



June 29, 2017

Vermont Department of Environmental Conservation

Request for Proposals: 2018 Ecosystem Restoration Grants Responses to Questions

Questions and Answers

1. **The excel budget sheet provided in Appendix 4 does not include a column for match. How should match be included?**

ANSWER: The budget sheet has been amended to include a column for match. However, if an applicant has already completed the budget sheet, match information can be attached to the grant application as a separate pdf.

2. **If the work under the grant is to be completed by a contractor, how should the individual costs be added to the budget (e.g. do you want all materials such as stone, bedding, gravel, pavement, with quantities for each and every part of the contractor's estimate)?**

ANSWER: If a contractor has already quantified the supplies and materials needed for a project, this can be added to the grant as an attachment rather than putting each individual item into the budget sheet. The required budget sheet can list the total, if the individual items are clearly explained in a separate document that is attached. An incomplete budget will result in the proposal not being reviewed.

3. **What are you looking for with the indirect rate?**

ANSWER: An indirect rate is the percent of a project expenses that are indirectly related to the project. Indirect costs may include expenses such as office rent, telephone, bookkeeping, or other expenses that are not directly attributed to the project itself (such as personnel directly completing the project, or the supplies needed for the project). The indirect rate is determined by the applicant and applied to the overall project budget.

4. Do we have to have a 35' buffer on lakeshore property?

ANSWER: Any riverine or wetland buffer must meet a minimum of 35' width. Lakeshore buffers should meet a minimum of 15' width where possible, or to the extent practical to achieve maximum ecosystem benefits.

5. Can we request Ecosystem Grant funds to evaluate/conduct outreach to landowners about potential river corridor easements and other floodplain protection restoration projects?

ANSWER: Capital funds may not be used for outreach. The State has some limited Clean Water Funds that are not as restricted, however they are very limited and any project must be identified as a high priority for water quality improvement.

6. If we have three projects that are identical except in different locations (e.g. working with three landowners on three potential projects), can we submit one application?

ANSWER: Only one project per application. We allowed combined application projects last year, but have been advised that this creates challenges in fairly and equitably ranking projects between multiple applications.

7. The application indicates that the project must start within 3 months. Construction on our project will not occur this year, but we want to apply now to recruit the contractor.

ANSWER: Page 10 of the manual indicates that projects should commence within three months of the signing of the grant (not three months from notification of the grant award). DEC understands there may be limitations to the project due to time of year. We encourage you to start some aspect of the project within three months, stage the project to complete those tasks that can be addressed early on, or, if necessary, postpone the project to the next grant round.

8. The State has indicated a need to get projects on the ground quickly. Why do you continue to require a 50% match for MS4s? If we had less required match, we could get projects done sooner.

ANSWER: Ecosystem Restoration Grants have required a 50% of match from MS4 communities for several years. We expect that MS4s would have more access to match, and we list the types of eligible match on page 6 of the manual. The current funding structure aligns with DEC's commitment to support municipalities and other partners across the state to target and implement clean water improvement projects that protect, maintain, enhance, and restore Vermont's surface waters.

9. **The ERP Design Terminology and Guidance document on the DEC website describes different levels of complexity for projects. Under “Intermediate”, there are two options for funding – would DEC prefer to see Option 1 or Option 2? (Note: Option 1 is funding through 100% design first, and then later funding construction. Option 2 is funding through 30% design and then funding from 30% design through construction).**

ANSWER: DEC will prioritize projects that can move towards implementation quickly and with a thorough review of any potential natural resource conflicts (e.g. ensuring projects are not in wetlands or river corridors). The applicant should choose the option that best fits the project and addresses those priorities.

10. **We are submitting a project at a school, but the town is the applicant. Can the town also be responsible for the operations and maintenance agreement? Both the town and the school support this, but want to be sure it is allowable.**

ANSWER: The town can be responsible for the operations and maintenance agreement.

11. **The applicant is required to contact the basin planner prior to submitting a grant application. If the basin planner has received the batch import file, is this sufficient?**

ANSWER: The applicant must discuss the project with the basin planner and receive a Watershed Projects Database identification number that must be included in the application. If the project is already in the database, contact your basin planner to verify this number, as recommended on page 7 of the manual. Since the planners assist in project identification and prioritization within their basins, they are an asset in helping partners develop and submit applications for successful project funding. The batch import file is used to incorporate projects identified and prioritized in the tactical basin plan implementation tables. While this is a method for contacting the basin planners, DEC encourages a discussion with the planner prior to submitting applications to ensure they are familiar with and support the application.

12. **In the webinar, you emphasized the importance of addressing potential conflicts with natural resources. Is the map that is being submitted with the application enough to cover this concern?**

ANSWER: Appendix 1: Project Locator Map Instructions states that “All Ecosystem Restoration grant-funded projects avoid impacts to natural resources, including floodplains, river corridors, wetlands, lake shorelands, and buffer areas.” DEC requires the ANR atlas map with the Ecosystem Restoration Layer to assist in identifying potential conflicts with natural resources prior to grant submission and review. This is a screening tool, but should not be considered a thorough evaluation of potential conflicts. DEC strongly encourages applicants to discuss their project prior to submission with program staff (wetlands, lakes, rivers) if the applicant perceives any indication of potential conflicts.

13. Our city is interested in bidding this project for construction this season. Can we do this?

ANSWER: DEC cannot pay for any costs incurred prior to a grant award. If the city chooses to bid out a project without any guarantee of funds to implement, that is their option.

14. We are submitting an application that is final design/implementation. Which project category should we choose?

ANSWER: Page 9 of the application manual explains that if the project incorporates multiple engineering design and construction steps in the same application (e.g. 100% engineering final design and implementation), choose the project type for the most advanced project category (e.g. implementation or step closest to implementation).

15. The Ecosystem Restoration Application Manual states that “Applicants seeking Ecosystem Restoration Funds for stormwater mitigation projects on private land...will need to ...(b) ensure that the project is not for achieving compliance with a *state permit or state order*” [emphasis added]. Are projects involving upgrades to stormwater systems, including those with expired stormwater permits, eligible for Ecosystem Restoration funding?

ANSWER: Stormwater pollution abatement and control projects may compete for funding under the Clean Water Initiative Program’s Ecosystem Restoration grant programs. Refer to Eligibility Section in the Ecosystem Restoration Grants Application Manual (page 3). Note that Act 64, Section 53 describes the policy of the State that MS4 communities are eligible for financial assistance and “...*shall not be denied solely on the basis that the project or proposal may be construed as a regulatory requirement of the MS4 permit program.*”

The Ecosystem Restoration grant review process considers the following information when evaluating the merits of stormwater mitigation projects:

- Project Proposals are Capital Fund Eligible: DEC has the responsibility to ensure that all projects to be funded with capital funds are eligible to receive those funds. Statute now requires DEC to verify project eligibility with the Office of the State Treasurer. This step ensures that the grant award will not jeopardize the tax-exempt status of the general obligation bonds that support the capital funds.
- Project Proposals Involve Upgrades in Treatment to Achieve Pollutant Reductions (including those Projects within MS4 boundaries but on Private Land): DEC will favor those projects that:

- Are project upgrades/retrofits in treatment to assist the municipality in complying with the MS4 permit requirements, a TMDL or other water quality objective;
 - Provide a net nutrient pollution reduction for the project site (i.e., treatment of existing impervious surface and not treatment of new development) that the state will calculate and track; and
 - Have the municipality assume full legal responsibility for the operations and maintenance (O&M) of those stormwater treatment systems or is a co-permittee under a permit issued to the (a) municipality, or (b)municipality and landowner. A municipality, or municipality and landowner assuming project O&M gives the state assurances that the project will be maintained over time to protect public investments in those projects and enable the state to track and account for nutrient pollutant reductions over time. **(Please note: This statement was clarified in June 26, 2017 update.)**
- Project Proposals Do Not Involve Achieving Compliance with a Permit Issued for New Development, Expansion of a Development or to Comply with a State Order: DEC does not award Ecosystem Restoration grant funds to mitigate stormwater impacts from new or expanded developments or projects under state order associated with permit compliance. We will update the Application Manual (Projects on Private Land, page 5) to clarify this policy.
 - Project Proposals that Avoid Natural Resource Conflicts: DEC and Ecosystem Restoration grant review process gives priority to those projects that ensure that the DEC-funded projects do not cause impacts to the uses and functions of natural resources, including rivers, river corridors, floodplains, wetlands, lake shorelands and other vegetated woody buffers adjacent to waterways. These natural resources and “green infrastructure” are community assets that support municipalities’ resilience to future storm events and maintain healthy ecosystem functions over time.

ANSWER 2 (Additional clarification added June 26, 2017):

“Applicants seeking Ecosystem Restoration Funds for stormwater mitigation projects on private land...will need to ...(b) ensure that the project is not for achieving compliance with a *state permit or state order*” [emphasis added].

In this case, “state order” means projects that are subject to an administrative or judicial enforcement order to comply with water quality standards, not something that is a general statutory requirement. Projects that are meeting permit requirements are eligible for Ecosystem Restoration Grant funding.

16. The Application Manual indicates that the budget should include separate lines for contractual and construction costs. The budget template does not include these lines.

ANSWER: The budget template has been amended to include these lines. However, the contractual and construction costs can also be added in the lines labeled "Other".