

**NYS Department of State  
Office of Planning and Development  
Environmental Protection Fund  
Local Waterfront Revitalization Program (EPF LWRP)  
2018 – 2019 Request for Applications  
RFA #18-LWRP-10**

*The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #18-LWRP-10 issued on May 1, 2018. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.*

**The following change is hereby incorporated into the above referenced Request for Applications in the section noted:**

Page 3, Section II Eligible Applicants, second paragraph is hereby amended to read:

Eligible applicants working in partnership with counties or neighboring municipalities to address regional land use, waterfront revitalization, community development, and resource and/or environmental issues or opportunities are encouraged to apply. Only the municipality identified as the applicant (one village, town, or city, or a county with the consent and acting on behalf of one or more villages, towns, cities) will be awarded a contract. For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

**Questions & Answers**

**Q1. Does a grant application submitted by a county need to include a letter or resolution from eligible municipalities participating in the project?**

A1. For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

Resolutions should be submitted through the Consolidated Funding Application in the Documents section of your application under Q\_1978. The Department of State does not currently have a prescribed template for municipal resolutions.

Letters of support should be submitted through the Consolidated Funding Application in the Documents section of your application under Q\_6946.

**Q2. We are preparing an LWRP application and had intended on using the value of the land donated to the Town as local match. An appraisal has not been undertaken. Instead, we planned on using the assessed value for the application and if awarded funding, an appraisal would be completed at that time. In past applications this has been acceptable to the Department. However, in reading the 2018 RFA, the text states that a “current appraisal report...will be required to document property value.” Can you clarify if an appraisal of the property would be necessary at the time of application or if one could be done at a later time?**

A2. DOS will accept assessed value at the time of application for match purposes on construction projects. Successful EPF LWRP grant recipients will be required to submit a map identifying the property, current appraisal report and recorded deed conveying title to document property value and ownership during the grant contract period to document match.

**Q3. For a renovation project, do we need to include a full engineering study in application?**

A3. For applications seeking only construction funding, the applicant is required to submit draft or final design documents with the grant application.

Supplemental project materials to illustrate and support your grant application can be submitted through the Consolidated Funding Application in the Documents section of your grant application under Q\_7348.

**Q4. The RFA indicates that Counties must get letters or resolutions of support for their application from participating communities. Is a resolution or letter of commitment required from the County itself?**

A4. For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application. A County resolution or letter of support from the County is not required.

**Q5. Can you provide an updated list of Designated Inland Waterways?**

A5. The current list of Coastal Waterbodies and Designated Inland Waterways is available in Executive Law § 911(4) at <https://www.nysenate.gov/legislation/laws/EXC/911>

**Q6. Page 11 of EPF LWRP RFA, lists an opportunity for Celebrating the Bicentennial of the Erie Canal - Improving Public Waterfront Access for Canal Communities. Yet, the Canal is not listed on the Coastal Waterbodies and Designated Inland Waterways List - Please clarify if municipalities along the Erie Canal are eligible to apply.**

A6. The Erie Canal is included as part of the State Barge Canal System which is included on the list of Coastal Waterbodies and Designated Inland Waterways (list is available in Executive Law § 911(4) at <https://www.nysenate.gov/legislation/laws/EXC/911>). Municipalities along the State Barge Canal System are eligible to apply for funding to prepare or update a Local Waterfront Revitalization Program (LWRP) or LWRP Component. Municipalities along the State Barge Canal System with an approved or substantially completed LWRP or relevant LWRP Component may apply for grant funding for implementation (design and construction) projects which celebrate the Bicentennial of the Erie Canal - Improving Public Waterfront Access for Canal Communities.

**Q7. What tasks are necessary to prepare a Local Waterfront Revitalization Program?**

A7. A generic workplan which describes the tasks necessary to prepare a Local Waterfront Revitalization Program is available at: <https://www.dos.ny.gov/funding/>.

**Q8. Is there a maximum or minimum State assistance request amount per application?**

A8. The maximum State assistance request per grant application is \$2 million. There is no minimum State assistance request amount. (See page 4 of the RFA)

**Q9. If an applicant would like to implement an upgrade to their waterfront such as put in a boat launch- must this action be part of a previously completed LWRP plan?**

**What if this has been identified in the village's comprehensive plan or other local plan but not specifically in a LWRP?**

A9. Comprehensive plans or other local plans developed independently of the EPF LWRP grant program are not considered LWRP components. In this circumstance, inclusion of a project within a comprehensive plan or other local plan alone does not make the project eligible for design and construction funding under EPF LWRP.

To be eligible for construction projects, the applicant would need to have an approved or substantially completed LWRP or relevant LWRP Component and the proposed project must be located within the LWRP or LWRP Component boundary.

**Q10. Our Town has developed an LWRP. While the formal adoption of the LWRP has not been completed because of intervening events such as Hurricane Sandy and then the incorporation and dissolution of the Village, the Town is now moving forward with a South Shore Estuary LWRP.**

**The Town is under tremendous financial pressure to restore the beach from the devastation of Hurricane Sandy which has left over 100 abandoned zombie homes to be demolished. We continually move forward with this effort to restore the wetlands and ecosystem but would like the opportunity to apply for EPF LWRP capital improvement money to demo houses and build a waterfront boardwalk.**

**Please confirm that this type of grant application would be eligible under the RFA.**

A10. To be eligible for project-specific planning, feasibility, design, and/or marketing projects, applicants must prepare an LWRP or LWRP Component or have an approved LWRP or LWRP Component and the proposed project must be located within the LWRP or LWRP Component boundary (see pages 6-8 of the RFA).

To be eligible for construction project, the applicant would need to have an approved or substantially completed LWRP or relevant LWRP Component and the proposed project must be located within the LWRP or LWRP Component boundary (see pages 6-8 of the RFA).

Construction must be on public property or where a permanent public interest, such as an easement, has been established. (see page 15 of the RFA)

**Q11. I was reading through the CFA materials and it looks like Water Quality Improvement Plans are no longer eligible for funding (the specific language is that "Projects that are seeking funding for planning or design only" are ineligible). Am I interpreting this correctly?**

A11. This question relates to the NYS Department of Environmental Conservation's (DEC) Water Quality Improvement Project Program. This question has been forwarded to DEC for response. However, applicants may apply for EPF LWRP funding to prepare a Watershed Management Plan – refer to the Department of State's EPF LWRP [Request for Applications](#) "LWRP Component: Watershed Management Plan (Planning or Implementation)" page 9 of the RFA.

**Q12. What is the requirement for municipalities to implement projects included in a Watershed Management Plan? Can the project and municipality be on a designated inland waterway, or does the municipality also have to be developing or have an adopted LWRP where the project is located?**

A12. A watershed management plan is a type of LWRP Component. Eligible applicants with approved or substantially complete LWRP Components focusing on Watershed Management Plans may apply for implementation funding for eligible activities. The proposed project must be located within the LWRP or LWRP Component boundary (see page 9 of the RFA).

**Q13. If a county has an LWRP in place, can one of their towns/villages within the county apply for LWRP for their project or – would it need to go through the county?**

A13. Counties may coordinate the development of a joint LWRP on behalf of a village, town, or city, but each participating municipality must adopt the LWRP individually.

If a joint LWRP exists, a town or village that is included in the joint LWRP and is located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42, may apply for EPF LWRP funding for projects within the joint LWRP. The proposed project must be located within the LWRP or LWRP Component boundary. (See page 3 of the RFA)

**Q14. For projects that will fall under the CFA DOS (LWRP) category, letters of support for our projects should be made to who at DOS?**

A14. Letters of support for EPF LWRP grant applications may be addressed to Secretary of State Rosanna Rosado, c/o Office of Planning Development and Community Infrastructure, 99 State Street Suite 1010, Albany, NY 12210, and should be submitted with an application through the CFA portal - see CFA question Q\_6946. Letters of support are not required.

**Q15. Are we allowed to apply for updates for plans that were previously funded by DOS? We have a Hamlet Revitalization Plan that the Town wants to expand and update. But we don't know if its eligible because it is not an official LWRP.**

A15. A Town that was previously awarded an EPF LWRP grant to prepare an LWRP or an LWRP Component is eligible to apply to update this LWRP or LWRP Component. (see page 6 of the RFA)

**Q16. I have a question regarding environmental justice requirements for the LWRP FY18-19 funding. Are applicants required to use the DEC's EJ map, or would another localized version work--such as the Syracuse-Metropolitan Transportation Council's map?**

A16. Yes, applicants are required to utilize the NYS Department of Environmental Conservation's maps depicting potential environmental justice areas. For more information on determining if your proposed project is located in an environmental justice community, refer to the [Request for Applications](#) "Environmental Justice" page 14.

**Q17. The Town is in the process of acquiring a piece of waterfront land that will be used for recreation purposes. We are considering a grant application for improvements to that land. Does the community have to own the land at the time of the grant application submission to be able to count the value of it as match or will evidence that we are in the process of acquiring it suffice? For instance, would a letter or MOU between the town and property owner be ok?**

A17. The town does not need to own the land at the time of the grant application, but must acquire the land within the executed contract term. The town should indicate the anticipated method and estimated timeframe when ownership or permanent public interest will be secured in the application - see CFA question Q\_7355 (see page 12 of the RFA). See also construction requirements (page 15 of the RFA).

**Q18. If we are not ready to start planning our project until fall, could we still submit the application now?**

A18. Yes. Grant awards for the 2018 LWRP grant round are anticipated to be announced in December 2018. Executed contracts between the DOS and awardees are expected within 6 months from the award date.

A grant application should not be submitted if the municipality does not expect to be able to initiate the project within a reasonable time period after the award announcement and if the project will not be able to be completed within a five-year time period or less.

**Q19. Can any of these state program funding sources be used as match: Downtown Revitalization Initiative (DRI) funds awarded to a DRI community, Empire State Development (ESD) program grants, Environmental Facilities Corporation (EFC) loans?**

A19. Funding from DRI, ESD, and EFC may be used as match for EPF LWRP if the funding directly supports the proposed project and does not include other Environmental Protection Fund and/or federal funding. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) "Funding and Budget Guidance" page 11.

**Q20. Is a project located along a tributary of a designated inland waterway eligible for the program?**

A20. A project located along a tributary of a designated inland waterway is only eligible for EPF LWRP funding if the project is within the boundary of an approved or substantially complete Local Waterfront Revitalization Program or LWRP Component and the project meets eligibility requirements as described in the [Request for Applications, pages 3-14](#).

**Q21. The County developed an Intermunicipal Waterfront Access Plan completed in 2011. Upon development of the plan it was our understanding that this would not be considered a full LWRP but would be considered an LWRP component. Would projects that would implement this plan be considered eligible for implementation and construction funds? For reference the plan can be found here:**

[http://www.gobroomecounty.com/files/planning/\\_pdf/BroomeCountyFINAL\\_web.pdf](http://www.gobroomecounty.com/files/planning/_pdf/BroomeCountyFINAL_web.pdf)

A21. Applicants with approved or substantially complete LWRPs or LWRP Components may apply for implementation funding for activities including but not limited to construction projects which meet eligibility requirements and are within the plan boundary. (See page 3 of the RFA) Applicants should provide clear documentation that the project is located within the plan boundary in the CFA.

**Q22. The Town would like to apply to fund a project that is not located on the designated inland waterway. However, the project is located within the identified project boundary in the County Intermunicipal Waterfront Public Access Plan along a tributary to the designated waterway. In addition, the project is part of a continuous trail system connecting the tributary and the designated waterway. Would this project be eligible for construction funding?**

A22. Applicants with approved or substantially complete LWRPs or LWRP Components may apply for implementation funding for activities including but not limited to construction projects which meet eligibility requirements and are within the plan boundary. (See page 3 of the RFA)

Applicants should provide clear documentation that the project is located within the plan boundary in the CFA.

**Q23. The Town would like to apply to fund a trail construction project that is not currently located on the designated inland waterway. The designation of a nearby creek into a designated inland waterway is currently in the legislative pipeline and being supported. However, the project is indeed located within the identified project boundary in an Intermunicipal Waterfront Public Access Plan along a tributary to the designated waterway and the trail extension is currently in the design stage with a grant award from NYSDOS. In addition, the project is part of a continuous trail system connecting the tributary and the designated waterway. Would this project be eligible for construction funding through EPF LWRP?**

A23. Applicants with approved or substantially complete LWRPs or LWRP Components may apply for implementation funding for activities including but not limited to construction projects which meet eligibility requirements and are within the plan boundary. (See page 3 of the RFA) Applicants should provide clear documentation that the project is located within the plan boundary in the CFA.

**Q24. We are preparing a grant for stream restoration and flood mitigation in the Village. The Village is part of the same multi-municipal LWRP as a neighboring village. While the particular project is not specifically mentioned, mitigating the impacts of flooding and a nearby creek are mentioned. This grant will be large enough that we need to engage several agencies. We will be looking for the bulk of the funding from EFC but believe that DOS might be a good candidate to fund design, bidding and a portion of construction.**

**In the CFA resources available it states that acquisition can be used as match towards construction projects only. Can you tell me the terms of that? Several properties were acquired through the FEMA buy-out program which is federal funds. We'd like to utilize that for the 25% DOS match. Can you provide information about the length of time of acquisition prior that the funding of the grant and other such restrictions?**

A24. Federal funding, including from FEMA to acquire land buy-outs, cannot be used as match for EPF LWRP grants. Land acquired with non-federal funds may be used as match if it directly supports a construction project and the land was acquired within three years prior to the contract start date or within the executed contract term. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) "Funding and Budget Guidance" page 11.

**Q25. The Town's Waterfront Committee is considering applying for grant money this year to complete a full LWRP. The Town recently completed a Local Waterfront Revitalization Study. Could this "count", or more specifically some of our research could be recycled towards some steps of an LWRP such that the cost for an LWRP, if completed on the heels of the study, would be lower? Do you have any guidance to offer on budgeting for such a project?**

A25. Yes, the Town's Local Waterfront Revitalization Study, prepared in cooperation with the DOS with funding provided through EPF LWRP, can be used as the foundation for a Local Waterfront Revitalization Program.

A generic workplan which describes the tasks necessary to prepare an Local Waterfront Revitalization Program is available at: <https://www.dos.ny.gov/funding/>.

**Q26. Last year we applied for funding to bring our laboratory back on line, with parts of the application allocated to the DOS LWRP for some repairs and renewed functioning of the laboratory itself and the DEC Water Quality Improvement Program for the assessment of existing water quality and improvements using the laboratory, but were not funded. We would like to know how to improve our approach.**

A26. Applications will be reviewed according to the specific criteria presented in the [Request for Applications](#) "Section VIII. Application Evaluation Criteria" page 16. Applicants should clearly describe how their proposed project meets each criterion. Additionally, the "scoring tips" within the CFA application provide guidance to answering grant application questions.

**Q27. We applied for assistance in salt marsh restoration work using thin film augmentation to keep up with sea-level rise. The salt marshes are showing an increasing loss to the collapse of internal regions of the marsh, seen in the growth of ponds or pannes. This is in addition of approximately a 7 acre loss per year along the edges. We are now improving our designs and applying for DEC permits. We already have one permit for the removal of clean sand from one channel, and that can be a source of material for some of the work. We had applied under LWRP, and were intending to do this again. However, any other suggestions for additional programs that may fund aspects of this work would be appreciated.**

A27. The 2018 Available CFA Resources guide, posted on the Consolidated Funding Application webpage (<https://apps.cio.ny.gov/apps/cfa/>) contains descriptions of funding programs made available from over 30 programs through 11 state agencies. This document outlines information about each agency's grant programs, including eligibility, scoring criteria, applicant requirements, and agency contact information.

**Q28. If using land acquisition towards local match, the RFA states that it can only be used as match towards construction projects. If the value of the land acquisition match exceeds the amount of construction activities in an application, can the remainder of the land value match be applied towards other non-construction activities (i.e. engineering)?**

A28. Construction projects may include activities such as design and engineering that are directly related and necessary for the implementation of the project. For the purposes of match, land acquisition may be used for construction projects. Land acquisition is not eligible for match for projects involving only design and engineering.

**Q29. Through the LWRP, are activities on waterbodies other than those listed as an Inland Waterway eligible for funding if the community has another waterbody that is listed? For instance, Brant Lake is not listed as an Inland Waterway, however, the Schroon River and Schroon Lake are. It's worth noting that Brant Lake does flow into the Schroon River. Are these "other" waterbodies eligible as of right or would the communities need to identify priority projects (in these waterbodies) in an approved LWRP or similar watershed management plan?**

A29. A project located on a waterbody that is not on the Designated Inland Waterways list is only eligible to apply for EPF LWRP funding if the project is within the boundary of an approved or substantially complete Local Waterfront Revitalization Program or LWRP Component and the project meets eligibility requirements as described in the [Request for Applications. \(See Pages 3-13 in the RFA\)](#)

**Q30. I am working with a municipality and a partner/private developer on an LWRP request, and we have a question about budget and compliance requirements for match/leverage. Do State Wage and MWBE requirements apply to non-state leverage?**

**For example: A private owner and municipality are negotiating permanent public access through an easement to the owner's property on a waterfront. There will also be \$1m in improvements. If the municipality is planning a \$500K request to complete some elements in accordance with LWRP contract requirements, and the private owner is pledging another set of improvements worth \$500k, is the work by that developer also subject to State prevailing wage and MWBE? We want to be able to budget accurately.**

A30. M/WBE participation goals only apply to the State grant award amount. Local match is not included in the M/WBE goal calculation. The project's MWBE goal amount can be determined by using the M/WBE Goals Calculation spreadsheet posted at the Department's website: <https://www.dos.ny.gov/funding/rfa-18-lwrp-10/index.html>

Prevailing wage is under the purview of the NYS Department of Labor Bureau of Public Work. Questions regarding applicability of prevailing wage should be directed to the Bureau of Public Work District. Contact information is available here: <https://www.labor.ny.gov/workerprotection/publicwork/PWContactUs.shtm>.