Tribes opting to receive funds through reimbursement will be required to complete the tasks outlined in the scope of work. Required tasks may include:

- Submitting a Payment Request/ Progress Report (PRPR) via the EAGL system quarterly. Note that progress reports will still be required even if no reimbursement is requested that quarter.

Reimbursements may be made multiple times throughout the grant period at a frequency agreed to by Ecology and the Tribe.

Advance payment option

Tribes opting to receive funds through incremental advanced payments will be required to complete and update upon request a Spending Plan that outlines how and when funds are planned to be spent.

The amount of the initial advanced payment will be determined by the results of the initial risk assessment, project timeline, scope of work and the estimated disbursement needs identified in the Spending Plan.

Ecology will issue an advanced payment of funds upon receipt of a signed A-19 form. Once Ecology has issued the initial advance payment, the Tribe will be required to submit a payment request and progress report (PRPR) at a frequency agreed to by Ecology and the Tribe, which shall include all expenditures and supporting documentation.

The amount of subsequent advanced payments will be determined based on compliance with agreement terms and conditions, project performance, prior payment spending, and estimated disbursement needs.

Ecology may withdraw the option of advance payment if the Tribe does not clearly and consistently demonstrates adherence to the agreement terms and conditions.

Interest earned on advanced payments must be entered as a credit on the payment request form of the next payment request.

Any unspent funds must be returned to Ecology within 30 days of agreement expiration, termination or suspension.

Eligible Costs

Funding is valid for Fiscal Year 2023 (July 1, 2022 to June 30, 2023). Costs must be incurred between July 1, 2022 and June 30, 2023 to be eligible for prepayment or reimbursement.

The effective date of the agreement is the earliest date on which eligible costs may be incurred. Ecology and the Tribe may agree on an effective date that precedes the date of signature, but cannot be before July 1, 2022. Eligible expenditures cannot be reimbursed or prepaid until the agreement has been signed by Ecology's AQ Program Manager. While Tribes can incur eligible costs before the agreement is signed, they do so at their own risk.

Indirect rate

The indirect rate, which can also be called overhead rate, are business and operational costs incurred for a common purpose and not directly connected with a specific project. If the recipient doesn't have a federally approved indirect rate, the recipient can use Ecology's uniform indirect rate. If using Ecology's uniform indirect rate, the recipient may charge up to 25% of salaries and benefits. Indirect costs are not directly assignable to a particular objective of the project such as space utilities, miscellaneous copying, telephone, motor pool, janitorial services, records, storage, rentals, etc., items not directly attributable to the project yet are required to conduct business. The use of indirect items must be reported on a separate line item on the PRPR invoice spreadsheet. A list of indirect items must be reported with the first invoice and remain constant for the life of the grant.

Procuring goods and services

The recipient is responsible for procuring professional, personal, and other services using sound business judgment and good administrative procedures consistent with state laws and rules and when applicable, federal law. This includes issuance of invitation of bids, requests for proposals, selection of contractors, award of sub-agreements, and other related procurement matters. The recipient must follow their own procurement policies. If none exist, the recipient follows state procedures.

The Office of Minority and Women Owned Business Enterprises (OMWBE) has established voluntary goals for the participation of minority- and women-owned businesses in procurements made with Ecology funds. Each grant agreement will contain a condition regarding OMWBE. While participation is voluntary, Ecology requires reporting the level of participation on Form D: Contractor Participation Report and submitted with each Payment Request/Progress Report (PRPR).

All contracted work and sub-recipients are required to comply with the terms of the final agreement, including but not limited to the General Terms and Conditions and the

Administration Requirements for Recipients of Ecology Grants and Loans, and these Funding Guidelines.

Washington State Procurement Procedures:

- Washington State Purchasing Policies: [Current Policies](#)⁵
- [Revised Code of Washington Public Works](#)⁶

Transportation costs

The recipient can recover the cost of transportation through the state mileage rate. The mileage rate includes all vehicle-related needs, such as gas, tires, insurance, and maintenance. For current state mileage, rates see: [Policy 10.90.209](#).⁷

⁵ [Current Enterprise Procurement Policies | Department of Enterprise Services \(wa.gov\)](#)

⁶ [Public Works RCWs & WACs](#)

⁷ [10.90 - Travel Rates \(wa.gov\)](#)

Chapter 3: Application, Agreement Development, and Grant Management

Application Process

All applicants must submit an application through the electronic grant and loan application system called EAGL (Ecology Administration of Grants and Loans). To apply through EAGL, applicants must first register for a Secure Access Washington (SAW) account and an EAGL account. Detailed instructions for new and current EAGL users are at:

<https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>.

Instructions for filling out and submitting the application are available on [our webpage](#) for this grant.⁸ Applicants shall provide all information requested in the application, including but not limited to: the total cost, anticipated use of funds, budget, description of activities (including goals, tasks, and expected outcomes), and proposed deliverables.

Funding Agreement Development

Once the application period has closed, Ecology will review each funding application for completion and eligibility. If deemed complete and eligible, Ecology will approve the application, notify the applicant, and begin developing the funding agreement. The funding agreement is the formal written contractual arrangement signed by authorized signatories of the recipient and Ecology. The agreement, will include: an approved scope of work, total project costs, a budget, and Ecology General Terms and Conditions.

The Project Manager and Financial Manager use information found in the application as the basis for developing a draft funding agreement. To speed development and processing, Ecology standardizes much of the funding agreement language and includes general terms and conditions and other conditions that are required by state or federal law. Ecology will work with each applicant to finalize the agreement. When the agreement is finalized, the applicant signs the agreement. The applicant will send the agreement back to the Financial Manager for the final signature by the Air Quality Program Manager or the authorized designee. This may be done electronically. Once the agreement is signed by Ecology, a fully executed original will be returned to the recipient.

Grant Management

Progress Reporting / Payment Requests (PRPRs)

Ecology uses a web-based grant program known as Ecology Administration of Grants and Loans (EAGL). All grant activity from beginning to end is conducted through EAGL. Progress reporting and payment requests are a part of this program.

⁸ [Ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Tribal-Capacity-Grants](https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Tribal-Capacity-Grants)

Progress Reports and commensurate Payment Requests (invoices) are required to be submitted per the grant agreement, to demonstrate timely spending, unless otherwise specified to in the agreement. Recipients must submit progress reports with every payment request. Progress reports should include a description of all progress made in the reporting period to meet goals as well as any successes, problems, and delays that affect the project. If a problem exists, recipients must discuss the corrective actions taken or proposed and identify any Ecology assistance that may be needed.

Ecology may send payments back for modification if the recipient has not submitted adequate detail in progress reports.

All PRPRs are reviewed for eligibility by the Project Manager for compliance with the scope of work. The Financial Manager reviews the invoice for conformance to the grant budget and financial reporting requirements.

On the PRPR's, all costs are itemized by task per the grant agreement with a line item for each cost incurred. Backup documentation must be in the same task order and show how that cost was incurred. For instance, if the cost is a compilation of separate costs, details must be shown on the backup as to how that end cost was arrived at. If the line item cost is a breakout from a larger cost, that breakout detail needs to be shown as well (salaries and benefits must include staff name, hourly rate, hours worked, and total). All line items and backup documentation must agree. Highlighting end costs on the backup helps to speed review of the invoice and ultimately payment to the grant recipient.

Non-performance of projects/re-assignment of funds

Recipients are encouraged to read the Termination section of the General Terms and Conditions of their grant agreement.

Modifications and Amendments

Modifications and changes to the funding agreement may become necessary. If and when an amendment is needed, the recipient must submit any proposed amendments or changes in writing to their Project Manager. The recipient and Ecology's Project and Financial Managers will negotiate changes and document the changes as an amendment to the funding agreement.

All proposed project and/or budget changes are subject to approval by Ecology.

Either the recipient or Ecology may initiate the amendment process. If the Project Manager concurs with the written request, the Financial Manager prepares the amendment.

Reasons for amendments could include:

- Budget changes or redistributions.
- Scope of work changes.
- Changes to required performance.

Project Close-out

When the grant agreement and the project ends, the final invoice must be submitted to the Project Manager within 30 days of grant agreement end date. A final project completion report must accompany the final invoice. When the grant is closed out, Ecology will perform an assessment of the recipients' performance with an Ecology Close-Out Report.

Performance elements will include:

1. Overall goal achieved.
2. Lessons learned.
3. Project challenges.
4. Timeliness of deliverables.
5. Project schedule.
6. Project budget.
7. Communication.