

2021 Water Quality Improvement Project (WQIP) Program - Overview

Funding Available: Up to \$65 million

DESCRIPTION

The Water Quality Improvement Project (WQIP) program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations to implement projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source. This funding is for construction/implementation projects, not projects that are exclusively for planning.

It is highly recommended that all potential WQIP applicants read the WQIP Program Overview, particularly the section for their project type, in its entirety before applying for WQIP funding.

PROJECT TYPES SUMMARY TABLE

Funding is available for the following project types (see project type sections for all information):

Project Type	Maximum Award	Required Match	Eligible Applicants ¹	Required Attachment(s)
Wastewater Treatment Improvement	\$1,000,000 to \$10,000,000 depending on project subtype	25% (primary and secondary priority projects); or 60% (general wastewater projects) of award amount	Municipalities	Budget worksheet Engineering report Project map Floodplain map Sexual Harassment Prevention Certification Form
Non-Agricultural Nonpoint Source Abatement and Control	\$500,000 to \$3,000,000 depending on project subtype	25% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map See Nonpoint Source section for attachments required for certain project subtypes Sexual Harassment Prevention Certification Form

¹ The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

Project Type	Maximum Award	Required Match	Eligible Applicants¹	Required Attachment(s)
Land Acquisition for Source Water Protection	\$4,000,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Monitoring and enforcement protocol Project map Floodplain map Fiscal reports (programs only) Sexual Harassment Prevention Certification Form
Salt Storage	\$500,000	50% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map Sexual Harassment Prevention Certification Form
Aquatic Connectivity Restoration	\$250,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form
Marine District Habitat Restoration	\$750,000	No match required	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form Feasibility Study

FLOOD RESILIENCY REQUIREMENTS FOR ALL PROJECTS

If the project is within an Enhanced Flood Hazard Area, Enhanced Coastal High Hazard Area, or the 0.2% floodplain, the following information must be provided:

- A floodplain map with the location of the project indicated;
- A site plan with the contours indicating the Enhanced Flood Hazard Area, Enhanced Coastal High Hazard Area, or 0.2% floodplain;
- Location of and elevation of non-critical and critical equipment (if applicable to project);
- Certification of floodproofing (if applicable to project); and
- A floodway analysis with a no-rise certificate if the project is within a regulated floodway.

PROJECTS AFFECTING WATER QUALITY IN ENVIRONMENTAL JUSTICE (EJ) AREAS

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed project that positively impacts water quality in an EJ community, or positively impacts drinking water serving an EJ community, will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community, where the benefit will be provided or the area served by the drinking water source or the exact street location(s) where the project is to be implemented.

INELIGIBLE PROJECTS/APPLICATIONS

Applications are ineligible that:

- Do not address water quality impairments, improve aquatic habitat, or protect a drinking water source;
- Are seeking funds for studies, planning, or design only;
- Do not include required attachments (**view the section for your project type for a full list of required attachments**);
- Do not meet the requirements for that project type or subtype;
- Are from not-for-profit organizations that are neither registered nor have a current prequalification in Grants Gateway as of the application deadline;
- Fail to meet the minimum scoring criteria as detailed for each project type in this Program Overview. A project must receive an agency score of at least 30 to be eligible for funding;
- Do not show match and a match source, or use ineligible match sources; or

- Are seeking funds for costs incurred before May 10, 2021 unless the project is a Source Water Protection Project/Program or Aquatic Connectivity Restoration project.

APPLICATION LIMITS

Applicants may only apply for one project type per application. Only one application may be submitted per project per round. Applicants are limited to five applications per round. Applicants that have received funding in a previous round will not receive additional funding in this or a future round for the same scope of work. However, the WQIP program will fund distinct phases or different activities and costs of a project in consecutive rounds of funding if the applicant sufficiently describes how the planned scope of work is distinctly different from the previous scope of work.

MORE INFORMATION ON MATCH

- Match for WQIP is a percentage of the **award amount**, not the total project cost.
- Only eligible WQIP costs/activities may be used for match.
- Applications that do not show sufficient match will have their potential award amounts decreased accordingly.
- Match consists of cash contributions and in-kind services for the project and must come from a local source.
- State grants/funding are not acceptable sources of match, except for loans that will be repaid (e.g. State Revolving Fund loans). Federal grants/funding are also not acceptable sources of match for Aquatic Connectivity Restoration projects. Federal grants/funding may be used as match for all project types other than Aquatic Connectivity Restoration.

Match Formula: Requested Award Amount x Required Match Percentage = Required Match Amount

Match Calculation Example:

Project type: General wastewater treatment improvement

Required match percentage: 60% of award amount

Requested award amount: \$2,500,000

\$2,500,000 x .60 = \$1,500,000

Required match amount: \$1,500,000

Wastewater Treatment Improvement

ELIGIBLE APPLICANTS

- Municipalities²

DESCRIPTION

Funding is available for wastewater treatment improvements to municipal wastewater systems.

ELIGIBILITY REQUIREMENTS FOR ALL WASTEWATER TREATMENT IMPROVEMENT APPLICATIONS

- Applicants under an Order on Consent with DEC must be in substantial compliance³ with the construction and reporting milestones of the Order at the time of application.

Required Attachments

- Engineering report prepared, stamped and dated by a NYS-registered Professional Engineer
 - Feasibility reports and engineering plans not accompanied by engineering reports do not fulfill the engineering report requirement.
 - DEC recommends engineering reports follow the Environmental Facilities Corporation (EFC) engineering report guidelines (see resources list below) and be approved by DEC prior to application submission.
 - Engineering reports must include at a minimum the following elements:
 - Project background and history/Problem statement
 - Alternatives analysis with cost estimates
 - Summary and comparison of alternatives
 - Recommended alternative
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Budget worksheet
- Sexual Harassment Prevention Certification Form⁴

² For the purposes of Wastewater Treatment Improvement projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

³ Substantial compliance means no more than four effluent violations of the same interim limit parameter within six months and no more than six months past milestone dates that require a submission or completion, or an acceptable response to a DEC notification of noncompliance with an enforcement action.

⁴ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

PROJECT SUBTYPES AND REQUIREMENTS

- All primary and secondary priority projects may be funded before general wastewater projects. DEC reserves the right to fund one project from each primary and secondary priority category scoring 70 or above before awarding additional primary and secondary priority wastewater projects.
- DEC reserves the right to fund all primary priority wastewater effluent disinfection projects scoring 70 or above before awarding any other wastewater improvement project.
- Projects that apply for a primary or secondary priority category but do not meet all requirements will be scored as a general wastewater project and will be required to meet the 60% match if awarded.
- DEC reserves the right to not fund a project in the final scored ranked list if the same activities in the project will be funded by another funding source, such as the Environmental Facilities Corporation's Water Infrastructure Improvement Act grant.

Project subtype	Description	Maximum award	Required match	Special Requirements
Primary Priority				
Wastewater Effluent Disinfection	Projects to add effluent disinfection and associated backup power to facilities that do not currently disinfect	\$1,000,000	25% of award amount	Applicants must have been notified by DEC via letter or modified permit that their treatment system requires an upgrade to add effluent disinfection. Only work associated with disinfection installation and associated backup power will be reimbursed.
Secondary Priorities				
Combined Sewer Overflow (CSO) / Sanitary Sewer Overflow (SSO)	Projects to upgrade municipal systems to meet CSO or SSO discharge requirements, including repairs to private laterals attached to the collection system	\$10,000,000	25% of award amount	CSO projects must be listed under an approved long-term control plan (LTCP). SSO projects must be for an SSO in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or Order on Consent.

Project subtype	Description	Maximum award	Required match	Special Requirements
Watershed Plan Implementation	Projects to upgrade municipal systems to meet DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed plan or DEC HABs Action Plan) nutrient requirements	\$10,000,000	25% of award amount	Project must address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) and be necessary to meet the effluent limits in the SPDES permit.
Municipal Systems to Serve Multiple Properties with Inadequate On-site Septic Systems	Projects to construct municipal systems to serve multiple properties with inadequate on-site septic systems	\$10,000,000	25% of award amount	<p>The Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment nearest the project must list septic systems as a known source of impairment; or the need for the project must be documented in a completed sanitary survey conducted and/or approved by the Department of Health or a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan).</p> <p>If awarded, a sewer district must be formed within 2 years from date of award. No funding will be disbursed until sewer district is formed.</p>

Project subtype	Description	Maximum award	Required match	Special Requirements
Wastewater Treatment Facility Nitrogen Abatement for Shellfishing Waters	Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters	\$10,000,000	25% of award amount	
General Wastewater Projects				
Other Wastewater Treatment Improvements	All other wastewater projects	\$10,000,000	60% of award amount	

ELIGIBLE COSTS

- Equipment
- Contractual costs (construction, equipment, supplies/materials)
- Construction inspection (on-site activities typically performed by a licensed professional engineer, e.g. inspection of methods and materials)
- Salary and fringe benefits
- Administrative costs directly related to implementing the project⁵

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Planning, design, specification, and engineering costs
- Construction oversight (e.g. monitoring the schedule and budget, contract performance and quality control)
- Non-construction costs incurred during the construction phase
- Indirect costs (e.g. travel, space/property rent, utilities, office supplies)
- Administrative costs not directly related to implementing the project⁶
- Legal fees
- Costs associated with establishing a sewer district
- Pre- and post-construction monitoring and sampling
- Costs incurred outside the start and end date of the contract (no earlier than April 29, 2020)
- **Applications that do not attach an engineering report or other required attachments**
- Applications for non-municipal systems

⁵ The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

⁶ The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project.

- Projects also being funded through the State Septic System Replacement Fund
- Applications for planning or to create a study

RESOURCES

- NYS EFC engineering report guidelines: <https://www.efc.ny.gov/EPG>
- DECinfo Locator (most up to date source of WI/PWL segment assessments⁷): <https://www.dec.ny.gov/pubs/109457.html>
- New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act: <https://www.dec.ny.gov/energy/102559.html#Implementation>
- HUC 12 watersheds map: <https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water
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⁷ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click the link for “Environmental Quality Map View”. In the left column of the map, click “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL assessment for that waterbody, click the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

WASTEWATER TREATMENT IMPROVEMENT SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.</i>				
<p>Performance Measures</p> <p><i>38 to 5 points possible</i></p>	<p>38 POINTS:</p> <p>Wastewater effluent disinfection projects for facilities that currently do not disinfect their effluent and are designed to meet requirements in a finalized Order on Consent schedule of compliance or a finalized schedule of compliance associated with the facility's SPDES permit or who have been notified in a letter from DEC that their treatment system requires an upgrade to add effluent disinfection.</p>	<p>30 POINTS:</p> <p>Wastewater treatment projects that are designed to meet requirements in a finalized Order on Consent schedule of compliance or a finalized schedule of compliance associated with the facility's SPDES permit</p> <p>AND one of the following:</p> <p>CSO projects that are under a Long-term Control Plan (LTCP)</p> <p>OR</p> <p>SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan or listed in an Order on Consent</p> <p>OR</p> <p>Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) and are necessary to meet the effluent limits in the SPDES permit</p> <p>OR</p> <p>Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters</p>	<p>20 POINTS:</p> <p>CSO projects that are under a Long-term Control Plan (LTCP)</p> <p>OR</p> <p>SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or listed in an Order on Consent</p> <p>OR</p> <p>Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) and is necessary to meet the effluent limits in the SPDES permit</p> <p>OR</p> <p>Municipal systems to serve multiple properties with inadequate on-site septic systems that are listed in the WI/PWL segment assessment as a known source of impairment; listed in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan); or have a completed sanitary survey conducted and/or approved by the Department of Health.</p>	<p>10 POINTS:</p> <p>Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "precluded" or "impaired"</p> <p>OR</p> <p>Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as a Class A or Class AA waterbody with an active public water system and where drinking water use is listed in the WI/PWL segment assessment as "stressed" or "threatened"</p> <p>OR</p> <p>Projects that are in a schedule of compliance for an Order on Consent or SPDES permit but are not a WQIP high priority project</p> <p>OR</p> <p>Projects that will reduce CSOs but are not specifically listed in the applicable LTCP</p>	<p>5 POINTS:</p> <p>Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "stressed" or "threatened"</p> <p>OR</p> <p>Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as Class A or Class AA without an active public water system.</p> <p>OR</p> <p>Projects that will not address the known pollutant for an impairment listed in the WI/PWL segment assessment</p> <p>OR</p> <p>Projects that are necessary to preserve or protect a surface waterbody not listed in the WI/PWL.</p>

Classification Points Factor <i>5 to 2 points possible</i>	5 POINTS: AA, SA, A(T), GA (primary water supply aquifer), AA special, A, A special, B(T), GA (other), GSA, B, SB, C(T), C(TS)			2 POINTS: GSB, C, SC, D, SD, I	
Environmental Justice <i>2 to 0 points possible</i>	2 POINTS Projects that improve water quality in an Environmental Justice area or positively impact drinking water quality serving an EJ community.			0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community	
Reasonableness of Cost⁸ <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project. WQIP budget includes no ineligible activities.	15 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	5 POINTS: Costs are not clearly explained in application and budget.	0 POINTS: Costs are not reasonable for this type of project.
Project Readiness <i>10 to 0 points possible</i>	10 POINTS: Project has all necessary permits (or does not need permits) and engineering report is approved. SEQR is completed. The project is ready to move forward with construction.	5 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to begin construction within two years.	2 POINTS: Project is expected to be completed within five years.	0 POINTS Project has none of the necessary approvals and is not expected to be completed within five years. <i>Applications that fall into this category will not be funded.</i>	
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded wastewater treatment projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this wastewater project.	3 POINTS: Applicant has shown the ability to complete a state-funded water quality project that was not related to wastewater treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project	0 POINTS: Applicant has demonstrated poor management of WQIP and/or EPG contract(s) in the past 10 years OR Applicant has not been awarded a WQIP or EPG grant in the past 10 years and does not appear to have the experience and ability to carry out the project. <i>Applications that fall into this category will not be funded.</i>		
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>				
Total Maximum Points	100 points				

⁸ Also to be considered: If the applicant is a Climate Smart Community and has completed one or more of the following actions: PE10 Action: Green House Gas Tracking System; PE3 Action: Energy Benchmarking for Government Buildings; PE7 Action: Climate Vulnerability Assessment; and/or PE7 Action: Watershed Assessment; and if the project is within a 100-year floodplain, the engineering report addresses storm and flood resiliency.

Non-Agricultural Nonpoint Source Abatement and Control

ELIGIBLE APPLICANTS

- Municipalities⁹
- Soil and water conservation districts (excluding Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems project subtype)

DESCRIPTION

Funding is available for non-agricultural nonpoint source projects or programs that improve a documented water quality impairment, or that protect a drinking water source.

REQUIREMENTS FOR ALL NONPOINT SOURCE APPLICATIONS:

Required Attachments:

- Budget worksheet¹⁰
- Sexual Harassment Prevention Certification Form¹¹
- Map with the project or program area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- See special requirements column in below table for required attachments for specific project subtypes.
- In addition to required attachments, all applicants **should** attach any site assessments, permits, feasibility studies, landowner agreements or other documentation that demonstrates the likelihood of project success and/or feasibility.

PROJECT SUBTYPES AND REQUIREMENTS

Project Subtypes	Description	Maximum award	Required match	Special Requirements
Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems	Projects to construct a municipally-owned decentralized wastewater treatment facility in areas with failing on-site	\$3,000,000	25% of award amount	Must consist of a subsurface treatment and disposal system. Collection and conveyance system may consist of septic tank effluent pump or

⁹ For the purposes of Non-agricultural Nonpoint Source Abatement and Control projects and programs under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. (Environmental Conservation Law §56-0101)

¹⁰ WQIP Budget Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

¹¹ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	treatment systems, including the necessary collection and conveyance system			<p>gravity, grinder pump or gravity sewer.</p> <p>Projects must be designed by a professional engineer.</p> <p>If awarded, a sewer district must be formed within two years of date of award. No funding will be disbursed until sewer district is formed.</p> <p>Required Attachment:</p> <ul style="list-style-type: none"> • Feasibility study that follows the NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects¹².
Green Infrastructure Practices	Green infrastructure projects to address combined sewer overflows, reduce a pollutant impacting a waterbody or address a regional water quality issue; or projects to install green infrastructure practices	\$1,000,000	25% of award amount	<p>Eligible practices are limited to:</p> <ul style="list-style-type: none"> • Bioretention • Rain gardens • Constructed wetlands • Porous pavement • Green roofs • Downspout disconnection • Stormwater street trees • Stormwater harvesting and reuse • Stream daylighting

¹² Engineering Report Outline for NYS Wastewater Infrastructure Projects:
<https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	designed to capture and remove the pollutant contributing to a water quality impairment.			<p>Must be designed in accordance with the <i>2015 NYS Stormwater Design Manual</i>.</p> <p>Must go above and beyond water quality volume treatment and/or reduction requirements in the SPDES Construction General Permit.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> • Feasibility study that meets WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements¹³ • Policies and procedures for maintaining BMPs¹⁴.
Stormwater Retrofits	Stormwater retrofit projects designed to capture and remove pollutants causing a water quality impairment.	\$500,000	25% of award amount	<p>Eligible practices are limited to those identified in Chapters 5 and 6 of the <i>2015 NYS Stormwater Design Manual</i>.</p> <p>Must be designed in accordance with the <i>NYS Stormwater Design Manual</i>.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> • Feasibility study that meets WQIP Green

¹³ Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements: <http://www.dec.ny.gov/pubs/4774.html>

¹⁴ Suggested procedures for operation and maintenance are included in the NYS Maintenance Guidance: Stormwater Management Practices, March 31, 2017, found at <https://www.dec.ny.gov/chemical/8694.html>.

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>Infrastructure or Stormwater Retrofit Feasibility Study Requirements¹³</p> <ul style="list-style-type: none"> • Policies and procedures for maintaining BMPs¹⁵
Streambank / Shoreline Stabilization and Riparian Buffers	Projects to reduce sedimentation of waterbodies caused by eroding streambanks / shorelines and/or to filter surface runoff with riparian buffer vegetation.	\$500,000	25% of award amount	<p>Streambank/shoreline stabilization practices include, but are not limited to staking, erosion control matting, root wads and rip-rap (rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials).</p> <p>Streambank/shoreline stabilization projects paired with replanting of riparian buffers are preferred.</p> <p>Riparian buffers projects are to replant vegetation within the riparian zone of waterbodies to filter nutrients and sediment, prevent streambank/shoreline erosion and reduce thermal impacts to waterbodies.</p> <p>Proposals to stabilize streambanks/shorelines of two or more WI/PWL segments should apply under the Nonpoint</p>

¹⁵ Suggested procedures for operation and maintenance are included in the NYS Maintenance Guidance: Stormwater Management Practices, March 31, 2017: <https://www.dec.ny.gov/chemical/8694.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				Source Program subtype described below.
In-Waterbody Controls for Nutrients	Projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies experiencing internal nutrient cycling leading to excessive algae and plant growth, low water quality, and other water quality impairments.	\$1,000,000	25% of award amount	<p>Eligible practices are limited to:</p> <ul style="list-style-type: none"> • Hypolimnetic aeration • Destratification systems for polymictic lakes • Hypolimnetic withdrawal • Dredging <p>Must secure appropriate permits prior to submitting application.</p> <p>Required attachments:</p> <ul style="list-style-type: none"> • Documentation¹⁶ of projects that are completed or underway to control external sources of nutrients that meets Minimum Documentation Requirements for Control of External Sources of Nutrients Projects¹⁷) • A study acceptable to DEC by a qualified professional¹⁸ that

¹⁶ DEC will evaluate documentation provided to determine if external nonpoint sources (landside) have been sufficiently controlled. DEC reserves the right to only fund in-waterbody control practices that meet this criterion.

¹⁷ Minimum Documentation Requirements for Control of External Sources of Nutrients Projects: <http://www.dec.ny.gov/pubs/4774.html>

¹⁸ A **qualified professional** as demonstrated through work experience and/or education (e.g. certified lake manager, professional engineer, marine scientist, or limnologist).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>identifies significant internal waterbody loading and justification for use of the BMP. For destratification systems, the study must identify the waterbody as a polymictic lake.</p> <ul style="list-style-type: none"> • For hypolimnetic aeration, destratification systems and hypolimnetic withdrawal, must attach a plan for long-term operation and maintenance.
Bathing Beach Restoration	Projects to implement practices recommended in beach restoration design reports or beach sanitary survey	\$500,000	25% of award amount	<p>Eligible practices are limited to:</p> <ul style="list-style-type: none"> • The following green infrastructure practices: <ul style="list-style-type: none"> ○ Bioretention ○ Porous pavement ○ Rain gardens ○ Stormwater tree trenches ○ Constructed wetlands • The following beach re-naturalization practices: <ul style="list-style-type: none"> ○ Beach sand enrichment/nourishment ○ Beach sloping/grading <p>Required attachments:</p> <ul style="list-style-type: none"> • Completed beach sanitary survey

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<ul style="list-style-type: none"> For green infrastructure practices: Feasibility Study that meets WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements¹⁹
Stream Culvert Repair and Replacement	Projects to reduce erosion caused by failing or inadequately sized stream culverts through culvert repair or replacement	\$500,000	25% of award amount	<p>The primary purpose of the project must be to address erosion caused by failing or inadequately sized culverts in streams, as documented in:</p> <ul style="list-style-type: none"> the WI/PWL segment assessment; or photographs (must show erosion on the upstream side of the culvert); or a DEC-accepted culvert site assessment report <p>Proposals to repair or replace culverts impacting two or more WI/PWL segments should apply under the Nonpoint Source Program subtype (below).</p> <p>Projects that also improve aquatic organism connectivity, reduce flooding and protect infrastructure will receive additional</p>

¹⁹ WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>points. However, projects that are for the primary goal of improving aquatic organism passage should apply under the Aquatic Connectivity Restoration project type.</p>
Vacuum trucks in MS4 areas	Projects to purchase one vacuum truck to be used in an MS4 area	\$325,000	25% of award amount	<p>Applicant must have completed all Basic Elements Map items (view MS4 Mapping Status Worksheet²⁰) by the date of application submittal.</p> <p>Applicants must participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to develop a group, which must be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application must justify the reasons in the application.</p> <p>Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Only the lead applicant needs to register in the</p>

²⁰ MS4 Mapping Status Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>NYS Grants Gateway (http://grantsreform.ny.gov). Projects being undertaken by multiple regulated MS4s in the same county or urbanized area will receive additional points. A list of the cooperating MS4s must be provided in the application.</p> <p>Required attachments:</p> <ul style="list-style-type: none"> • Letters of support from regulated MS4 entities participating in and/or benefiting from this project • Mapping Status Table worksheet(s)²¹ with the application for each MS4 participating or benefitting directly from the proposed project. • Catch basin clean-out plan and procedures that meet Catch Basin Clean-Out Plan Minimum Requirements²²
Permeable Reactive Barriers	Projects to reduce nitrogen in groundwater through the installation of	\$500,000	25% of award amount	<p>Required Attachment:</p> <ul style="list-style-type: none"> • A study acceptable to DEC by a qualified professional²³ that

²¹ MS4 Mapping Status Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

²² Catch Basin Clean-Out Plan Minimum Requirements: <http://www.dec.ny.gov/pubs/4774.html>

²³ A qualified professional as demonstrated through work experience and/or education (e.g., professional engineer, certified environmental professional, or professional geologist).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	permeable reactive barrier systems.			documents excessive nitrogen in groundwater and provides justification for use of the BMP.
Nonpoint Source Program	Programs to implement particular nonpoint source BMPs within a defined geographic area. Geographic areas include, but are not limited to: counties, watersheds, municipalities, or sanitary sewer overflow (SSO) areas.	\$1,000,000	25% of award amount	<p>Eligible programs are limited to one of the following types of BMPs per application:</p> <ul style="list-style-type: none"> • Streambank stabilization and riparian buffers • Stream culvert repair and/or replacement • Road ditch stabilization (including hydroseeding²⁴) • Septic tank pump-out • Rain garden/rain barrel program for SSO areas (must be for an SSO in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or Order on Consent) <p>Stream culvert repair, road ditch and streambank/shoreline stabilization programs must implement</p>

²⁴WQIP does not fund hydroseeding at SPDES General Permit for Stormwater Discharges from Construction Activity sites, or for purposes other than stormwater/runoff reduction (e.g., ball fields).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>projects to improve two or more WI/PWL segments to be considered under this program category and must identify all project locations at time of application.</p> <p>For rain garden/rain barrel programs, project locations or geographic areas in which programs will be implemented must be identified at time of application</p> <p>Stream culvert repair and replacement programs must address erosion caused by failing or inadequately sized culverts as documented in:</p> <ul style="list-style-type: none"> • the WI/PWL segment assessment(s); • photographs (must show erosion on the upstream side of the culverts); or • a DEC-accepted culvert site assessment report.

ELIGIBLE COSTS

- Equipment
- Equipment operating expenses
- Contractual services
- Construction
- Construction inspection
- Salary and fringe
- Travel

- Planning, design, administrative²⁵ and construction oversight costs (total may not exceed 20% of award amount)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Land purchases
- Indirect costs (e.g. space/property rent, utilities, office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract (no earlier May 10, 2021)
- Applications that do not include required attachments with application
- Projects that do not address a water quality impairment or protect a drinking water source
- Pre- and post-construction monitoring and sampling
- Aquatic vegetation harvesting projects or programs
- Algaecides
- Water circulators, bubblers or other equipment designed to move water
- Culvert replacement projects/programs that do not address erosion issues
- Culvert replacement projects for the primary purpose of improving aquatic organism passage (should apply under the Aquatic Connectivity Restoration category of WQIP)

RESOURCES

- Nonpoint Source Guidance and Technical Assistance:
<https://www.dec.ny.gov/chemical/96777.html>
- Information on preferred, nature-based methods of shoreline stabilization:
<http://www.dec.ny.gov/permits/50534.html>.
- DECinfo Locator²⁶ (most up to date source of WI/PWL segment assessments):
<http://www.dec.ny.gov/pubs/109457.html>

²⁵The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents need to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

²⁶ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit: <http://www.dec.ny.gov/chemical/36730.html>.

- HUC 12 watershed map: <https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>
- EPA Guidance for Sanitary Surveys: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>
- NYS Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water

- Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems—Ken Kosinski, (518) 402-8086
- Green Infrastructure Practices—Ryan Waldron, (518) 402-8244
- Stormwater Retrofits—Ethan Sullivan, (518) 402- 1382
- Streambank/Shoreline Stabilization & Riparian Buffers— Julie Berlinski, (518) 402-8212
- In-Waterbody Controls for Nutrients—Stephanie June, (518) 402-9255
- Bathing Beach Restoration—Lauren Townley, (518) 402-8283
- Stream Culvert Repair and Replacement—Julie Berlinski, (518) 402-8212
- Permeable Reactive Barriers—Karen Stainbrook, (518) 402-8095
- Vacuum Truck in MS4 Area—Christina Chiappetta, (518) 402-1224
- Nonpoint Source Programs—Julie Berlinski, (518) 402-8212

NONPOINT SOURCE PROJECT SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.			
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.			
Performance Measures <i>10 to 2 point(s) possible (as part of Vision score)</i>	<p>10 POINTS:</p> <p>Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table²⁷ AND benefit an active public drinking water supply</p> <p>OR</p> <p>Green infrastructure projects specifically listed in a Long Term Control Plan that reduce stormwater flow to a combined sewer system</p> <p>OR</p> <p>Stormwater retrofit projects required by an MS4 permit</p> <p>OR</p> <p>Beach restoration projects that are specifically listed as a priority in a DEC-approved beach restoration report</p>	<p>8 POINTS:</p> <p>Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table</p> <p>OR</p> <p>Projects located in the HUC 12 watershed of a Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment with uses listed as either "precluded" or "impaired" and that will address known pollutant(s) listed in the WI/PWL segment assessment as impacting that segment.</p> <p>OR</p> <p>Projects that address a known nonpoint source of pollution in the WI/PWL segment assessment AND benefit an active public drinking water supply</p> <p>OR</p> <p>Projects that support multiple actions in a DEC Watershed Action Agenda or Plan</p> <p>OR</p> <p>Beach restoration projects that are for a type of project that is the focus of a beach restoration report funded independently or based on a sanitary survey</p> <p>OR</p> <p>Stormwater retrofit projects in an MS4 area</p>	<p>6 POINTS:</p> <p>Projects that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table²¹</p> <p>OR</p> <p>Projects that support an action or priority identified in a DEC Watershed Action Agenda or Plan</p> <p>OR</p> <p>Projects located in the HUC 12 watershed of a WI/PWL segment with uses listed as either "stressed" or "threatened" and that will address known pollutant(s) listed in the WI/PWL segment assessment as impacting that segment.</p> <p>OR</p> <p>Decentralized municipal wastewater treatment facilities for failing on-site treatment systems where the need for the project has been documented in a completed sanitary survey conducted and/or approved by the Department of Health</p>	<p>2 POINTS:</p> <p>Projects located in the HUC 12 watershed of a WI/PWL segment that is listed as "unassessed"</p>

²⁷ Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>

Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	<i>Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Systems projects</i>	4 POINTS: Projects that address a primary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table ²⁸	3 POINTS: Projects where on-site septic systems are impacting a WI/PWL segment listed as "precluded" or "impaired" in the WI/PWL segment assessment	2 POINTS: Projects that address a secondary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table ²² OR Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed" or "threatened" in the WI/PWL segment assessment and the proposed project serves properties located directly on the waterbody segment	1 POINT: Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed", "threatened" or "unassessed" in the WI/PWL segment assessment AND the proposed project serves properties located within the HUC 12 watershed
	<i>Green Infrastructure Practice</i>	Total water quality volume (WQv) ²⁹ treated or reduced 7,500 cubic feet (ft ³)	Total WQv treated or reduced 5,000 to 7,499 ft ³	Total WQv treated or reduced 2,500 to 4,999 ft ³	Total WQv treated or reduced 2,499 ft ³ or less
	<i>Stormwater Retrofits</i>	Projects that are in an MS4 area AND address a primary or secondary pollution source in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table.	Projects that are in an MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of an "impaired" segment.	Projects that are in an MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of a "stressed", "threatened", or "unassessed" segment OR Projects that are in a non-MS4 area AND will address pollutants listed in the WI/PWL segment assessment as an "impaired"	Projects that are in a non-MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of a "stressed", "threatened", or "unassessed" segment.

²⁸ Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>

²⁹ To calculate the water quality volume, refer to Table 4.1 on page 4-1 of the 2015 New York State Stormwater Design Manual or use the NYSDEC Runoff Reduction Worksheets. Both resources can be found at <https://www.dec.ny.gov/chemical/8694.html>.

Impact Factor continued	<i>Streambank / Shoreline Stabilization and Riparian Buffers</i>	Projects that implement streambank/shoreline stabilization AND riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” due to streambank or shoreline erosion	Projects that implement streambank/shoreline stabilization OR riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” due to streambank or shoreline erosion (streambank/shoreline stabilization) or urban stormwater runoff (riparian buffers)	Projects that implement streambank stabilization AND riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “stressed” or “threatened” due to streambank or shoreline erosion	Projects that implement streambank stabilization OR riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “stressed”, “threatened” or “unassessed” due to streambank or shoreline erosion (streambank/shoreline stabilization) or stormwater runoff (riparian buffers)
	<i>In-Waterbody Controls for Nutrients</i>	Projects where internal loading has been identified as the primary source of pollution in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC’s Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” for nutrient pollution	Projects that were identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) where internal loading was identified as a secondary source of pollution as listed in DEC’s Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as “stressed”, “threatened”, or “unassessed” for nutrient pollution
	<i>Bathing Beach Restoration</i>	Projects that combine two or more practices (e.g., porous pavement, rain gardens and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) AND the proposed project is located on the beach or within the beach/park property	Projects that combine two or more practices (e.g. porous pavement, rain garden and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) AND the proposed project is located on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody AND the proposed project is on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody AND the proposed project is located within the HUC 12 watershed of that waterbody

Impact Factor continued	<i>Stream Culvert Repair and Replacement</i>	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that will help protect high risk or critical infrastructure ³⁰ AND that would improve NAACC score ³¹ by at least one level	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that would improve NAACC score by at least one level	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that that will help protect high risk or critical infrastructure	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND improvement of NAACC score is unlikely or does not have a NAACC score
	<i>Vacuum Trucks in MS4 Areas</i>	Applicant has completed Basic and Intermediate Elements Map items AND has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project or project is on behalf of a single municipality with needs specific to the scope of this project or is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project or project is on behalf of a single municipality with needs specific to the scope of this project or is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project.	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project

³⁰ Infrastructure is located on the primary ingress and/or egress from a community or a significant portion of a community that serves a substantial number of residents and/or businesses; or is located on a designated emergency evacuation route.

³¹ NAACC score refers to the North Atlantic Aquatic Connectivity Collaborative's Aquatic Passability Score which uses a numeric scale from 0.0 to 1.0 with six associated levels from "severe barrier" to "no barrier." Culvert repair or replacement must raise the passability score such that the associated descriptor level will change/improve. Where scoring is unavailable, professional judgement will be used to categorize the passability of each structure.

	<i>Permeable Reactive Barriers</i>	Projects where groundwater nitrogen has been identified as the primary source of pollution in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table	Projects where groundwater nitrogen was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "precluded" or "impaired" for nutrient pollution	Projects that were identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) where groundwater nitrogen was identified as a secondary source of pollution as listed in DEC's Pollutant Source Prioritization Table	Projects where groundwater nitrogen was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "stressed", "threatened", or "unassessed" for nutrient pollution
Waterbody Assessment (for all projects EXCEPT Green Infrastructure Practice/ Stormwater Retrofits project subtypes) <i>5 to 0 points possible</i>	<i>Waterbody Classification</i>	2 POINTS: AA, A special, SA, GA (primary supply aquifer), AA special, A(T), C(T), C(TS), A, B(T), GA (other), or has a watershed plan	1 POINT: B, SB, C, SC, I, D, SD, GSB, GSA		0 POINTS: Waterbody not listed in the WI/PWL
	<i>Type of Pollutant (must be a nonpoint source pollutant)</i>	3 POINTS: Known	2 POINT: Suspected		0 POINTS: Unconfirmed OR Unassessed or Waterbody not listed in the WI/PWL
Waterbody Assessment (for Green Infrastructure Practice/ Stormwater Retrofits project subtypes) <i>5 to 0 point(s) possible</i>	<i>Type of Pollutant (must be a pollutant traditionally identified with CSO discharges)</i>	5 POINTS: Known	3 POINTS: Suspected	0 POINTS: Unconfirmed OR Unassessed or Waterbody not listed in the WI/PWL	
Environmental Justice (EJ) 2 to 0 points possible	2 POINTS Projects that improve water quality in an EJ area or positively impact drinking water quality serving an EJ community		0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community		

<p>Reasonable-ness of Cost <i>20 to 0 points possible</i></p>	<p>20 POINTS: Budget clearly details and justifies only eligible costs related to implementation of a non-agricultural nonpoint source project AND Project costs provide an exceptional value as it applies to achieving pollutant reduction.</p>	<p>10 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs OR Project costs provide a good value as it applies to achieving pollutant reduction.</p>	<p>5 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs AND Project costs provide a good value as it applies to achieving pollutant reduction.</p>	<p>0 POINTS: Budget is not completed and/or costs are not justified AND/OR Project costs do not provide a good value as it applies to achieving pollutant reduction <i>Applications that fall into this category will not be funded.</i></p>
<p>Project Readiness <i>8 to 0 points possible</i></p>	<p>8 POINTS: Project has all necessary permits (or does not need permits) and approvals AND the project is ready to move forward with construction.</p>	<p>5 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay.</p>	<p>2 POINTS: Project has not secured any of the necessary approvals but is expected to be completed within five years.</p>	<p>0 POINTS: Project has none of the necessary approvals and is not expected to be completed within 5 years. <i>Applications that fall into this category will not be funded.</i></p>
<p>Experience and Ability <i>5 to 0 points possible</i></p>	<p>5 POINTS: Applicant has shown the ability to complete state-funded non-agricultural nonpoint source projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source project based upon experience with similar non-agricultural nonpoint source projects.</p>	<p>3 POINTS: Applicant has shown the ability to complete a state funded water quality project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project</p>	<p>0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP in the past 10 years and does not appear to have the experience and ability to carry out the project. <i>Applications that fall into this category will not be funded.</i></p>	
<p>Regional Economic Development Priority Points</p>	<p><i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i></p>			
<p>Total Maximum Points</p>	<p>100</p>			

NONPOINT SOURCE PROGRAM SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.</i>				
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.				
Performance Measures (Programs) <i>10 to 1 point(s) possible (as part of Vision score)</i>	<p>10 POINTS:</p> <p>Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table AND impact an active public drinking water supply</p>	<p>8 POINTS:</p> <p>Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table</p> <p>OR</p> <p>Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either "precluded" or "impaired" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment</p>	<p>6 POINTS:</p> <p>Programs that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table</p> <p>OR</p> <p>Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either "stressed" or "threatened" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment</p>	<p>4 POINTS:</p> <p>Programs where work will be completed in the watershed of a WI/PWL segment that is listed as "unassessed"</p>	<p>1 POINT:</p> <p>Programs where work will be completed in the watershed of a waterbody not listed in the WI/PWL</p>
Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	<p>4 POINTS:</p> <p>Program will be implemented in the watershed of a waterbody with a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) AND implements a practice recommended in the implementation section of that document</p> <p>OR</p> <p>Program will implement projects identified in a DEC-approved plan that address nonpoint source pollution</p>	<p>3 POINTS:</p> <p>Program addresses pollutant impacts to at least two WI/PWL segments identified as "precluded" or "impaired" in the WI/PWL segment assessment</p> <p>OR</p> <p>Program addresses aquatic habitat connectivity and/or flood resiliency in addition to nonpoint source pollution</p>	<p>2 POINTS:</p> <p>Program addresses pollutant impacts to at least one WI/PWL segment identified as "precluded or impaired" in the WI/PWL segment assessment</p> <p>AND at least one WI/PWL segment identified as "stressed" or "threatened" in the WI/PWL segment assessment</p> <p>OR</p> <p>At least two WI/PWL segments identified as "stressed" or "threatened" in the WI/PWL segment assessment</p>	<p>1 POINT:</p> <p>Program will address pollutant impacts to at least one WI/PWL segment identified as "stressed" or "threatened" in the WI/PWL segment assessment AND</p> <p>at least one WI/PWL segment identified as unassessed in the WI/PWL segment assessment</p> <p>OR</p> <p>At least two WI/PWL segments identified as unassessed in the WI/PWL segment assessment</p>	

Program Scale <i>5 to 1 points possible</i>	5 POINTS: Programs that will be implemented at a watershed scale (HUC 12 or greater)	3 POINTS: Programs that will be implemented at a county scale	1 POINTS: Programs that will be implemented at the municipal scale
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that improve water quality in an EJ area or positively impact drinking water quality serving an EJ community	0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community	
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Budget clearly details and justifies only eligible costs related to implementation of a non-agricultural nonpoint source project AND Program costs provide a good value as it applies to achieving pollutant reduction.	15 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs OR Program costs provide a good value as it applies to achieving pollutant reduction.	0 POINTS: Budget is not completed and/or costs are not justified AND Program costs do not provide a good value as it applies to achieving pollutant reduction <i>Applications that fall into this category will not be funded.</i>
Program Readiness <i>8 to 0 points possible</i>	8 POINTS: Program has all necessary permits (or does not need permits) and approvals. the project is ready to move forward with construction.	5 POINTS: Program is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay.	2 POINTS: Program has not secured any of the necessary approvals but is expected to be completed within five years.
			0 POINTS: Program has none of the necessary approvals and is not expected to be completed within 5 years. <i>Applications that fall into this category will not be funded.</i>
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded non-agricultural nonpoint source projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source program based upon experience with similar non-agricultural nonpoint source projects.	3 POINTS: Applicant has shown the ability to complete a state funded water quality project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the program	0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP in the past 10 years and does not appear to have the experience and ability to carry out the program. <i>Applications that fall into this category will not be funded.</i>
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i>		
Total Maximum Points	100		

Land Acquisition for Source Water Protection

ELIGIBLE APPLICANTS

- Municipalities³²
- Soil and water conservation districts
- Not-for-profit corporations³³

DESCRIPTION

Funding is available to purchase land for the purpose of protecting surface or groundwater drinking water supplies.

REQUIREMENTS AND ADDITIONAL INFORMATION FOR ALL LAND ACQUISITION APPLICATIONS

- Before starting an application, applicants are strongly encouraged to investigate steps that must be taken and state and local approvals that are needed to start a project of this type (permits, easements, etc.). Applicants who have questions about what is needed for their project are encouraged to call the contact below.
- **Only** active public water supplies³⁴ as defined by the New York State Department of Health (NYSDOH) are eligible³⁵.
- **Only** land acquisition projects or programs associated with established and active public water supplies are eligible.
- Land Acquisition projects must drain to the surface water source that is identified as the public water supply.
- Monitoring and enforcement of properties or easements obtained through this grant may be performed by a subcontractor. To ensure all current and future uses are consistent with the public purposes set forth in ECL § 15-3303³⁶, monitoring and enforcement protocol and the associated property is subject to inspection.
- Agricultural Environmental Management (AEM)³⁷ Tier 3 plan is required for acquisitions that currently, or in the future, have agricultural uses and activities. AEM plans may be developed, reviewed, and monitored by a qualified subcontractor. The AEM Tier 3 plan must be completed prior to an awardee's

³² For the purposes of Land Acquisition for Source Water Protection under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101) .

³³"Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code (Environmental Conservation Law, Article 56-0101 (16))

³⁴ NYSDOH defines a public drinking water supply as "any system with at least 5 service connections or that regularly serves an average of at least 25 people daily for at least 60 days out of the year".

³⁵ Applicants may contact their local county health departments to verify active public drinking water supplies. Contact information can be found by visiting:
https://www.health.ny.gov/contact/contact_information/

³⁶ Public purpose as set forth in ECL § 15-3303. See <https://www.nysenate.gov/legislation/laws/ENV/15-3303>.

³⁷ For information regarding the Agricultural Environmental Management program, visit <https://agriculture.ny.gov/soil-and-water/agricultural-environmental-management>.

contract completion.

- Parcels acquired prior to an executed contract are not guaranteed reimbursement.
- Donated parcels or parcels to be used as match are subject to the terms of the grant.
- Parcels previously acquired with WQIP grant funds cannot be used as match.
- For both projects and programs targeting protection of surface waterbodies or groundwater wellheads, parcels adjacent to waterbodies used as a water supply, parcels containing or adjacent to a wetland, or adjacent to tributaries draining to a water supply **must** contain an existing riparian buffer OR restore a riparian buffer. Both existing and restored riparian buffers **must** meet the requirements listed below. Only restoration activities performed on properties or easements acquired through this grant opportunity are eligible for funding.
- Riparian Buffer Requirements (Projects or programs):
 - Riparian buffers **must** have a minimum width of 300 feet if they are adjacent to tributaries, reservoirs, wellheads or wetlands.
 - Riparian buffers **must** be revegetated using only native trees, shrubs, or grasses appropriate for the site conditions. Replacement of dead trees or shrubs must be continued until the buffer is, or will progress to, a fully functional condition.
 - For newly created or restored buffers, the applicant **must** develop and implement a maintenance plan during the buffer establishment period, defined as 3-5 years after planting of vegetation.
 - Streambanks **must** be stable prior to creation or restoration of riparian buffers. “Soft” streambank stabilization practices including, but not limited to, live staking, contour wattling, erosion control matting, and root wads, are eligible for funding as part of a buffer project. Hard armoring of streambanks, including stone rip rap, is **not** eligible for funding under this category.
 - Selective cutting of trees, removal of invasive species, or supplemental planting of trees, shrubs, or grasses are allowed provided they improve habitat and function of the riparian buffer or remove, mitigate, or warn against unreasonable harm to people, property or health of native species on or around the defined riparian buffer area.
 - Field drains through the riparian buffer are **not** allowed. Existing field drains **must** be terminated prior to entering the riparian buffer in a manner that will allow infiltration of field drain discharge.
- Wetland Requirements:
 - Project plans **must** describe how the work in and near wetlands will protect drinking water supplies and provide improved wetland function.
 - Work within or immediately adjacent to existing wetlands **must** be limited to activities that will improve wetland function. Disturbances that compromise ecological functions are ineligible.
 - Projects **cannot** mitigate for impacts to regulated wetlands. Wetland mitigation projects are ineligible.
 - The applicant **must** develop and implement a maintenance plan for any

wetland creation or enhancement. The maintenance plan **must** include protocols for addressing problems for a minimum of 3 years following creation or enhancement.

- Land Purchase and Conservation Easement Requirements
 - All **municipalities**, whether a project or program, **must** submit a complete water withdrawal permit modification application for all properties being acquired.³⁸
 - Lands currently protected by a federal or state easement program are **not** eligible.
 - Conservation easements **must** be acquired in perpetuity. Applicants for easements will be expected to make use of the Conservation Easement Template found on <https://www.dec.ny.gov/pubs/115920.html>.
 - If the property is used for activities which interfere with the accomplishment of approved purposes, the violating activities **must** cease, and any resulting adverse effects **must** be remedied.
 - Disturbances that compromise the ecological condition of the riparian buffer or wetland areas, including, but not limited to, livestock access, wood or timber harvesting, excessive mowing and recreational vehicular use **must** be prohibited.
 - Per Environmental Conservation Law §15-3303, DEC **cannot** provide funding for any land acquisition project by a not-for-profit if any town, village, or city objects to such acquisition. A not-for-profit contact **must** notify any town, village, or city of their interest in acquiring such project. The town, village, or city has 90 days after such notification to object by resolution. A not-for-profit contractor **must** provide DEC with copies of such notification and any responses received from any town, village or city, or certify to DEC that no responses were received within 90 days.
 - Phase I environmental assessment reports **are required** for lands acquired in fee and conservation easements. Phase I reports **must** be completed by a qualified consultant.
 - The applicant **must** hold title to any land or easement acquired through this grant.
 - Upon approval of the Department, an applicant who acquired an interest in real property using monies obtained through this program may sell, lease, exchange or donate the real property to a not-for-profit or municipality, who will continue to use the real property for the same public purpose, without an express act of the New York State Legislature. Any sale, lease, exchange or donation which will result in the real property no longer having a public purpose must be approved by an express act of the New York State Legislature.

³⁸ Water withdrawal permitting requirements as stated in 6 NYCRR Part 601.6. See [https://govt.westlaw.com/nycrr/Document/14ebfafbecd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/14ebfafbecd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

- In the event that a municipality or not-for-profit sells a parcel(s) that was acquired with funds made available pursuant to ECL Article 15 Title 33, other new lands must be acquired, and the following must be met:
 - parcel(s) must be of equal environmental and source water value;
 - parcel(s) must be equal to or greater than the original purchase amount, excluding the awardee's match and any stewardship & monitoring expenses incurred; and
 - value of the new parcel(s) must account for inflation of the original parcel(s).

The Department must review and approve the proposed acquisition of a new parcel(s) prior to the sale of the original parcel. This requirement shall remain in effect beyond the term of this contract.

- In accordance with New York State Finance Law, landowners are considered sub-contractors of the applicant and any landowner receiving \$100,000 or more is required to submit a Vendor Responsibility Questionnaire before DEC will execute a contract with the applicant.³⁹
- Public access and passive recreational activities (i.e. hiking trails) will be reviewed by DEC on a case-by-case basis. The applicant **must** provide a thorough description and maps showing public access points, proposed activities, proximity to the public water supply, and justification for public access to assist DEC in making the determination of whether public access will have an impact to the drinking water supply. In the case of a municipality, this documentation is to be provided at the earliest date practicable but not later than 120 days prior to closing on a property. In the case of a not-for-profit or Soil and Water Conservation District, documentation **must** be provided concurrently with notification of the municipality of its interest in acquiring such projects.
- Transaction requirements (post-award):
 - Appraisals **are required** for all properties prior to reimbursement.
 - Appraisals **must** be completed by a state general certified appraiser following the Uniform Standards of Professional Appraisal Practice (USPAP) and submitted as non-restricted narrative appraisal reports.
 - DEC may reimburse for purchase of land or development rights above appraised value if, in DEC's opinion, a parcel has exceptional source water value that cannot be factored into a determination of fair market value. DEC may reimburse at a price above the highest approved independent appraisal provided: 1) the price was the result of documented negotiations between the Grantee and the seller and 2) the Grantee demonstrates the unique source water protection value and how it accomplishes the objective of this program to DEC's satisfaction.
 - Boundary surveys **are required** for all properties. Surveys **must** be completed by a professional land surveyor.
 - Baseline Data **is required** for all conservation easement acquisitions.

³⁹ More information about Vendor Responsibility can be found on the website of the Office of the State Comptroller: <https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire>.

- Phase I environmental assessment reports **are required for all properties** and must be completed by a qualified consultant.
- Title insurance **is required** for all properties.
- Appraisals, surveys, title report and insurance, baseline data and easement language (if applicable), Phase I environmental assessments, and deeds **must** be reviewed and approved or disapproved by DEC for all projects/programs. No reimbursement will be made until the final approval is given by the Department. DEC will have a minimum of 120 days from the date all documents are received to review and approve or disapprove parcel(s) being proposed.
- A completed water withdrawal permit application (municipalities only) **must** be submitted for all properties prior to reimbursement.

Required Application Attachments

- Detailed protocol for monitoring and enforcement of properties or easements. The protocols **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection Documentation Guidance⁴⁰.
- Detailed expenditure-based summary budget. The budget summary **must** estimate the value of the land or development rights being acquired (for each specific parcel if there are multiple), transactional costs (for each specific parcel if there are multiple), staff salaries directly devoted to or connected to the project or program, restoration costs, contractual costs and travel costs.
- Map(s) depicting the active public drinking water supply(s), location of wells, intakes, or springs, parcel location(s), parcel tax map I.D.(s), areal extent of the zone of contribution, watershed boundary, land use (National Land Cover Dataset 2011), existing riparian buffer or wetlands (if applicable), proposed riparian buffer or wetland restoration sites (if applicable), circles showing distance to 1,000 feet and 1,500 feet from groundwater wells (if applicable), and circles showing distance to 1,000 feet from surface water intake (if applicable). The map(s) **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection Documentation Guidance⁴¹.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Sexual Harassment Prevention Certification Form⁴²

⁴⁰ WQIP Required Land Acquisition for Source Water Protection Documentation Guidance: <http://www.dec.ny.gov/pubs/4774.html>

⁴¹ WQIP Required Land Acquisition for Source Water Protection Documentation Guidance: <http://www.dec.ny.gov/pubs/4774.html>

⁴² Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

PROJECT SUBTYPES AND REQUIREMENTS

Subtype	Description	Maximum award	Required match	Special Requirements
Land Acquisition Projects	Projects to purchase conservation easements or parcels of land for the purpose of protecting one or more active public surface water drinking supplies (streams, lakes, rivers, and reservoirs) OR for the purpose of protecting one or more active public groundwater drinking water supplies (groundwater wells)	\$4,000,000	25% of award amount	Land parcel(s) must be specifically identified at the time of application to be considered for funding under the Project category. Projects are expected to acquire all parcels identified in application unless unusual circumstances arise.
Land Acquisition Programs	Programs to purchase conservation easements or parcels of land at multiple locations throughout the HUC 12 watershed of one or more active public surface water drinking water supplies (streams, lakes, rivers, and reservoirs) OR parcels at multiple locations within the areal extent of the zone of contribution ⁴³ of one or more active public groundwater drinking water supplies.	\$4,000,000	25% of award amount	Must provide fiscal information, such as annual reports, that demonstrate the ability to sustain the level of effort being funded under this grant if grant funds will be used for personal services. Parcels are not required to be specifically identified at the time of application to be considered for funding under the Program category.

ELIGIBLE COSTS

- The value of the land or development rights being acquired, provided such value associated with the purchase of the property or purchase of a conservation easement is from an appraisal deemed acceptable by DEC
- Personal services (e.g. salary, fringe)
 - Grantees will be required to document time worked, tasks, pay ratio and payment, and itemize salaries according to job title and

⁴³ Areal extent of the zone of contribution as defined by USGS. See <https://water.usgs.gov/admin/memo/GW/gw03.02.html>

roles/responsibilities. Personal services and Planning costs cannot exceed a total of 25% of the award amount.

- Non-personal services (e.g. contractual services, travel)
 - Value of contractual services provided by professional and technical personnel and consultants (i.e. engineering services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a property, etc.)
 - Travel Costs (within New York State) must be directly associated and required to implement the project or program.
- Transactional costs, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers or wetlands. Transactional costs can be submitted for reimbursement as incurred throughout the contract term, but payments may need to be returned to the State should the land transaction not successfully close.
 - Transactional costs are limited to:
 - Title reports
 - Title insurance
 - Property surveys
 - Appraisals
 - Certified appraisal review
 - Easement holder and landowner's legal fees to negotiate/close the conservation easement transaction and to review title reports and, as necessary, prepare title curatives, filing fees or other closing costs
 - Map and GIS/remote sensing data
 - Phase I environmental assessment
 - Baseline documentation reports
 - Stewardship or management plans
 - Easement stewardship fee
 - Project specific defense liability insurance fees
 - Property taxes
 - State or local real estate transfer taxes
- Riparian buffer or wetland restoration costs as defined above and deemed acceptable by DEC. Riparian Buffer design, restoration, and implementation and/or field drain restoration (including equipment rental) costs cannot exceed a total of 25% of the award amount.
- Planning costs. Personal Services and Planning costs cannot exceed a total of 25% of the award amount.

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS⁴⁴

- Out-of-state travel costs and any travel not directly required to implement the project or program.
- Project or program costs funded from other state and/or federal funding sources.
- Indirect costs, including overhead/operating expenses (space, rent, utilities).
- Costs incurred outside the start and end date of the contract (no earlier than August 1, 2019) Applications that do not include required attachments with application.
- Applications that do not clearly detail costs associated with a land acquisition project or program; or detail costs that do not provide a good value as it applies to achieving source water protection.
- Endowment funds
- Major capital expenditures, such as computers
- Restoration projects that include hard armoring of streambanks, including stone rip rap.
- Costs exceeding the maximum allowable percentage for that type of cost as listed above
- Wetland mitigation projects
- Projects that do not include land acquisition as part of the grant.
- Construction oversight
- Projects to acquire land to be used for a new well.
- Acquisition of land that is known or highly suspected of being contaminated (e.g. where past contamination is not uncommon).
- Any remediation/restoration work associated with removal of contaminants (e.g., hazardous waste, petroleum products).
- Phase II environmental assessment reports unless requested by the DEC.
- Land determined to be contaminated in either a Phase I or Phase II report shall be reimbursable at DEC's sole discretion. If conditions are considered unacceptable, DEC will notify awardee within 30 days of receipt of the environmental report.
- Costs associated with water withdrawal permit modification (e.g., completion of engineering reports, water withdrawal program forms).

RESOURCES

- HUC 12 watershed map:
<https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Guidance on designing and maintaining riparian buffers:
<http://www.dec.ny.gov/chemical/106345.html>
- "Soft" streambank stabilization guidance:
<http://www.dec.ny.gov/permits/67096.html>.
- Examples of maps meeting all required elements:

⁴⁴ This list is not all encompassing. There may be other costs/activities/applications that the DEC may deem ineligible.

- <https://www.dec.ny.gov/pubs/4774.html>
- Example detailed expenditure-based summary budget meeting all required elements: <https://www.dec.ny.gov/pubs/4774.html>
- Maps of Environmental Justice areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water
Kristin Martinez, (518) 402-8086

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROJECT SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Source Water Protection Prioritization, Project Readiness or Experience and Ability will not be funded.</i>			
<p>Performance Measures⁴⁵</p> <p><i>30 to 0 points possible</i></p>	<p>30 POINTS</p> <p>Projects identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan)</p> <p>OR</p> <p>Projects included in the critical area of a DEC reviewed and accepted Drinking Water Source Protection Program (DWSP2) Plan</p> <p>OR</p> <p>Parcel(s) to protect surface waterbodies used as an active public drinking water supply that are within 1,000 feet of the intake</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply that are within 500 feet of the shoreline⁴⁶ and within 10 miles of the public water supply intake.</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply that are within 200 feet of the tributary shoreline and are no more than 1 mile upstream of the reservoir</p> <p>OR</p> <p>Parcels within 1,000 feet of a water supply wellhead permitted as an active public drinking water source</p> <p>OR</p> <p>Parcel(s) to protect a water supply wellhead that is (are) identified in a recharge zone or protection plan produced by a licensed geologist, Rural Water authority or Regional Planning authority as needing protection</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within 500 feet of the shoreline⁴⁷</p>	<p>20 POINTS</p> <p>Parcels to protect surface waterbodies used as an active public drinking water supply that are located within 1,000 feet of the intake and less than 50% of the parcel is in this area</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply and are within the area 501 feet to ½ mile from the shoreline and within 10 miles of the public water supply intake</p> <p>OR</p> <p>Parcels within 1,001 – 1,500 feet from a water supply wellhead permitted as an active public drinking water source</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within ½ mile from the shoreline</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public drinking water supply that are within 1 - 3 miles upstream of the intake and within 500 feet of the shoreline</p>	<p>10 POINTS</p> <p>Parcel(s) within the HUC 12 watershed of a lake or reservoir used as an active public drinking water supply</p> <p>OR</p> <p>Parcels adjacent to an upstream tributary and within the HUC 12 inlet of the lake or reservoir used as an active public drinking water supply⁴⁸</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public drinking water supply that are within 3 - 5 miles of the intake and within 500 feet of the shoreline</p>	<p>0 POINTS</p> <p>Projects that target protection of land parcel(s) outside the HUC 12 watershed of a surface waterbody used as an active public drinking water supply</p> <p>OR</p> <p>Projects that target protection of parcels that are not adjacent to an upstream tributary and within the HUC 12 inlet of the lake or reservoir used as an active public drinking water supply</p> <p>OR</p> <p>Greater than 50% of the parcel(s) is(are) more than 1,500 feet away from a water supply wellhead permitted as an active public drinking water source</p> <p><i>Applications that fall into this category will not be funded</i></p>

⁴⁵ Projects will be scored based on the area where the majority (over 50%) of the parcel lies. If the majority of the parcel meets the criteria for 0 points, the project will not be funded.

⁴⁶ Lateral distance from the shoreline

⁴⁷ To view a sample schematic showing how points are determined for rivers and streams, visit <http://www.dec.ny.gov/pubs/4774.html>.

⁴⁸ Tributaries should be identified using the National Hydrography Dataset from USGS, <https://www.usgs.gov/core-science-systems/ngp/national-hydrography>.

<p>Reasonable-ness of Cost <i>20 to 0 points possible</i></p>	<p>20 POINTS: Budget clearly details costs related to implementation of a land acquisition project; project costs provide exceptional value as it applies to achieving source water protection</p>	<p>10 POINTS: Budget provides some detail on costs related to implementation of a land acquisition project; project costs provide reasonable value as it applies to achieving source water protection</p>	<p>0 POINTS: Budget does not clearly detail costs associated with a land acquisition project; costs do not provide a good value as it applies to achieving source water protection <i>Applications that fall into this category will not be funded</i></p>
<p>Source Water Protection Prioritization <i>13 to 5 points possible</i></p>	<p>13 POINTS: At least 50% of the parcel is located within an area designated for the protection of source water identified in a conservation overlay district, wetlands protection plan, DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or DEC HABs Action Plan), Drinking Water Source Protection Program (DWSP2) Plan, or other plan produced by a licensed geologist, Rural Water authority or Regional Planning authority OR At least 50% of the parcel is designated as wetlands, forested land, open space, or grasslands by the 2011 National Land Cover Dataset</p>	<p>9 POINTS: At least 50% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset OR 35% - 49% of the parcel is located within an area designated for source water protection or classified as wetlands, forested land, open space or grasslands by the 2011 National Land Cover Dataset</p>	<p>5 POINTS: At least 50% of the parcel is designated as high density developed area by the 2011 National Land Cover Dataset OR 35% - 49% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset</p>
<p>Environmental Justice (EJ) <i>2 to 0 points possible</i></p>	<p>2 POINTS Projects that improve water quality in an EJ area or protect drinking water quality serving an EJ community.</p>		<p>0 POINTS Projects that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community.</p>
<p>Project Readiness <i>10 to 0 points available</i></p>	<p>10 POINTS: Parcels have been identified and at least 50% of landowner endorsement is demonstrated by a letter of commitment AND Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance</p>	<p>5 POINTS: Parcels have been identified but 49% or less of landowner endorsement has been demonstrated AND Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance</p>	<p>0 POINTS: Specific parcels have not been clearly identified OR Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance <i>Applications that fall into this category will not be funded</i></p>

<p>Experience and Ability</p> <p><i>5 to 0 points available</i></p>	<p>5 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the project, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner</p> <p>AND/OR</p> <p>Applicant is accredited through the Land Trust Accreditation Commission</p>	<p>3 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the project, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p>	<p>0 POINTS:</p> <p>Applicant does not possess the knowledge, skills and ability to complete the project and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p> <p>OR</p> <p>has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner</p> <p><i>Applications that fall into this category will not be funded</i></p>
<p>Regional Economic Development Priority</p>	<p><i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i></p>		
<p>Total Maximum Points</p>	<p>100</p>		

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROGRAM SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Program Readiness or Experience and Ability will not be funded.			
Performance Measures <i>30 to 0 points possible</i>	30 POINTS: Programs identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) OR Projects included in the critical area of a DEC reviewed and accepted Drinking Water Source Protection Program (DWSP2) Plan	20 POINTS: Watersheds specifically identified for drinking water protection in the New York State Open Space Plan	10 POINTS: Programs that demonstrate that some level of planning has taken place using tools or methods to prioritize acquiring lands to protect public water supplies OR Inclusion of source water protection in comprehensive plans, municipal resolutions, etc. of the majority of municipalities in the HUC 12 watersheds being proposed	0 POINTS: <i>Applications that do not meet any of the previous performance measures will not be funded</i>
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Budget clearly details costs related to implementation of a land acquisition program; program costs provide exceptional value as it applies to achieving source water protection	10 POINTS: Budget provides some detail on costs related to implementation of a land acquisition program; program costs provide reasonable value as it applies to achieving source water protection	0 POINTS: Budget does not clearly detail costs associated with a land acquisition program; costs do not provide a good value as it applies to achieving source water protection <i>Applications that fall into this category will not be funded</i>	
Source Water Protection Prioritization <i>13 to 5 points possible</i>	13 POINTS: Program prioritizes parcels using scientific methodology or tool that ranks parcels based on greatest impact to water quality (i.e. steep slopes, lack of riparian buffers, intensive development) OR Program prioritizes parcels within a community's critical drinking water source protection area that is delineated using methodology or tools found in "A Framework for Creating a Drinking Water Source Protection Program Plan" ⁴⁹	9 POINTS: Program prioritizes parcels based on proximity to the drinking water source	5 POINTS: Program prioritizes parcels based on vacancy or availability for acquisition	

⁴⁹ "A Framework for Creating a Drinking Water Source Protection Program Plan" can be found on DEC's website. See <https://www.dec.ny.gov/chemical/115250.html>.

Environmental Justice (EJ) 2 to 0 points possible	2 POINTS Programs that improve water quality in an EJ area or protect drinking water quality serving an EJ community.		0 POINTS Programs that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community.	
Program Readiness 10 to 0 points available	10 POINTS: Watershed parcels have been identified and prioritized; at least 50% of landowner endorsement is demonstrated by letters of commitment; applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance; for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	8 POINTS: Watershed parcels have been identified but 49% or less of landowner endorsement has been demonstrated AND applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance AND for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	5 POINTS: Drinking water supply watershed targeted for protection has been identified AND applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance AND for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	0 POINTS: Drinking water supply watershed targeted for protection has not been clearly identified OR Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance. OR For projects involving personal service costs, applicant has not demonstrated the ability to maintain the level of effort funded by this grant
Experience and Ability 5 to 0 points available	5 POINTS: Applicant possesses the knowledge, skills and ability to complete the program, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner AND/OR Applicant is accredited through the Land Trust Accreditation Commission	3 POINTS: Applicant possesses the knowledge, skills and ability to complete the program, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants	0 POINTS: Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants OR Has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner Applications that fall into this category will not be funded	
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i>			
Total Maximum Points	100			

SALT STORAGE

ELIGIBLE APPLICANTS

- Municipalities⁵⁰
- Soil and water conservation districts

DESCRIPTION

Funding is available for projects to construct a permanent structure to cover a salt or a salt/sand mixture storage pile.

REQUIREMENTS FOR ALL SALT STORAGE APPLICATIONS

- Projects must adhere to the New York State Office of General Services salt storage specifications to be eligible for this grant.
(<https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13>)
 - Section 133423 – Rectangular Salt Storage Structure, Parts 1.02, 1.03, 1.04, 1.05 and 1.06
 - Section 133424 - Dome Salt Storage Structure, Parts 1.02, 1.03, 1.04, 1.05 and 1.06

Required Attachments

- Map with the project area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map
- If the structure is to be built in a floodplain, attach the applicable floodplain map with the location of project indicated.
- Budget worksheet
- Sexual Harassment Prevention Certification Form⁵¹

PROJECT SUBTYPES

Project subtype	Description	Maximum award	Required match	Additional Information
High Priority				
New structures	Projects to construct new structures to enclose an uncovered salt or salt/sand mixture storage pile	\$500,000	50% of award amount	Highest priority are projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that is currently located near a groundwater drinking water source (public or private well) or surface water used for a public water system; or within a primary, principal or sole source aquifer (maps and definitions provided below).

⁵⁰ For the purposes of Salt Storage projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

⁵¹ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

Project subtype	Description	Maximum award	Required match	Additional Information
Low Priority				
Replacement structures	Projects to replace an existing salt or salt/sand mixture storage structure	\$500,000	50% of award amount	Applications will receive minimum points for Vision
Capacity expansion	Projects to expand the capacity of an existing salt or salt/sand mixture structure	\$500,000	50% of award amount	Applications will receive minimum points for Vision

ELIGIBLE COSTS

- Costs related to the construction of the salt or salt/sand mixture storage structure
- Planning, design, administrative⁵² and construction oversight costs (total may not exceed 20% of award amount).
- Construction of access road and impervious pad surrounding structure necessary to load and unload salt.

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Applications that do not include construction of a permanent structure to cover a salt or salt/sand mixture storage pile will be ineligible for this category.
- Projects with planning, design, administrative, and construction oversight costs in excess of 20% of the award amount may be deemed ineligible.
- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021).
- Legal fees
- Costs for stormwater controls that are required under the SPDES General Permit for Construction Activities.
- Indirect costs (e.g. space/property rent, utilities, office supplies, additional maintenance facilities, etc.).
- Applications that do not include required attachments with the application.
- Pre- and post-construction monitoring and sampling

RESOURCES

⁵² The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

- Office of General Services Specifications for salt storage facilities:
<https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13>
- DECinfo Locator⁵³ (most up to date source of WI/PWL segment assessments):
<http://www.dec.ny.gov/pubs/109457.html>
- HUC 12 watershed map:
<https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Principal aquifers⁵⁴ map: <https://www.dec.ny.gov/lands/36119.html>.
- Primary aquifers⁵⁵ map: <https://www.dec.ny.gov/lands/36119.html>
- Sole source aquifers⁵⁶ map: <https://www.dec.ny.gov/lands/36151.html>
- Maps of Environmental Justice areas in New York State:
<http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water
 Don Tuxill, (518) 402-8168
 Ryan Waldron (518) 402-8244

⁵³ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

⁵⁴ Principal aquifers are aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.

⁵⁵ Primary aquifers are defined as highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems.

⁵⁶ Sole source aquifers are designated by the US Environmental Protection Agency as the sole or main source of drinking water for a community, under provisions of the Federal Safe Drinking Water Act.

SALT STORAGE SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.				
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total score, only the combined Vision points.				
Performance Measures⁵⁷ <i>10 to 1 point(s) possible (as part of Vision score)</i>	<p>10 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>Less than 300 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>Within a principal aquifer</p> <p>OR</p> <p>Within a primary aquifer</p> <p>OR</p> <p>Within a sole source aquifer</p>	<p>7 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>300 feet or more but less than 1,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>Less than 500 feet from a private well</p>	<p>5 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>1,000 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>500 feet or more but less than 1,000 feet from a private well</p>	<p>3 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>2,000 feet or more but less than 4,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>1,000 feet or more but less than 1,500 feet from a private well</p>	<p>1 POINT:</p> <p>Projects to build a structure that replaces an existing structure</p> <p>OR</p> <p>Projects that expand the capacity of existing salt or salt/sand mixture structure</p> <p>OR</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>4,000 feet or more from a groundwater drinking water source or surface water used for a public system.</p> <p>OR</p> <p>1,500 feet or more from a private well</p>
Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	<p>4 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located:</p> <p>within 300 feet of a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>within a principal aquifer</p> <p>OR</p> <p>within a primary aquifer</p> <p>OR</p> <p>within a sole source aquifer</p>		<p>3 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located:</p> <p>300 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>within 1,000 feet of a private well</p>	<p>2 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that do not fall within the first two impact factor criteria.</p> <p>OR</p> <p>Project is to move structure out of floodplain.</p>	<p>1 POINT:</p> <p>Projects to replace an existing salt or salt/sand storage structure or that expand the capacity of an existing structure</p>

⁵⁷ Points are based on the location of the current uncovered salt or salt/sand pile

Reasonable-ness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	0 POINTS: Cost not reasonable for this type of project
Classification Points Factor <i>8 to 1 point(s) possible</i>	8 POINTS: AA, GA (Primary or principal water supply aquifer), AA special, A, A Special, GA (other)	5 POINTS: B(T) B(TS) C(T) ⁵⁸ , C(TS)		1 POINT: B, SB, C, SC, I, D, SD, SA, GSB GSA
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that will improve water quality in an EJ area or protect drinking water quality serving an EJ community		0 POINTS Projects that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community	
Project Readiness <i>5 to 0 points possible</i>	5 POINTS: Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction.	3 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay		0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed to construction <i>Applications that fall into this category will not be funded</i>
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this salt facility project.	3 POINTS: Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner OR Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the project		0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the project <i>Applications that fall into this category will not be funded</i>
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>			
Total Maximum Points	<i>100 points</i>			

⁵⁸ (T) and (TS) indicate the application of standards to protect trout and trout spawning respectively.

AQUATIC CONNECTIVITY RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁵⁹
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Funding is available for projects that improve aquatic habitat connectivity at road/stream crossings or dams.

REQUIRED ATTACHMENTS

- Budget worksheet
- Sexual Harassment Prevention Certification Form⁶⁰
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Landowner agreements (if property not owned by applicant)⁶¹
- NAACC assessment or picture(s) of proposed site(s) upstream, downstream, inlet and outlet (culverts), structure (dams)
- Pictures of successful right-sized culvert project(s) if the applicant has successfully completed right-sized culvert projects in the past 10 years (if applicable)

Description	Maximum award amount	Required match	Requirements
Projects that improve aquatic habitat connectivity at road/stream crossings or dams	\$250,000	25% of award amount	Projects must focus on culverts, bridges or dams that are causing the aquatic connectivity obstructions.

⁵⁹ For the purposes of Aquatic Connectivity Restoration projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of aquatic habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

⁶⁰ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

⁶¹ If the property owner is a municipality: a resolution by the municipality supporting the project; If the property is not owned by the applicant: a formal written agreement between the applicant and the landowner that allows the applicant access to the property, represent the landowner, and accomplish the proposed project; If the applicant is a not-for-profit proposing a project on municipal property: a signed municipal endorsement that provides authorization for the not-for-profit to conduct the proposed project on municipal property

Description	Maximum award amount	Required match	Requirements
			<p>Applicant must own the property or obtain an access agreement for the proposed site.</p> <p>Projects with a total cost that exceeds the maximum award amount must demonstrate in their application that they have secured funding for the remainder of the project cost to be eligible. Projects should remove barriers to aquatic connectivity.</p> <p>Sample projects include but are not limited to: upgrade and replacement of road stream crossing structures (culverts and bridges) to a larger size and appropriate design to increase ecological connectivity and hydrologic capacity; removal or breach of stream barriers such as dams or weirs that limit aquatic connectivity and meet the natural resource management goals for the area.</p>

ELIGIBLE COSTS

- Salary and fringe benefits
- Contractual costs
- Travel
- Equipment/materials
- Planning, design, administrative⁶² and construction oversight costs (total may not exceed 20% of award amount)
- Monitoring costs (may not exceed 20% of award amount)
- Construction inspection
- Maintenance

⁶² The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

- Reconstruction, revitalization, and rejuvenation activities⁶³

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021)
- Indirect costs (e.g. space property rent, utilities, and other office supplies)
- Legal fees

US FISH AND WILDLIFE SERVICE REVIEW

Aquatic Connectivity Restoration projects recommended for an award through WQIP may also be reviewed by the U.S. Fish and Wildlife Service. This review, or the associated pre-screening review by DEC, may impact the decision to award a grant.

RESOURCES

- DECinfo Locator⁶⁴ (most up to date source of WI/PWL segment assessments): <http://www.dec.ny.gov/pubs/109457.html>
- Guidance for projects to upgrade and replace road stream crossing structures to a larger size and appropriate design to increase ecological connectivity and hydrologic capacity: <http://www.dec.ny.gov/permits/49066.html>.
- Species of Greatest Conservation Need (SGCN): <http://www.dec.ny.gov/animals/9406.html>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- Maps of Environmental Justice areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Fish and Wildlife
Corbin Gosier, 518-402-8872

⁶³ The terms reconstruction, revitalization, and rejuvenation refer to those activities necessary to reestablish stream channel dimensions, structure, and grade, and to revegetate streambanks in the vicinity of the road/stream crossing or dam.

⁶⁴ To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

AQUATIC CONNECTIVITY RESTORATION SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Barrierity, Project Readiness or Experience and Ability will not be funded.				
Barrierity⁶⁵: <i>28 to 0 points possible</i>	28 POINTS: Significant or severe	20 POINTS: Moderate	10 POINTS: Minor	0 POINTS: Insignificant or no barrier Applications that fall into this category will not be funded.	
Species Miles⁶⁶ <i>20 to 0 points possible</i>	20 POINTS: 5 or more	15 POINTS: 3 to 4.9	10 POINTS: 1 to 2.9	5 POINTS: 0.1 to 0.9	0 POINTS: Less than 0.1
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	0 POINTS: Cost is not reasonable for this type of project	
Project Readiness <i>5 to 0 points possible</i>	5 POINTS: Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction	3 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay	0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed to construction AND/OR Project cost exceeds maximum grant amount and has not secured remaining funding needed Applications that fall into this category will not be funded		
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that will improve water quality in an EJ area or positively impact drinking water quality serving an EJ community		0 POINTS Projects that will not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community		
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded aquatic connectivity restoration projects in the past 10 years in a timely manner OR Applicant has successfully completed right-sized culvert projects in the past 10 years (must attach pictures)	3 POINTS: Applicant has shown the ability to complete a state-funded water quality project that was not related to aquatic connectivity restoration in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project		0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program Applications that fall into this category will not be funded	
Regional Economic Development Priority Points	20 points for this criterion are provided by the Regional Economic Development Councils				

⁶⁵ Barrierity: See explanation at the end of this matrix.

⁶⁶ Species Miles: See explanation at the end of this matrix.

Total Maximum Points	100 points
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Species Miles

Describes the functional gain achieved by removing a barrier to aquatic organism passage. The total number of Species of Greatest Conservation Need (SGCN) (<http://www.dec.ny.gov/animals/9406.html>) or other aquatic species of management concern to DEC is multiplied by the total number of stream miles that will be made accessible to these species. Stream miles is calculated by totaling the linear distance of each stream segment, including tributaries, from the existing barrier traveling upstream until the next impassable barrier. (Species x Stream Miles = Species Miles)

Barrierity

Describes the severity to which a structure creates a barrier to aquatic organism passage. It is derived from a protocol for calculating this value as part of the North Atlantic Aquatic Connectivity Project (NAACC) found at <https://streamcontinuity.org/naacc>. When this methodology is not possible, professional judgement will be used to assess a structure that most closely replicates the categories used by NAACC.

Severe	0.19 or less
Significant	0.20 – 0.39
Moderate	0.40 – 0.59
Minor	0.60 – 0.79
Insignificant	0.80 – 0.99
No barrier	1.0

MARINE DISTRICT HABITAT RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁶⁷
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Projects within the marine district (New York/New Jersey Harbor Estuary Comprehensive Conservation and Management Plan)⁶⁸

REQUIRED ATTACHMENTS

- Budget worksheet
- Sexual Harassment Prevention Certification Form⁶⁹
- Map with the project area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Feasibility study for the project that includes Marine District Habitat Restoration Feasibility Study Outline required elements⁷⁰
- Landowner agreements (if property not owned by applicant)⁷¹
- Pictures of successful marine district project(s) if the applicant has successfully completed marine district aquatic restoration projects in the past 10 years (if applicable)

Description	Maximum award amount	Required match	Requirements
Projects within the marine district (New York/New Jersey Harbor Estuary Comprehensive Conservation and Management Plan)	\$750,000	0% of award amount	Projects must improve the ecological condition of the waters of the state including ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines with the intent to support a spawning, nursery, wintering,

⁶⁷ For the purposes of Marine District Habitat Restoration projects under this grant opportunity, "Municipality" means a public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of marine district habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

⁶⁸ New York/New Jersey Harbor & Estuary Program boundaries within New York State can be found at: <http://www.harborestuary.org/geography.htm>

⁶⁹ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

⁷⁰ Marine District Habitat Restoration Feasibility Study Outline: <http://www.dec.ny.gov/pubs/4774.html>

⁷¹ If the property owner is a municipality: a resolution by the municipality supporting the project; If the property is not owned by the applicant: a formal written agreement between the applicant and the landowner that allows the applicant access to the property, represent the landowner, and accomplish the proposed project; If the applicant is a not-for-profit proposing a project on municipal property: a signed municipal endorsement that provides authorization for the not-for-profit to conduct the proposed project on municipal property

Description	Maximum award amount	Required match	Requirements
			<p>migratory, nesting, breeding, or foraging environment for fish and wildlife, and other biota.</p> <p>Sample projects, include, but are not limited to:</p> <ul style="list-style-type: none"> • Restoration or management of tidal or freshwater wetlands • Creation or restoration of submerged aquatic vegetation • Restoration or enhancement of shellfish and shellfish beds • Removal of tidal restrictions (i.e., berms, culverts) to reconnect formerly functioning wetlands • Fish passage • Projects from the Army Corp of Engineers' Comprehensive Restoration Plan for the Hudson-Raritan Estuary⁷²

ELIGIBLE COSTS

- Salary and fringe benefits
- Contractual costs
- Travel
- Equipment
- Construction inspection
- Maintenance
- Reconstruction
- Revitalization
- Rejuvenation activities
- Planning, design, administrative, monitoring, and construction oversight costs (total may not exceed 20% of award amount)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021)
- Indirect costs (e.g. space property rent, utilities, and other office supplies)
- Legal fees

⁷² <https://www.nan.usace.army.mil/Missions/Environmental/Comprehensive-Restoration-Plan-for-the-Hudson-Raritan-Estuary/>

RESOURCES

- Species of Greatest Conservation Need (SGCN): <http://www.dec.ny.gov/animals/9406.html>
- Army Corp of Engineers' Comprehensive Restoration Plan for the Hudson-Raritan Estuary: <https://www.nan.usace.army.mil/Missions/Environmental/Comprehensive-Restoration-Plan-for-the-Hudson-Raritan-Estuary/>
- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Office of General Counsel
Jared Reed, 518-402-9185

MARINE DISTRICT HABITAT RESTORATION SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Project Readiness or Experience and Ability will not be funded.						
Performance Measures <i>19 to 0 points possible</i>	19 POINTS: Addresses three or more habitat restoration priorities or critical habitat identified in a Federal or state management plan. OR Project provides benefit to three or more Species of Greatest Conservation Need (SGCN) or Federal trust species.	16 POINTS: Addresses two habitat restoration priorities or critical habitats identified in a Federal or State management plan. OR Project provides benefit to two or more State SGCN or Federal trust species.	12 POINTS: Addresses one habitat restoration priority or critical habitat identified in a Federal or State management plan OR Project provides benefit to one or more State SGCNs or Federal trust species.	8 POINTS: Addresses more than one goal identified in a Federal or state management plan. OR Project provides direct benefit to any species of management concern to DEC.	4 POINTS: Addresses only one goal identified in a Federal or State management plan	0 POINTS: Applications that do not meet any of the previous performance measures	
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project		10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project		5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project		0 POINTS: Cost is not reasonable for this type of project OR Proposals where planning, design, administrative, monitoring, and construction oversight costs exceeds 20% <i>Applications that fall into this category will not be funded</i>
Vision <i>19 to 0 points possible</i>	19 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located inside or adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.			17 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located inside or adjacent to the Bronx River or Jamaica Bay.		15 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.	

	<p>12 POINTS:</p> <p>Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay.</p>	<p>10 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located inside or adjacent of the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.</p>	<p>7 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located inside or adjacent of the Bronx River or Jamaica Bay.</p>
	<p>5 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.</p>	<p>2 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay</p>	<p>0 POINTS:</p> <p>Proposed project will provide no restoration to injured natural resources or services. Applications that fall into this category will not be funded</p>
<p>Project Readiness</p> <p><i>19 to 0 points possible</i></p>	<p>19 POINTS:</p> <p>Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction</p>	<p>10 POINTS:</p> <p>Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay</p>	<p>0 POINTS:</p> <p>Project has not secured any of the necessary approvals and is not ready to proceed to construction</p> <p>AND/OR</p> <p>Project cost exceeds maximum grant amount and has not secured remaining funding needed</p> <p>Applications that fall into this category will not be funded</p>
<p>Experience and Ability</p> <p><i>3 to 0 points possible</i></p>	<p>3 POINTS:</p> <p>Applicant has shown the ability to complete state-funded marine district habitat restoration projects in the past 10 years in a timely manner</p> <p>OR</p> <p>Applicant has successfully completed marine district aquatic restoration projects in the past 10 years (please attach pictures)</p>	<p>2 POINTS:</p> <p>Applicant has shown the ability to complete a state funded water quality project that was not related to marine district habitat restoration in the past 10 years in a timely manner</p> <p>OR</p> <p>Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the program</p>	<p>0 POINTS:</p> <p>Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years</p> <p>OR</p> <p>Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program</p> <p>Applications that fall into this category will not be funded</p>
<p>Regional Economic Development Priority Points</p>	<p>20 points for this criterion are provided by the Regional Economic Development Councils</p>		
<p>Total Maximum Points</p>	<p>100 points</p>		

Grant Opportunity General Information and Conditions

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award or withdraw the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 120 days of a grant award.
- Consider regional distribution in the determination of awards, to the extent practicable.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Refuse to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Refuse to fund projects that are determined to be inconsistent with the Climate Leadership and Community Protection Act or its implementing regulations.⁷³
- Reject any or all applications in response to the Program Overview at the agency's sole discretion.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Reduce an award from the amount requested in the application, as long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Deny a change in workplan tasks from the application project description because of fairness to competitive process.

Additional Application Submission Information

Pre-Application Requirements

All applicants must register in the NYS Grants Gateway to be considered eligible to accept this grant opportunity <https://grantsmanagement.ny.gov/>. The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. The prequalification must be current (not expired) to be eligible for this grant. Government entities are not required to complete the Vendor Prequalification Process.

⁷³ The Climate Leadership and Community Protection Act is in Chapter 106 of the laws of 2019

NYS Grants Gateway Registration Instructions:

If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!

- 1.) On the Grants Management Website at <https://grantsmanagement.ny.gov/resources-grant-applicants>, download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.
- 3.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 4.) Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Not-For-Profit Prequalification Instructions:

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant application and contract processes. These initiatives require not-for-profit organizations to complete the Vendor Prequalification process to be considered eligible to apply for a grant.

Below is a summary of the steps to complete the prequalification requirements. The Vendor Prequalification Manual on the Grants Management website at <https://grantsmanagement.ny.gov/resources-grant-applicants> provides additional information and instruction.

- 1.) Complete your Prequalification Application.
 - Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
 - Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
 - Answer the questions in the *Required Forms* and upload the *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.

- For specific questions about the prequalification process see <https://grantsmanagement.ny.gov/contact-grants-management>.

2.) Submit Your Prequalification Application

- After completing your Prequalification Application, click the *Submit Document Vault* button located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted, the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at <https://grantsmanagement.ny.gov/videos-grant-applicants>.

Debriefing Request

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

Formal Protest and Appeal Procedure

Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under

penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.”

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made.

SEQRA and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site. This includes:

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – A resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance

Quality Assurance applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Activities associated with these types of programs/projects, conducted in the field or laboratory, shall be:

- a. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance

Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs— Requirements with guidance for use, approved February 4, 2014

- b. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYS DOH ELAP has not issued a certificate for the specific parameter.
- c. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
- d. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
- e. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

Historic Preservation Review Requirements

Questions about or proposals for listing on the State or national Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone

boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

Grant opportunity payment and reporting conditions

For all WQIP project types except wastewater treatment, upon approval of the MCG by the Office of the State Comptroller, an advance payment of up to twenty-five percent (25%) of the total Contract Amount may be provided to the Contractor, including Contractors that are municipalities, for project start-up funding⁷⁴. Contractors must provide justification of the need for the advance payment.

No reimbursement payments under the MCG will be made by the Department to the Contractor until the Contractor provides documentation to support how the 25% advance funding was spent on the Project. Future reimbursement payments shall be made upon audit and approval by the Department and the Comptroller's Office of vouchers executed by an authorized officer of the Contractor.

Project costs eligible for reimbursement and project match must be incurred between the MCG term start date and the MCG term end date. Costs incurred prior to the MCG term start date or after the MCG term end date are not eligible for reimbursement or match. Copies of supporting documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the Department for costs to be eligible for grant reimbursement.

- Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.
- Quarterly Narrative Reports must be submitted within 30 days from the end of the quarter. The reports should summarize how the project progressed towards meeting project objectives and deliverables during the quarter.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, within 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for reimbursement payment.

Final Report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the Department.

⁷⁴ For Land Acquisition project types, please note that transactional costs (e.g. property surveys, land appraisals, staff time devoted to the project) are acceptable by the Department, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers. As such, before successful applicants request advance payment or submit reimbursement claims, we recommend that you take into consideration the requirement to return state assistance payments should the land transaction not successfully close.

A Department on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

Satisfactory Progress

Grant recipients are expected to show satisfactory progress with the development of a project workplan and implementation of the project. Satisfactory progress includes, but is not limited to, timely submission of all necessary documents needed for contract execution, such as, required proofs of insurance, and an M/WBE Utilization Plan. A grantee must also submit timely quarterly payment requests, quarterly narrative reports, quarterly expenditure reports, and a final project summary report. Successful applicants are expected to manage their WQIP projects in accordance with the terms and condition of the State of New York Master Grant Contract. Failure to make satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the termination of any financial obligation of the State.

Operation and Maintenance of Completed WQIP Projects

Grant recipients are fully responsible for ensuring the proper and efficient monitoring operation and maintenance of the project satisfactory to the Department, including, but not limited to, retaining a sufficient number of qualified staff and ensuring performance or required tests and requirements. After completion of the project, the grantee shall, for a period of time appropriate for the type of project (the useful life of the project as provided in State Finance Law § 61[18]), which ranges from five to thirty years, operate the project or otherwise cause the project to be operated properly and in a sound and economical manner and shall maintain, preserve and keep the project, or cause the project to be maintained, preserved and kept, in good repair, working order and condition and shall make, or cause to be made, all necessary and proper repairs, replacements and renewals from time to time, so that at all times the project may be operated properly in a manner consistent with the performance standards for the project, with the contract and with the requirements of any related permit or other governmental approval of the project.

Proposed Project Timeline and Contract Terms

The Department expects the term of each contract to be consistent with the project timeline proposed in the grant application. The initial term of each contract (other than Aquatic Connectivity Restoration projects and Land Acquisition for Source Water Protection projects) will need to fall between May 10, 2021 and May 9, 2026. Applicants should not apply if they do not expect their project to be complete by May 9, 2026.

For Aquatic Connectivity Restoration projects, the initial contract term will need to fall between April 29, 2020 and March 31, 2025.

For Land Acquisition for Source Water Protection projects, the initial contract term will need to fall between August 1, 2019 and July 31, 2024.

All project costs must be incurred between the start and end dates of the contract to be eligible for reimbursement, or to be used as match for the grant.

Application Limits

Only 1 application may be submitted per project in any given round. Projects that receive funding in one round will not receive additional funding in a subsequent round, even if project costs were higher than originally anticipated. The only exception is projects that are being completed in phases which can receive funding for multiple phases of the same project. If an applicant applies for funding and does not receive an award, they may apply again for the same project in a subsequent round. Applicants are limited to 5 applications per round.

What to Expect If You Receive an Award

Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award are expected to execute a MCG within 120 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (for Aquatic Connectivity Restoration projects only)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

Signage Requirements

The Department may require the installation of a project sign (2' x 4') that identifies the Environmental Protection Fund or the Clean Water Infrastructure Act as a source of funding as outlined in the requirements and specifications attached to and made part of the MCG as an attachment.

For projects with multiple funding sources the Contractor acknowledges that a portion of this grant is funded by the Department as a Water Quality Improvement Project. The Contractor agrees to identify the Department as a source of funding for this project in any communications to the public.

Applicants (referred to as “Contractor” following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

- I. Insurance Requirements
Contractor will be required to carry appropriate insurance as specified in the MCG or Letter of Agreement (for awards less than \$10,0000, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor’s public liability and property damage insurance, contractor’s contingency liability insurance, “all-risk” insurance and workers compensation/disability benefits coverage for the project.
- II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.
- III. State Environmental Quality Review (SEQR) Documentation
With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

Vendor Responsibility Questionnaire

Not-For-Profit contractors, and/or subcontractors of all awardees, are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. Landowners selling property or a conservation easement to an applicant in the Land Acquisition category are also considered sub-contractors and are subject to vendor responsibility requirements. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://portal.osc.state.ny.us>

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>

- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- For purposes of this procurement, the Department hereby establishes an overall goal of up to **30%** for Minority and Women-Owned Business Enterprises (“MWBE”) participation, (based on the current availability of qualified MBEs and WBEs).
- **MWBE Responsibilities & Requirements Document**
 - Contractors must read, sign, and submit the NYSDEC MWBE Responsibilities & Requirements document as part of the grant application. This document describes the MWBE requirements and provides directions for completing the required MWBE Utilization Plan form and subsequent Quarterly Reports.

DEC M/WBE Compliance
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9240
Fax: (518) 402-9023

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.