

Development State Office will issue a conditional commitment, which stipulates the conditions that must be fulfilled before the issuance of a guarantee, in accordance with 7 CFR 3565.303.

*Issuance of Guarantee:* The USDA Rural Development Office will issue a guarantee to the lender for a project in accordance with 7 CFR 3565.303. No guarantee can be issued without a complete application, review of appropriate certifications, satisfactory assessment of the appropriate level of environmental review, and the completion of any conditional requirements.

#### Non-Discrimination Statement

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Dated: June 18, 2009.

**Tammye H. Treviño,**  
Administrator, Rural Housing Service.

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## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

#### Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI) for Fiscal Year 2009

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Notice of solicitation of applications.

**SUMMARY:** This Notice announces the availability of \$6,256,000 of competitive grant funds for the RCDI program through the Rural Housing Service (RHS), an agency within the USDA

Rural Development mission area herein referred to as the Agency. Applicants must provide matching funds in an amount at least equal to the Federal grant. These grants will be made to qualified intermediary organizations that will provide financial and technical assistance to recipients to develop their capacity and ability to undertake projects related to housing, community facilities, or community and economic development. This Notice lists the information needed to submit an application for these funds.

**DATES:** The deadline for receipt of an application is 4 p.m. local time, September 24, 2009. The application date and time are firm. The Agency will not consider any application received after the deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

**ADDRESSES:** Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI Web site: <http://www.rurdev.usda.gov/rhs/rcdi/index.htm>. Application information for electronic submissions may be found at <http://www.grants.gov>. Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development offices is included in this Notice.

**FOR FURTHER INFORMATION CONTACT:** The Rural Development office for the state the applicant is located in. A list of Rural Development State Office contacts is included in this Notice.

#### Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.446. This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials because it is not listed by the Secretary of Agriculture, pursuant to 7 CFR 3015.302, as a covered program.

#### Paperwork Reduction Act

The paperwork burden has been cleared by the Office of Management and Budget (OMB) under OMB Control Number 0575-0180.

#### National Environmental Policy Act

This document has been reviewed in accordance with 7 CFR part 1940-G,

"Environmental Program." Rural Development has determined that this NOFA does not constitute a major federal action significantly affecting the quality of the human environment, and an Environmental Impact Statement is not required. Furthermore, individual awards under this NOFA are hereby classified as Categorical Exclusions which do not require any additional documentation.

#### SUPPLEMENTARY INFORMATION:

##### Overview

*Federal Agency:* Rural Housing Service.

*Funding Opportunity Title:* Rural Community Development Initiative.

*Announcement Type:* Initial Announcement.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 10.446.

##### Part I—Funding Opportunity Description

Congress initially created the RCDI in Fiscal Year (FY) 2000 to develop the capacity and ability of nonprofit organizations, low-income rural communities, or federally recognized tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas.

##### Part II—Award Information

Congress appropriated \$6,256,000 in FY 2009 for the RCDI. Qualified private, nonprofit and public (including tribal) intermediary organizations proposing to carry out financial and technical assistance programs will be eligible to receive the funding. The intermediary will be required to provide matching funds in an amount at least equal to the RCDI grant. The respective minimum and maximum grant amount per intermediary is \$50,000 and \$300,000. The intermediary must provide a program of financial and technical assistance to a private nonprofit, community-based housing and development organization, a low-income rural community or a federally recognized tribe.

##### Part III—Eligibility Information

###### A. Eligible Applicants

1. Qualified private, nonprofit, including faith-based, and community organizations in accordance with 7 CFR Part 16, and public (including tribal) intermediary organizations. Definitions that describe eligible organizations and other key terms are listed below.

2. RCDI grantees that have an outstanding grant over 3 years old, as of the application due date in this Notice,

will not be eligible to apply for this round of funding. Grant and matching funds must be utilized in a timely manner to ensure that the goals and objectives of the program are met.

#### *B. Program Definitions*

**Agency**—The Rural Housing Service (RHS) or its successor.

**Beneficiary**—Entities or individuals that receive benefits from assistance provided by the recipient.

**Capacity**—The ability of a recipient to implement housing, community facilities, or community and economic development projects.

**Federally recognized tribes**—Tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs, based on the current notice in the **Federal Register** published by the Bureau of Indian Affairs. Tribally Designated Housing Entities are eligible RCDI recipients.

**Financial assistance**—Funds, not to exceed \$10,000 per award, used by the intermediary to purchase supplies and equipment to build the recipient's capacity.

**Funds**—The RCDI grant and matching money.

**Intermediary**—A qualified private, nonprofit, or public (including tribal) organization that provides financial and technical assistance to multiple recipients.

**Low-income rural community**—An authority, district, economic development authority, regional council, or unit of government representing an incorporated city, town, village, county, township, parish, or borough.

**Recipient**—Under 7 CFR 15 section 15.2, Recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary. Not all listed entities are eligible for all programs. Please check with the applicable state office for information regarding eligibility.

**Rural and rural area**—Any area other than (i) a city or town that has a population of greater than 50,000 inhabitants; and (ii) the urbanized area contiguous and adjacent to such city or town.

**Technical assistance**—Skilled help in improving the recipient's abilities in the areas of housing, community facilities,

or community and economic development.

#### *C. Cost Sharing or Matching*

**Matching funds**—Cash or confirmed funding commitments. Matching funds must be at least equal to the grant amount. These funds can only be used for eligible RCDI activities. In-kind contributions such as salaries, donated time and effort, real and nonexpendable personal property and goods and services cannot be used as matching funds. Grant funds and matching funds must be used in equal proportions. This does not mean funds have to be used equally by line item. The request for advance or reimbursement and supporting documentation must show that RCDI fund usage does not exceed the cumulative amount of matching funds used. Grant funds will be disbursed pursuant to relevant provisions of 7 CFR parts 3015, 3016, and 3019, as applicable. Verification of matching funds must be submitted with the application.

The intermediary is responsible for demonstrating that matching funds are available, and committed to the RCDI proposal. Matching funds may be provided by the intermediary or a third party. Other Federal funds may be used as matching funds if authorized by statute and the purpose of the funds is an eligible RCDI purpose. Matching funds must be used to support the overall purpose of the RCDI program. RCDI funds will be disbursed on an advance or reimbursement basis. Matching funds cannot be expended prior to execution of the RCDI Grant Agreement. No reimbursement will be made for any funds expended prior to execution of the RCDI Grant Agreement unless the grantee is a non-profit or educational entity and has requested and received written Agency approval of the costs prior to the actual expenditure. This exception is applicable for up to 90 days prior to grant closing and only applies to grantees that have received written approval but have not executed the RCDI Grant Agreement. The Agency cannot retroactively approve reimbursement for expenditures prior to execution of the RCDI Grant Agreement.

#### *D. Other Program Requirements*

1. The recipient and beneficiary, but not the intermediary, must be located in an eligible rural area. The physical location of the recipient's office that will be receiving the financial and technical assistance must be in an eligible rural area. If the recipient is a low-income community, the median household income of the area where the

office is located must be at or below 80 percent of the State or national median household income, whichever is higher. The applicable Rural Development State Office can assist in determining the eligibility of an area. A listing of Rural Development State Offices is included in this Notice.

2. The recipients must be private nonprofit, including faith-based organizations, community-based housing and development organizations, low-income rural communities, or federally recognized tribes based on the RCDI definitions of these groups.

3. Documentation must be submitted to verify recipient eligibility. Acceptable documentation varies depending on the type of recipient. Private nonprofit faith or community-based housing and development organizations must provide a certificate of incorporation and good standing from the Secretary of the State of incorporation, or other similar and valid documentation of nonprofit status. For low-income rural community recipients, the Agency requires evidence that the entity is a public body and census data verifying that the median household income of the community where the office receiving the financial and technical assistance is located is at, or below, 80 percent of the State or national median household income, whichever is higher. For Federally recognized tribes, the Agency needs the page listing their name from the current **Federal Register** list of tribal entities recognized and eligible for funding services (see the definition of Federally recognized tribes in this Notice for details on this list).

4. Individuals cannot be recipients.

5. The intermediary must provide matching funds at least equal to the amount of the grant. Verification of matching funds must be submitted with the application.

6. The intermediary must provide a program of financial and technical assistance to the recipient.

7. The intermediary organization must have been legally organized for a minimum of 3 years and have at least 3 years prior experience working with private nonprofit community-based housing and development organizations, low-income rural communities, or tribal organizations in the areas of housing, community facilities, or community and economic development.

8. Proposals must be structured to utilize the grant funds within 3 years from the date of the award.

9. Each applicant, whether singularly or jointly, may only submit one application for RCDI funds under this NOFA. This restriction does not

preclude the applicant from providing matching funds for other applications.

10. Recipients can benefit from more than one RCDI application; however, after grant selections are made, the recipient can only benefit from multiple RCDI grants if the type of financial and technical assistance the recipient will receive is not duplicative.

11. The intermediary and the recipient cannot be the same entity. The recipient can be a related entity to the intermediary, if it meets the definition of a recipient.

12. A nonprofit recipient must provide evidence that it is a valid nonprofit when the intermediary applies for the RCDI grant. Organizations with pending requests for nonprofit designations are not eligible.

13. If the recipient is a low-income rural community, identify the unit of government to which the financial and technical assistance will be provided, *e.g.*, town council or village board. The financial and technical assistance must be provided to the organized unit of government representing that community, not the community at large.

14. Recipients located in a rural area that is also a census designated place (CDP) are eligible recipients.

15. If a grantee has an outstanding RCDI grant over 3 years old, as of the application due date in this Notice, it is not eligible to apply for this round of funding.

16. The indirect cost category in the project budget should be used only when a grant applicant has a federally negotiated indirect cost rate. A copy of the current rate agreement must be provided with the application.

#### Eligible Fund Uses

Fund uses must be consistent with the RCDI purpose. A nonexclusive list of eligible grant uses includes the following:

1. Provide technical assistance to develop recipients' capacity and ability to undertake projects related to housing, community facilities, or community and economic development, *i.e.*, the intermediary hires a staff person to provide technical assistance to the recipient or the recipient hires a staff person, under the supervision of the intermediary, to carry out the technical assistance provided by the intermediary.

2. Develop the capacity of recipients to conduct community development programs, *e.g.*, homeownership education or training for business entrepreneurs.

3. Develop the capacity of recipients to conduct development initiatives, *e.g.*, programs that support micro-enterprise and sustainable development.

4. Develop the capacity of recipients to increase their leveraging ability and access to alternative funding sources by providing training and staffing.

5. Develop the capacity of recipients to provide the technical assistance component for essential community facilities projects.

6. Assist recipients in completing pre-development requirements for housing, community facilities, or community and economic development projects by providing resources for professional services, *e.g.*, architectural, engineering, or legal.

7. Improve recipient's organizational capacity by providing training and resource material on developing strategic plans, board operations, management, financial systems, and information technology.

8. Purchase of computers, software, and printers, limited to \$10,000 per award, at the recipient level when directly related to the technical assistance program being undertaken by the intermediary.

9. Provide funds to recipients for training-related travel costs and training expenses related to RCDI.

#### Ineligible Fund Uses

1. Pass-through grants, capacity grants, and any funds provided to the recipient in a lump sum that are not reimbursements.

2. Funding a revolving loan fund (RLF).

3. Construction (in any form).

4. Salaries for positions involved in construction, renovations, rehabilitation, and any oversight of these types of activities.

5. Intermediary preparation of strategic plans for recipients.

6. Funding prostitution, gambling, or any illegal activities.

7. Grants to individuals.

8. Funding a grant where there may be a conflict of interest, or an appearance of a conflict of interest, involving any action by the Agency.

9. Paying obligations incurred before the beginning date without prior Agency approval or after the ending date of the grant agreement.

10. Purchasing real estate.

11. Improvement or renovation of the grantee's, or recipient's office space or for the repair or maintenance of privately owned vehicles.

12. Any other purpose prohibited in 7 CFR parts 3015, 3016, and 3019, as applicable.

13. Using funds for recipient's general operating costs.

14. Using grant or matching funds for Individual Development Accounts.

15. Purchasing vehicles.

#### Program Examples

The purpose of this initiative is to develop or increase the recipient's capacity through a program of financial and technical assistance to perform in the areas of housing, community facilities, or community and economic development. Strengthening the recipient's capacity in these areas will benefit the communities they serve. The RCDI structure requires the intermediary (grantee) to provide a program of financial and technical assistance to recipients. The recipients will, in turn, provide programs to their communities (beneficiaries). The following are examples of eligible and ineligible purposes under the RCDI program. (These examples are illustrative and are not meant to limit the activities proposed in the application. Activities that meet the objective of the RCDI program will be considered eligible.)

1. The intermediary must work directly with the recipient, not the ultimate beneficiaries. As an example: The intermediary provides training to the recipient on how to conduct homeownership education classes. The recipient then provides ongoing homeownership education to the residents of the community—the ultimate beneficiaries. This “train the trainer” concept fully meets the intent of this initiative. The intermediary is providing technical assistance that will build the recipient's capacity by enabling them to conduct homeownership education classes for the public. This is an eligible purpose. However, if the intermediary directly provided homeownership education classes to individuals in the recipient's service area, this would not be an eligible purpose because the recipient would be bypassed.

2. If the intermediary is working with a low-income community as the recipient, the intermediary must provide the technical assistance to the entity that represents the low-income community and is identified in the application. Examples of entities representing a low-income community are a village board or a town council. If the intermediary provides technical assistance to the board of directors of the low-income community on how to establish a cooperative, this would be an eligible purpose. However, if the intermediary works directly with individuals from the community to establish the cooperative, this is not an eligible purpose. The recipient's capacity is built by learning skills that will enable them to support sustainable

economic development in their communities on an ongoing basis.

3. The intermediary may provide technical assistance to the recipient on how to create and operate a RLF. The intermediary may not monitor or operate the RLF. RCDI funds, including matching funds, cannot be used to fund RLFs.

#### Part IV—Application and Submission Information

##### A. Address To Request Application Package

Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI Web site: <http://www.rurdev.usda.gov/rhs/rcdi/index.htm>. Application information for electronic submissions may be found at <http://www.grants.gov>. Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development offices is included in this Notice.

##### B. Content and Form of Application Submission

If the applicant is ineligible or the application is incomplete, the Agency will inform the applicant in writing of the decision, reasons therefore, and its appeal rights, and no further evaluation of the application will occur.

A complete application for RCDI funds must include the following:

1. A summary page, double-spaced between items, listing the following: (This information should not be presented in narrative form.)
  - a. Applicant's name,
  - b. Applicant's address,
  - c. Applicant's telephone number,
  - d. Name of applicant's contact person and telephone number,
  - e. Applicant's fax number,
  - f. County where applicant is located,
  - g. Congressional district number where applicant is located,
  - h. Amount of grant request,
  - i. Applicant's Tax Identification Number,
  - j. Data Universal Numbering System (DUNS) number (Applicant Only),
  - k. Number of recipients, and
  - l. Equal Opportunity Survey, OMB No. 1890-0014 Exp. 02/28/09 (optional completion by applicant).
2. Source and amount of matching funds.
3. A detailed Table of Contents containing page numbers for each component of the application.
4. A project overview, no longer than five pages, including the following items, which will also be addressed

separately and in detail under "Building Capacity" of the "Evaluation Criteria."

- a. The type of technical assistance to be provided to the recipients and how it will be implemented.
- b. How the capacity and ability of the recipients will be improved.
- c. The overall goals to be accomplished.
- d. The benchmarks to be used to measure the success of the program.
5. Organizational documents, such as a certificate of incorporation and a current good standing certification from the Secretary of State where the applicant is incorporated and other similar and valid documentation of nonprofit status, from the intermediary that confirms it has been legally organized for a minimum of 3 years as the applicant entity.
6. Verification of matching funds, *i.e.*, a copy of a bank statement if matching funds are in cash or a copy of the confirmed funding commitment from the funding source. The verification of matching funds must be submitted with the application. The applicant will be contacted by the Agency prior to grant award to verify that the matching funds continue to be available. The applicant will have 10 working days from the date contacted to submit verification of matching funds. If the applicant is unable to provide the verification within that timeframe, the application will be considered ineligible. The applicant must maintain bank statements on file or other documentation for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved.
7. Applicant should verify that they have a DUNS number. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711.
8. The following information for each recipient:
  - a. Recipient's entity name,
  - b. Complete address (mailing and physical location, if different),
  - c. County where located,
  - d. Number of Congressional district where recipient is located, and
  - e. Contact person's name and telephone number.
9. Submit evidence that each recipient entity is eligible:
  - a. Nonprofits—provide a current valid letter confirming non-profit status from the Secretary of the State of incorporation or the IRS, a current good standing certification from the Secretary of the State of incorporation, or other

valid documentation of nonprofit status of each recipient.

b. Low-income rural community—provide evidence the entity is a public body, and a copy of the 2000 census data to verify the population, and evidence that the median household income is at, or below, 80 percent of either the State or national median household income. We will only accept data from <http://www.census.gov>. The specific instructions to retrieve data from this site are detailed under the "Evaluation Criteria" for "Population" and "Income."

c. Federally recognized tribes—provide the page listing their name from the **Federal Register** list of tribal entities published by the Bureau of Indian Affairs on April 4, 2008 (73 FR 18553) or a subsequent updated list in the **Federal Register**.

10. Each of the "Evaluation Criteria" must be addressed specifically and individually by category. Present these criteria in narrative form. Documentation must be limited to three pages per criterion. The "Population" and "Income" criteria for recipient locations can be provided in the form of a list; however, the source of the data must be included on the page(s).

11. A timeline identifying specific activities and proposed dates for completion.

12. A detailed project budget that includes the RCDI grant amount and matching funds for the duration of the grant. This should be a line-item budget, by category. Categories such as salaries, administrative, other, and indirect costs that pertain to the proposed project must be clearly defined. Supporting documentation listing the components of these categories must be included. The budget should be dated: year 1, year 2, year 3, as applicable.

13. Form SF-424, "Application for Federal Assistance." (Do not complete Form SF-424A, "Budget Information." A separate line-item budget should be presented as described in No. 11 of this section.)

14. Form SF-424B, "Assurances—Non-Construction Programs."

15. Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions."

16. Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions."

17. Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements."

18. Certification of Non-Lobbying Activities.

19. Standard Form LLL, "Disclosure of Lobbying Activities," if applicable.

20. Form RD 400-4, "Assurance Agreement," for the applicant and each recipient. If forms are not provided for each recipient organization at time of application, they must be provided upon notice of award.

Recipients may not be deleted from the list submitted with the application to avoid submission of this form.

21. Identify and report any association or relationship with Rural Development employees.

The required forms and certifications can be downloaded from the RCDI Web site at: <http://www.rurdev.usda.gov/rhs/rcdi/index.htm>.

### C. Other Submission Information

The original application package must be submitted to the Rural Development State Office where the applicant's headquarters is located. A listing of Rural Development State Offices is included in this Notice. Applications will not be accepted via facsimile or electronic mail.

Applicants may file an electronic application at <http://www.grants.gov>. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the [Grants.gov](http://www.grants.gov) Web site.

Technical difficulties submitting an application through Grants.gov will not be a reason to extend the application deadline. If an application is unable to be submitted through Grants.gov, a paper application must be received in the appropriate Rural Development State Office by the deadline noted previously.

First time Grants.gov users should carefully read and follow the registration steps listed on the web site. These steps need to be initiated early in the application process to avoid delays in submitting your application online.

In order to register with the Central Contractor Registry (CCR), your organization will need a DUNS number. Be sure to complete the Marketing Partner ID (MPID) and Electronic Business Primary Point of Contact fields during the CCR registration process. These are mandatory fields that are required when submitting grant applications through Grants.gov. Additional application instructions for submitting an electronic application can be found by selecting this funding opportunity on Grants.gov.

The deadline for receipt of an application is 4 p.m. local time September 24, 2009. The application deadline date and time are firm and apply to submission of the original application to the Rural Development State Office where the applicant's headquarters is located. The Agency will not consider any application received after the deadline. A listing of Rural Development State Offices, their addresses, telephone numbers, and contact person is provided elsewhere in this Notice. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX), electronic mail or postage due applications will not be accepted.

### D. Funding Restrictions

Meeting expenses. In accordance with 31 U.S.C. 1345, "Expenses of Meetings," appropriations may not be used for travel, transportation, and subsistence expenses for a meeting. RCDI grant funds cannot be used for these meeting-related expenses. Matching funds may be used to pay for these expenses. RCDI funds may be used to pay for a speaker as part of a program, equipment to facilitate the program, and the actual room that will house the meeting. RCDI funds can be used for travel, transportation, or subsistence expenses for training and technical assistance purposes. Any meeting or training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345. Travel and per diem expenses will be similar to those paid to Agency employees. Rates are based upon location. Rate information can be obtained from the applicable Rural Development State Office.

Grantees and recipients will be restricted to traveling coach class on common carrier airlines. Grantees and recipients may exceed the Government rate for lodging by a maximum of 20 percent. Meals and incidental expenses will be reimbursed at the same rate used by Agency employees. Mileage and gas reimbursement will be the same rate used by Agency employees. This rate may be obtained from the applicable Rural Development State Office.

## Part V—Application Review Information

### A. Evaluation Criteria

Applications will be evaluated using the following criteria and weights:

#### 1. Building Capacity—Maximum 60 Points

The applicant must demonstrate how they will improve the recipients' capacity, through a program of financial and technical assistance, as it relates to the RCDI purposes. Capacity-building financial and technical assistance should provide new functions to the recipients or expand existing functions that will enable the recipients to undertake projects in the areas of housing, community facilities, or community and economic development that will benefit the community. The program of financial and technical assistance provided, its delivery, and the measurability of the program's effectiveness will determine the merit of the application. All applications will be competitively ranked with the applications providing the most improvement in capacity development and measurable activities being ranked the highest. Capacity-building financial and technical assistance may include, but is not limited to: Training to conduct community development programs, e.g., homeownership education, or the establishment of minority business entrepreneurs, cooperatives, or micro-enterprises; organizational development, e.g., assistance to develop or improve board operations, management, and financial systems; instruction on how to develop and implement a strategic plan; instruction on how to access alternative funding sources to increase leveraging opportunities; staffing, e.g., hiring a person at intermediary or recipient level to provide technical assistance to recipients; and purchasing technology equipment at the recipient level, e.g., computers, printers, and software.

- a. The narrative response must:
  - i. Describe the nature of financial and technical assistance to be provided to the recipients and the activities that will be conducted to deliver the technical assistance;
  - ii. Explain how financial and technical assistance will develop or increase the recipient's capacity. Indicate whether a new function is being developed or if existing functions are being expanded or performed more effectively;
  - iii. Identify which RCDI purpose areas will be addressed with this assistance: housing, community facilities, or community and economic development; and
  - iv. Describe how the results of the technical assistance will be measured. What benchmarks will be used to measure effectiveness?
- b. The maximum 60 points for this criteria will be broken down as follows:

1. Type of financial and technical assistance and implementation activities. 35 points.

2. An explanation of how financial and technical assistance will develop capacity. 10 points.

3. Identification of the RCDI purpose. 5 points.

4. Measurement of outcomes. 10 points.

**2. Expertise—Maximum 30 Points**

The applicant must demonstrate that it has conducted programs of financial and technical assistance and achieved measurable results in the areas of housing, community facilities, or community and economic development in rural areas. Provide the name, contact information, and the type and amount of the financial and technical assistance the applicant organization has provided to the following for the last 5 years:

- a. Nonprofit organizations in rural areas.
- b. Low-income communities in rural areas, (also include the type of entity, e.g., city government, town council, or village board).
- c. Federally recognized tribes or any other culturally diverse organizations.

**3. Population—Maximum 30 Points**

Population is based on the average population from the 2000 census data for the communities in which the recipients are located. Community is defined for scoring purposes as a city, town, village, county, parish, borough, or census-designated place where the recipient's office is physically located. The applicant must submit the census data from the following Web site to verify the population figures used for each recipient. The data can be accessed on the Internet at <http://www.census.gov>; click on "American FactFinder" from the left menu; click on "Fact Sheet" from the left menu; at the right, fill in one or more fields and click "Go"; the name and population data for each recipient location must be listed in this section. The average population of the recipient locations will be used and will be scored as follows:

Population	Scoring (points)
5,000 or less .....	30
5,001 to 10,000 .....	20
10,001 to 20,000 .....	10
20,001 to 50,000 .....	5

**4. Income—Maximum 30 Points**

The average of the median household income for the communities where the recipients are physically located will determine the points awarded. Applicants may compare the average recipient median household income to the State median household income or

the national median household income, whichever yields the most points. The national median household income to be used is \$41,994. The applicant must submit the income data from the following Web site to verify the income for each recipient. The data being used is from the 2000 census. The data can be accessed on the Internet at <http://www.census.gov>; click on "American FactFinder" from the left menu; click on "Fact Sheet" from the left menu; at the right, fill in one or more fields and click "Go"; the name and income data for each recipient location must be listed in this section. Points will be awarded as follows:

Average Recipient Median Income is:  
 Less than 60 percent of the state or national median household income. 30 points.

Between 60 and 70 percent of the state or national median household income. 20 points.

Greater than 70 percent of the state or national median household income. 10 points.

**5. Soundness of Approach—Maximum 50 Points**

The applicant can receive up to 50 points for soundness of approach. The overall proposal will be considered under this criterion. Applicants must list the page numbers in the application that address these factors.

a. The ability to provide the proposed financial and technical assistance based on prior accomplishments has been demonstrated.

b. The proposed financial and technical assistance program is clearly stated and the applicant has defined how this proposal will be implemented. The plan for implementation is viable.

c. Cost effectiveness will be evaluated based on the budget in the application. The proposed grant amount and matching funds should be utilized to maximize capacity building at the recipient level.

d. The proposal fits the objectives for which applications were invited.

**6. Technical assistance for the development of Renewable Energy Systems and Energy Efficiency Improvements—Maximum 20 Points**

The applicant must demonstrate how they will improve the recipients' capacity to carry out activities related to the development of renewable energy systems and energy efficiency improvements for housing, community facilities, or community and economic development.

**7. State Director's Points Based on Project Merit—20 Points**

This criterion does not have to be addressed by the applicant. An additional 20 points may be awarded by

the Rural Development State Director for the state's first priority project. Only one project per state will be awarded these points. Assignment of points will include a written justification and may be awarded based on the Rural Development State Office's strategic plan.

**8. Proportional Distribution Points—20 Points**

This criterion does not have to be addressed by the applicant. After applications have been evaluated and awarded points under the first 7 criteria, the Agency may award 20 points per application to promote an even distribution of grant awards between the ranges of \$50,000 to \$300,000.

**B. Review and Selection Process**

Rating and ranking. Applications will be rated and ranked on a national basis by a review panel based on the "Evaluation Criteria" contained in this Notice. If there is a tied score after the applications have been rated and ranked, the tie will be resolved by reviewing the scores for "Building Capacity" and the applicant with the highest score in that category will receive a higher ranking. If the scores for "Building Capacity" are the same, the scores will be compared for the next criterion, in sequential order, until one highest score can be determined.

Initial screening. The Agency will screen each application to determine eligibility during the period immediately following the application deadline. Listed below are examples of reasons for rejection from previous funding rounds. The following reasons for rejection are not all inclusive; however, they represent the majority of the applications previously rejected.

- 1. Recipients were not located in eligible rural areas based on the definition in this Notice.
- 2. Applicants failed to provide evidence of recipient's status, *i.e.*, documentation supporting nonprofit evidence of organization.
- 3. Applicants failed to provide evidence of committed matching funds.
- 4. Application did not follow the RCDI structure with an intermediary and recipients.
- 5. Recipients were not identified in the application.
- 6. Intermediary did not provide evidence it had been incorporated for at least 3 years as the applicant entity.
- 7. Applicants failed to address the "Evaluation Criteria."
- 8. The purpose of the proposal did not qualify as an eligible RCDI purpose.
- 9. Inappropriate use of funds (*e.g.*, construction or renovations).

10. Providing financial and technical assistance directly to individuals.

11. Application package not received by closing date and time.

## Part VI—Award Administration Information

### A. General Information

Within the limit of funds available for such purpose, the awarding official of the Agency shall make grants to those responsible, eligible applicants whose applications are judged meritorious under the procedures set forth in this Notice.

### B. Award Notice

Applicant will be notified of selection by letter. In addition, applicant will be requested to verify that components of the application have not changed. The award is not approved until all information has been verified, and the awarding official of the Agency has signed Form RD 1940-1, "Request for Obligation of Funds."

### C. Administrative and National Policy Requirements

Grantees will be required to do the following:

1. Execute a Rural Community Development Initiative Grant Agreement, which is published at the end of this Notice.
2. Execute Form RD 1940-1.
3. Use Form SF 270, "Request for Advance or Reimbursement," to request reimbursements. Provide receipts for expenditures, timesheets and any other documentation to support the request for reimbursement.
4. Provide financial status and project performance reports on a quarterly basis starting with the first full quarter after the grant award.
5. Maintain a financial management system that is acceptable to the Agency.
6. Ensure that records are maintained to document all activities and expenditures utilizing RCDI grant funds and matching funds. Receipts for expenditures will be included in this documentation.
7. Provide annual audits or management reports on Form RD 442-2, "Statement of Budget, Income and Equity," and Form RD 442-3, "Balance Sheet," depending on the amount of Federal funds expended and the outstanding balance.
8. Collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain the same data on beneficiaries. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, "Revisions to the

Standards for the Classification of Federal Data on Race and Ethnicity," (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

9. Provide a final project performance report.

10. Identify and report any association or relationship with Rural Development employees.

11. The intermediary and recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Executive Order 12250.

12. The grantee must comply with policies, guidance, and requirements as described in the following applicable OMB Circulars and Code of Federal Regulations:

- a. OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Government);
- b. OMB Circular A-122 (Cost Principles for Non-profit Organizations);
- c. OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations);
- d. 7 CFR part 3015 (Uniform Federal Assistance Regulations);
- e. 7 CFR part 3016 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);
- f. 7 CFR part 3017 (Governmentwide Debarment and Suspension (Nonprocurement));
- g. 7 CFR part 3019 (Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations); and
- h. 7 CFR part 3052 (Audits of States, Local Governments, and Non-Profit Organizations).

### D. Reporting

Reporting requirements can be found in the Grant Agreement included in this Notice.

## Part VII—Agency Contact

Contact the Rural Development office in the state where the applicant's headquarters is located. A list of Rural Development State Offices is included in this Notice.

## Part VIII—Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age,

disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

## Grant Amount Determination

In the event the applicant is awarded a grant that is less than the amount requested, the applicant will be required to modify its application to conform to the reduced amount before execution of the grant agreement. The Agency reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the awardee within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application.

## Rural Development State Office Contacts

Note: Telephone numbers listed are not toll-free.

- Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106-3683, (334) 279-3400, TDD (334) 279-3495, Chris Harmon.
- Alaska State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761-7705, TDD (907) 761-8905, Merlaine Kruse.
- Arizona State Office, 230 North 1st Avenue, Suite 206, Phoenix, AZ 85003, (602) 280-8747, TDD (602) 280-8705, Leonard Gradillas.
- Arkansas State Office, 700 W. Capitol Ave., Rm. 3416, Little Rock, AR 72201-3225, (501) 301-3250, TDD (501) 301-3200, Jerry Virden.
- California State Office, 430 G Street, Agency 4169, Davis, CA 95616-4169, (530) 792-5810, TDD (530) 792-5848, Janice Waddell.
- Colorado State Office, 655 Parfet Street, Room E-100, Lakewood, CO 80215, 720-544-2927, TDD 720-544-2976, Delores Sanchez-Maez.

**Connecticut**

Served by Massachusetts State Office

Delaware and Maryland State Office, 1221 College Park Dr., Suite 200, Dover, DE 19904-8713, (302) 857-3580, TDD (302) 697-4303, Denise MacLeish.

Florida & Virgin Islands State Office, 4440 NW. 25th Place, P.O. Box 147010, Gainesville, FL 32614-7010, (352) 338-3485, TDD (352) 338-3499, Michael Langston.

Georgia State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601-2768, (706) 546-2171, TDD (706) 546-2034, Jerry M. Thomas.

**Guam**

Served by Hawaii State Office

Hawaii, Guam, & Western Pacific Territories State Office, Room 311, Federal Building, 154 Waiuanuenue Avenue, Hilo, HI 96720, (808) 933-8310, TDD (808) 933-8321, Ted Matsuo.

Idaho State Office, 9173 West Barnes Dr., Suite A1, Boise, ID 83709, (208) 378-5617, TDD (208) 378-5600, David A. Flesher.

Illinois State Office, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403-6200, TDD (217) 403-6240, Patrick Lydic.

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278-1996, (317) 290-3100 (ext. 431), TDD (317) 290-3343, Gregg Delp.

Iowa State Office, 873 Federal Building, 210 Walnut Street, Des Moines, IA 50309, (515) 284-4663, TDD (515) 284-4858, Karla Peiffer.

Kansas State Office, 1303 SW. First American Place, Suite 100, Topeka, KS 66604-4040, (785) 271-2730, TDD (785) 271-2767, Gary L. Smith.

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224-7336, TDD (859) 224-7300, Vernon Brown.

Louisiana State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473-7962, TDD (318) 473-7920, Richard Hoffpauir.

Maine State Office, 967 Illinois Ave., Suite 4, P.O. Box 405, Bangor, ME 04402-0405, (207) 990-9124, TDD (207) 942-7331, Ron Lambert.

**Maryland**

Served by Delaware State Office

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street, Suite 2, Amherst, MA 01002-2999, (413) 253-4300, TDD (413) 253-7068, Daniel R. Beaudette.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI

48823, (517) 324-5208, TDD (517) 337-6795, Frank J. Tuma.

Minnesota State Office, 410 Farm Credit Service Building, 375 Jackson Street, St. Paul, MN 55101-1853, (651) 602-7800, TDD (651) 602-3799, Terry Louwagie.

Mississippi State Office, Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965-4316, TDD (601) 965-5850, Bettye Oliver.

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876-0976, TDD (573) 876-9480, Clark Thomas.

Montana State Office, 900 Technology Blvd., Suite B, Bozeman, MT 59771, (406) 585-2545, TDD (406) 585-2562, Bill Barr.

Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N., Lincoln, NE 68508, (402) 437-5559, TDD (402) 437-5551, Denise Brosius-Meeks.

Nevada State Office, 1390 South Curry Street, Carson City, NV 89703-9910, (775) 887-1222 (ext. 28), TDD (775) 885-0633, Kay Vernatter.

**New Hampshire**

Served by Vermont State Office

New Jersey State Office, 8000 Midlantic Drive, 5th Floor North, Suite 500, Mt. Laurel, NJ 08054, (856) 787-7750, Kenneth Drewes.

New Mexico State Office, 6200 Jefferson St. NE., Room 255, Albuquerque, NM 87109, (505) 761-4950, TDD (505) 761-4938, Martha Torrez.

New York State Office, The Galleries of Syracuse, 441 S. Salina Street, Suite 357, Syracuse, NY 13202-2541, (315) 477-6400, TDD (315) 477-6447, Gail Giannotta.

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873-2070, TDD (919) 873-2003, Phyllis Godbold.

North Dakota State Office, Federal Building, Room 208, 220 East Rosser Ave., P.O. Box 1737, Bismarck, ND 58502-1737, (701) 530-2037, TDD (701) 530-2113, Dale VanEchout.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215-2418, (614) 255-2400, TDD (614) 255-2554, David M. Douglas.

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, OK 74074-2654, (405) 742-1000, TDD (405) 742-1007, Brian Wiles.

Oregon State Office, 1201 NE Lloyd Blvd, Suite 801, Portland, OR 97232, (503) 414-3300, TDD (503) 414-3387, John J. Brugger.

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996, (717) 237-2299, TDD (717) 237-2261, Gary Rothrock.

Puerto Rico State Office, IBM Building—Suite 601, 654 Munos Rivera Avenue, San Juan, PR 00918-6106, (787) 766-5095, TDD (787) 766-5332, Clery Morales.

**Rhode Island**

Served by Massachusetts State Office

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253-3656, TDD (803) 765-5697, Ken King.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352-1100, TDD (605) 352-1147, Doug Roehl.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, TN 37203-1084, (615) 783-1300, TDD (615) 783-1397, Keith Head.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742-9789, TDD (254) 742-9749, Michael B. Canales.

Utah State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, P.O. Box 11350, Salt Lake City, UT 84138, (801) 524-4326, TDD (801) 524-3309, Debra Meyer.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828-6011, TDD (802) 223-6365, Rhonda Shippee.

**Virgin Islands**

Served by Florida State Office

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287-1550, TDD (804) 287-1753, Carrie Schmidt.

Washington State Office, 1835 Black Lake Boulevard, SW., Suite B, Olympia, WA 98501-5715, (360) 740-7738, Gayle Hoskison.

**Western Pacific Territories**

Served by Hawaii State Office

West Virginia State Office, Federal Building, 75 High Street, Room 320, Morgantown, WV 26505-7500, (304) 284-4860, TDD (304) 284-4836, Dianne Crysler.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345-7614, TDD (715) 345-7610, Mark Brodziski.

Wyoming State Office, Federal Building, Room 1005, 100 East B Street, P.O. Box 11005, Casper, WY 82602-5006,

(307) 233-6733, TDD (307) 233-6719, Alana Cannon.  
Washington, DC, Stop 0787, Room 0183, 1400 Independence Avenue, SW., Washington, DC 20250-0787, (202) 720-1506, Susan Woolard.

Dated: June 19, 2009.

**Tammye H. Trevino,**  
*Administrator, Rural Housing Service.*

**United States Department of Agriculture**

**Rural Housing Service**

**Rural Community Development Initiative Grant Agreement**

This Grant Agreement (Agreement), effective the date the Agency official signs the document, is a contract for receipt of grant funds under the Rural Community Development Initiative (RCDI).

Between \_\_\_\_\_

a private or public or tribal organization, (Grantee or Intermediary) and the United States of America acting through the Rural Housing Service, Department of Agriculture, (Agency or Grantor), for the benefit of recipients listed in Grantee's application for the grant.

Witnesseth:

The principal amount of the grant is \$ \_\_\_\_\_ (Grant Funds). Matching funds, in an amount equal to the grant funds, will be provided by Grantee. The Grantee and Grantor will execute Form RD 1940-1, "Request for Obligation of Funds."

Whereas,

Grantee will provide a program of financial and technical assistance to develop the capacity and ability of nonprofit organizations, low-income rural communities, or federally recognized tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas;

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0180. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing the collection of information.

Now, therefore, in consideration of the grant;

Grantee agrees that Grantee will:

A. Provide a program of financial and technical assistance in accordance with

the proposal outlined in the application, (see Attachment A), the terms of which are incorporated with this Agreement and must be adhered to. Any changes to the approved program of financial and technical assistance must be approved in writing by the Grantor;

B. Use Grant Funds only for the purposes and activities specified in the application package approved by the Agency including the approved budget. Any uses not provided for in the approved budget must be approved in writing by the Agency in advance;

C. Charge expenses for travel and per diem that will not exceed the rates paid Agency employees for similar expenses. Grantees and recipients will be restricted to traveling coach class on common carrier airlines. Lodging rates may exceed the Government rate by a maximum of 20 percent. Meals and incidental expenses will be reimbursed at the same rate used by Agency employees, which is based upon location. Mileage and gas will be reimbursed at the existing Government rate. Rates can be obtained from the applicable State Office;

D. Charge meeting expenses in accordance with 31 U.S.C. 1345. Grant funds may not be used for travel, transportation, and subsistence expenses for a meeting. Matching funds may be used to pay these expenses. Any meeting or training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345;

E. Request for advances or reimbursement for grant activities. If payment is to be made by advance, the Grantee shall request advance payment, but not more frequently than once every 30 days, of grant funds by using Standard Form 270, "Request for Advance or Reimbursement." Receipts, invoices, hourly wage rate, personnel payroll records, or other documentation must be provided by intermediary. This information must be maintained in the intermediary's files.

If payment is to be made by reimbursement, the Grantee shall request reimbursement of grant funds, but not more frequently than once every 30 days, by using Standard Form 270, "Request for Advance or Reimbursement." Receipts, invoices, hourly wage rate, personnel payroll records, or other documentation, as determined by the Agency, must be provided by the intermediary to justify the amount. This information must be maintained in the intermediary's files.

All requests for advances or reimbursements must include matching fund usage. Matching funds must be at

least equal to the grant amount requested.

F. Provide periodic reports as required by the Grantor. A financial status report and a project performance report will be required on a quarterly basis (due 30 working days after each calendar quarter). The financial status report must show how grant funds and matching funds have been used to date. A final report may serve as the last quarterly report. Grantees shall constantly monitor performance to ensure that time schedules are being met and projected goals by time periods are being accomplished. The project performance reports shall include, but are not limited to, the following:

1. Describe the activities that the funds reflected in the financial status report were used for;

2. A comparison of actual accomplishments to the objectives for that period;

3. Reasons why established objectives were not met, if applicable;

4. Problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accomplished by a statement of the action taken or planned to resolve the situation;

5. Objectives and timetables established for the next reporting period;

6. A summary of the race, sex, and national origin of the recipients and a summary from the recipients of the race, sex, and national origin of the beneficiaries; and

7. The final report will also address the following:

a. What have been the most challenging or unexpected aspects of this program?

b. What advice would you give to other organizations planning a similar program? Please include strengths and limitations of the program. If you had the opportunity, what would you have done differently?

c. Are there any post-grant plans for this project? If yes, how will they be financed?

G. Consider potential recipients without discrimination as to race, color, religion, sex, national origin, age, marital status, sexual orientation, or physical or mental disability;

H. Ensure that any services or training offered by the recipient, as a result of the financial and technical assistance received, must be made available to all persons in the recipient's service area without discrimination as to race, color,

religion, sex, national origin, age, marital status, sexual orientation, or physical or mental disability, or genetic information (not all protected bases apply to all programs) at reasonable rates, including assessments, taxes, or fees. Programs and activities must be delivered from accessible locations. The recipient must ensure that, where there are non-English speaking populations, materials are provided in the language that is spoken;

I. Ensure recipients are required to place nondiscrimination statements in advertisements, notices, pamphlets and brochures making the public aware of their services. The Grantee and recipient are required to provide widespread outreach and public notification in promoting any type of training or services that are available through grant funds;

J. The Grantee must collect and maintain data on recipients by race, sex, and national origin. The grantee must ensure that their recipients also collect and maintain data on beneficiaries by race, sex, and national origin as required by Title VI of the Civil Rights Act of 1964 and must be provided to the Agency for compliance review purposes. USDA Rural Development will complete a pre-award compliance review. The pre-award will be before grant approval or disbursement of funds;

K. Upon any default under its representations or agreements contained in this instrument, Grantee, at the option and demand of Grantor, will immediately repay to Grantor any legally permitted damages together with any legally permitted interest from the date of the default. At Grantor's election, any default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Agreement may be enforced by Grantor, without regard to prior waivers of this Agreement, by proceedings in law or equity, in either Federal or State courts as may be deemed necessary by Grantor to ensure compliance with the provisions of this Agreement and the laws and regulations under which this grant is made;

L. Provide Financial Management Systems that will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis;

2. Records that identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated

balances, assets, liabilities, outlays, and income related to Grant Funds and matching funds;

3. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes;

4. Accounting records supported by source documentation; and

5. Grantee tracking of fund usage and records that show matching funds and grant funds are used in equal proportions. The grantee will provide verifiable documentation regarding matching fund usage, i.e., bank statements or copies of funding obligations from the matching source.

M. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after the grant agreement expires except that the records shall be retained beyond the 3-year period if audit findings have not been resolved. Microfilm or photocopies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts;

N. Provide an A-133 audit report if \$500,000 or more of Federal funds are expended in a 1-year period. If Federal funds expended during a 1 year period are less than \$500,000 and there is an outstanding loan balance of \$500,000 or more, an audit in accordance with generally accepted government auditing standards is required. If Federal funds expended during a 1-year period are less than \$500,000 including any outstanding loan balance in which the Federal government imposes continuing compliance requirements, a management report may be submitted on Forms RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet", or similar;

O. Not encumber, transfer, or dispose of the equipment or any part thereof, acquired wholly or in part with Grantor funds without the written consent of the Grantor; and

P. Not duplicate other program activities for which monies have been received, are committed, or are applied to from other sources (public or private). Grantor agrees that:

A. It will make available to Grantee for the purpose of this Agreement funds in an amount not to exceed the Grant

Funds. The funds will be disbursed to Grantee on a pro rata basis with the Grantee's matching funds; and

B. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be:

1. Advisable to further the purpose of the grant or to protect Grantor's financial interest therein; and

2. Consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Both Parties Agree:

A. Extensions of this grant agreement may be approved by the Agency, in writing, provided in the Agency's sole discretion the extension is justified and there is a likelihood that the grantee can accomplish the goals set out and approved in the application package during the extension period. Extensions will be limited to one six-month period;

B. The Grantor must approve any changes in recipient or recipient composition;

C. The Grantor has agreed to give the Grantee the Grant Funds, subject to the terms and conditions established by the Grantor. Any Grant Funds actually disbursed and not needed for grant purposes must be returned immediately to the Grantor. This agreement shall terminate 3 years from this date unless extended or unless terminated beforehand due to default on the part of the Grantee or for convenience of the Grantor and Grantee. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of this Agreement or the applicable regulations; Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the program will not produce beneficial results commensurate with the further expenditure of funds.

D. As a condition of the Agreement, the Grantee certifies that it is in compliance with, and will comply in the course of the Agreement with, all applicable laws, regulations, Executive Orders, and other generally applicable requirements, which are incorporated into this agreement by reference, and such other statutory provisions as are specifically contained herein.

E. The Grantee will ensure that the recipients comply with Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and

Executive Order 12250. Each recipient must sign Form RD 400-4, "Assurance Agreement";

F. The provisions of 7 CFR part 3015, "Uniform Federal Assistance Regulations," part 3016, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or part 3019, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," and the fiscal year 2009 "Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI)" are incorporated herein and made a part hereof by reference;

In witness whereof, Grantee has this day authorized and caused this Agreement to be executed by

**Attest**

By \_\_\_\_\_  
(Grantee)

(Title)  
Date \_\_\_\_\_

United States of America  
Rural Housing Service

By \_\_\_\_\_  
(Grantor) (Name) (Title)

Date \_\_\_\_\_

**Attachment A**

[Application proposal submitted by grantee.]

[FR Doc. E9-15128 Filed 6-25-09; 8:45 am]

**BILLING CODE 3410-XV-P**

**DEPARTMENT OF AGRICULTURE**

**Rural Utilities Service**

**Oglethorpe Power Corporation, Inc.:  
Notice of Intent To Hold Public  
Scoping Meetings and Prepare an  
Environmental Impact Statement**

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of intent to hold public scoping meetings and prepare two Environmental Impact Statements (EIS).

**SUMMARY:** The Rural Utilities Service (RUS) intends to hold public scoping meetings and prepare an Environmental Impact Statement (EIS) to meet its responsibilities under the National Environmental Policy Act (NEPA) and 7 CFR Part 1794 in connection with potential impacts related to projects proposed by Oglethorpe Power Corporation (Oglethorpe) of Tucker, Georgia. The proposal consists of the construction of a 100-MW biomass power plant in Warren County near

Warrenton, Georgia. Oglethorpe is requesting RUS to provide financial assistance for the proposed action.

**DATES:** RUS will conduct a public scoping meeting in an open house format in order to provide information and solicit comments for the preparation of the EIS. The public meeting will be held on Thursday, July 9, 2009 from 5:30-7:30 p.m. at the Warren County Community Service Building, 48 Warren Street, in Warrenton, Georgia 30828; telephone (706) 465-2171. All written questions and comments must be received by RUS by July 27, 2009.

**ADDRESSES:** To send comments or for further information, contact Stephanie Strength, Environmental Protection Specialist, USDA Rural Development Utilities Programs, at 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250-1571, or e-mail [stephanie.strength@wdc.usda.gov](mailto:stephanie.strength@wdc.usda.gov).

An Alternatives Report (AR) prepared by Oglethorpe will be available at the public scoping meeting, at the Agency's address provided in this notice, at the Agency's Web site: <http://www.usda.gov/rus/water/ees/eis.htm>, at Oglethorpe Power Corporation, 2100 East Exchange Place, Tucker, Georgia, and at the following locations:

Appling County Public Library, 244 E.

Parker Street, Baxley, GA 31513.

Phone: (912) 367-8103.

Warren County Public Library, 10

Warren Street, Warrenton, GA 30828.

Phone: (706) 465-2656.

**SUPPLEMENTARY INFORMATION:**

Oglethorpe proposes to construct a new 100-MW biomass power plant in Warren County near Warrenton, Georgia. The proposal is to meet, in part, the future demand of Oglethorpe's Members to provide a reliable, long-term supply of renewable and sustainable energy. Oglethorpe is seeking financing from RUS for its investment. The proposal is classified in 7 CFR Part 1794.25 as requiring an EIS.

Prior to making a financial decision about whether to provide financial assistance for a proposal, RUS is required to conduct an environmental review under the NEPA in accordance with the Agency policies and procedures codified in 7 CFR Part 1794. These regulations require the Agency to consider engineering alternatives including no action, load management, conservation measures, and reactive power supply.

Government agencies, private organizations, and the public are invited to participate in the planning and analysis of the proposed projects. Representatives from the Agency and

Oglethorpe will be available at the scoping meetings to discuss the environmental review process, describe the proposals, discuss the scope of environmental issues to be considered, answer questions, and accept comments. As part of its broad environmental review process, the Agency must take into account the effect of the proposal on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation, "Protection of Historic Properties" {36 CFR Part 800}. Pursuant to 36 CFR 800.2 (d)(3), the Agency is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to scoping will inform Agency decision making in Section 106 review. Any party wishing to participate more directly with the Agency as a "consulting party" in Section 106 review may submit a written request to do so to the Agency contact at the above address.

Using information from the Alternatives Report and considering input provided by government agencies, private organizations, and the public, RUS and Oglethorpe, in consultation with the cooperating agencies, will determine the scope of the EIS. Notices announcing the availability of the Draft EIS will be published in the **Federal Register** and local newspapers.

Any final action by the Agency related to the proposal will be subject to, contingent upon, and in compliance with environmental review requirements will be conducted as prescribed by the Agency's environmental policies and procedures (7 CFR Part 1794).

Dated: June 22, 2009.

**James R. Newby,**

*Acting Administrator, USDA Rural Utilities Service.*

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**BILLING CODE P**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Notice of meeting**

**AGENCY:** USDA Forest Service.

**ACTION:** Notice of meeting.

**Siskiyou Resource Advisory Committee (RAC)**

**SUMMARY:** The Siskiyou Resource Advisory Committee will meet on