

**NYS Department of State
Office of Planning and Development
Environmental Protection Fund
Local Waterfront Revitalization Program (EPF LWRP)
2019 – 2020 Request for Applications
RFA #19-LWRP-11**

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 #19-LWRP-11 issued on May 1, 2019. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

Questions & Answers

Posted 6/14/19:

Q1. Are inter-municipal or joint LWRPs are permitted?

A1. Yes, a local government or two or more local governments located along a contiguous waterfront within the federal coastal area or along the same designated inland waterway may prepare a joint LWRP in accordance with the criteria in Executive Law §§ 911(6), 915, and 922. Each local government must have adopted its own local laws necessary to enforce the coastal policies of the program.

Q2. On page 12 and elsewhere in the LWRP Preparation Guide (LWRP Preparation Guidance_Final_3_11_19_with_Appendices) it discusses Joint Municipal LWRPs and how it's important to have representatives from each municipality on the Committee. However, on page 122 of the 2019 CFA Resources Available it states, "Applications to prepare or update an LWRP or LWRP Component may only include one LWRP per application." This raises several questions:

If several municipalities want to jointly develop an LWRP for a river corridor or a lakefront can they submit one application and have one planning process?

If the answer to the first question is yes, does each community have to have its own unique LWRP document or can several communities adopt the same LWRP as long as it addresses all the communities?

A2. Yes, one grant application may be submitted to cooperatively prepare a Local Waterfront Revitalization Program. In accordance with Section II of the RFA, only the municipality identified as the applicant (one village, town, city or county with the consent and acting on behalf of one or more eligible villages, towns, cities) will be awarded a contract. One planning process may be

undertaken if all the requirements listed in Executive Law §§ 911(6), 915, and 922 are met for each municipality. Each local government must adopt an individual LWRP document.

Q3. We are considering submitting a CFA for LWRP funding to implement one of our projects identified in our LWRP. Can DASNY funds be used as match? Also, we have a MOA with the American Legion to partner on the implementation of the project. Can the funds they raise independently for the project, and their volunteer hours be used as match? And finally, we received some smaller grants \$5k & \$10K from local banks. Can those funds be used as match?

A3. Cash donations and private grant funding may be used as match for EPF LWRP if the funding directly supports the scope of work for the proposed project. New York State funding may also be used as match, with the exception of other Environmental Protection Fund awards and/or federal funding. Fund raising events/expenses including donated services for fund raising may not be used as EPF LWRP match. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) “Section VII. Funding and Budget Guidance” page 10.

Q4. Can a municipality or county apply to EPF LWRP if they have existing open EPF LWRP contracts? If so, does this hurt their rank for funding?

A4. Yes, eligible applicants with one or more open EPF LWRP contracts may submit an EPF LWRP application. Applications will be reviewed according to the specific criteria presented in the current [Request for Applications](#) “Section IX. Application Evaluation Criteria” page 14.

Q5. Village of Philmont is a registered Climate Smart Community (CSC). Would CSC certification actions that support and contribute to the scope of a LWRP Component Watershed Management Plan be considered as volunteer in-kind match?

A5. Cost may be used as match for EPF LWRP if they directly support the scope of work for the proposed project and do not include other Environmental Protection Fund awards and/or federal funding. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) “Section VII. Funding and Budget Guidance” page 10.

Q6. Is it possible to receive a copy of the Local Waterfront Revitalization Program application?

A6. The application questions for the Local Waterfront Revitalization Program can be found here: <https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=447&short=false>.

Q7. Can EPF LWRP funds be used for land acquisition and protection along a designated inland waterway?

A7. EPF LWRP funds cannot be used for land acquisition. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) “Section VII. Funding and Budget Guidance” page 10.

Q8. Does a grant application submitted by a County need to include a letter or resolution from the eligible municipalities participating in the project?

A8. 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.

Q9. What tasks are necessary to prepare a Local Waterfront Revitalization Program?

A9. A generic workplan which describes the tasks necessary to prepare a Local Waterfront Revitalization Program is available on the DOS website: <https://www.dos.ny.gov/funding/rfa-19-lwrp/index.html>.

Q10. Is there a maximum or minimum State assistance request amount per application?

A10. The maximum State assistance request per grant application is \$2 million. There is no minimum State assistance request amount.

Q11. How much funding is available for climate risk projects?

A11. The Department of State is making approximately \$15 million available to fund applications for Local Waterfront Revitalization Program grants, with up to \$2 million of this for updates to existing LWRPs to mitigate future physical climate risks.

Q12. To be eligible to receive funding for construction project, when is an LWRP or LWRP component considered substantially complete?

A12. Applicants should include the completion status of their LWRP or LWRP component in their grant application. The DOS will evaluate completion status and determine eligibility on a case by case basis during the application evaluation process.

Updates Posted 7/12/19:

Q13. The Marlborough Town Board recently passed a resolution accepting the Draft Local Waterfront Revitalization Program for the Town of Marlborough as complete and ready to be submitted to the New York State Department of State for State, federal, regional and local agencies review, pursuant to the provisions of Article 42 of the NYS Executive Law. The Town would like to apply for funding to complete the work at the Lower Park at Milton Landing. For

the purposes of the grant application, can we now consider that our LWRP fits into the requirement "that applicants with approved or substantially complete LWRPs or LWRP Components may apply for implementation funding for activities on publicly-owned property..."

- A13. Yes, the Town of Marlborough Local Waterfront Revitalization Program is considered substantially complete, and therefore the Town is eligible to apply for implementation funding for eligible activities on publicly-owned property within the LWRP boundary under the Implementing a Local Waterfront Revitalization Program or a completed LWRP Component grant category. For more information on eligible activities, refer to the [Request for Applications](#) "Section V. Eligible Activities".
- Q14. Sullivan County Division of Planning + Community Development is looking to submit an application for funding this CFA round to further work completed using EPF LWRP. We completed a plan, but it is not a fully vetted LWRP, and subsequent schematics as part of a goal in the plan. We would like to further that work. I am hoping the plan is considered an LWRP component, under which our project will still be eligible for EPF LWRP. Could you please clarify?**
- A14. For the 2019 – 2020 EPF LWRP funding solicitation, the Upper Delaware River: Making the Connections (January 2016) Plan, prepared with EPF LWRP funding, is considered an approved relevant LWRP component. Sullivan County with the consent and acting on behalf of one or more eligible municipalities covered by this Plan is eligible to apply for implementation funding for eligible activities within the boundary described in the Plan. For more information on eligible activities, refer to the [Request for Applications](#) "Section V. Eligible Activities".
- Q15. The City of Auburn is considering applying to EPF LWRP for implementation of a Zebra Mussel control project at the northern end of the Owasco Lake. The City of Auburn/Cayuga County has an approved Watershed Management Plan and Waterbody Inventory Report from 2015 which details water quality problems within Owasco Lake, the impacts of invasive species, and the importance of the City's drinking water intake at the north end of the lake. Is this project eligible for EPF LWRP implementation funding?**
- A15. For the 2019 – 2020 EPF LWRP funding solicitation, the Owasco Lake Watershed Management and Waterfront Revitalization Plan (March 2016) and Watershed and Waterbody Inventory Report (2015), prepared with EPF LWRP funding, are considered an approved relevant LWRP component. Therefore, the City of Auburn is eligible to apply for implementation funding for eligible activities within the boundary described in the Plan. For more information on eligible activities, refer to the [Request for Applications](#) "Section V. Eligible Activities".
- Q16. Would the Schenectady County be eligible to apply for DOS Grant funds to implement our Trail Extension Study and construct a bike trail extension if we don't have an adopted LWRP?**

A16. For the 2019 – 2020 EPF LWRP funding solicitation, the Mohawk River Waterfront Revitalization Plan for Schenectady County (March 2010) prepared with EPF LWRP funding, which includes the City of Schenectady waterfront, is considered an approved relevant LWRP component. Schenectady County with the consent and acting on behalf of the City of Schenectady is eligible to apply for implementation funding for eligible activities within the Mohawk River Waterfront Revitalization Area boundary described in the Plan.

Q17. The Village of Philmont is preparing a CFA proposal under the RFA #19-LWRP-11 category "Preparing an LWRP Component, including a Watershed Management Plan" for the Agawamuck Creek as a designated inland waterway loading into Summit Lake geographically located at the center of the Village of Philmont.

The proposal for the LWRP is issue driven, addressing only the most critical waterfront issue(s) such as public access, water quality, specific areas, such as the connections to the downtown, and critical natural resource areas connected to advancing a recently completed BOA Nomination for the same area with the same area boundary. The proposal includes preparing a Watershed Management Plan for the Agawamuck watershed. Can you clarify if it is the issue driven LWRP that would be considered as the LWRP Component, or if it is the proposed Watershed Management Plan that would be considered the Component of the proposed LWRP in this case.

A17. Both plans described would be considered an LWRP Component. A watershed management plan is one type of LWRP Component that produces a comprehensive plan to protect and restore specific waterbodies and their watersheds by identifying and prioritizing land uses and capital projects to reduce point and nonpoint source pollution, and protect or restore water quality, tributary corridors and aquatic habitats. The boundary of a watershed management plan must include the entire waterbody drainage area, which may lie within more than one municipal jurisdiction.

An LWRP Component which focuses on one or more topic(s) or section(s) of an LWRP or its waterfront would have a compact boundary determined during a community planning process based on criteria such as areas that affect or are affected by waterfront issues, problems, and opportunities, with a focus on water-dependent and water-enhanced uses and natural or cultural resources with a relationship to the waterfront among other criteria. For more information on determining boundary refer to [Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs](#), page 14.

Q18. Can Tobacco Settlement funds be used as match for EPF LWRP CFA grants?

A18. Settlement funds may be used as EPF LWRP match, if funds directly support the scope of work for the proposed project and do not include other Environmental Protection Fund awards and/or federal funding. For more information on eligible and ineligible costs, refer to the [Request for Applications](#) "Section VII. Funding and Budget Guidance" page 10.

Q19. In the Request for Applications page 8 under LWRP Component: Watershed Management Plan there are descriptions of eligible activities for both planning and implementation. Is it possible to request funding for updating and expanding a Watershed Management Plan and also implementing an activity or actions from the previously completed plan at the same time or does the funding request need to be either planning OR implementation?

A19. Applicants may submit more than one EPF LWRP grant application. Separate grant applications should be submitted for the proposed planning project and proposed implementation project.

Q20. This question regards the local match. Can the match include funding from a County's capital budget for work and services to deconstruct and remove a local dam? The activity directly relates to the work we will be doing across our watershed in the LWRP component project to develop new plans for public access, water quality and stormwater management.

A20. Applications for implementation projects should include one implementation project per application. However, applications may include multiple implementation projects if the projects are similar in type/scope and clearly address a common critical issue identified in a relevant LWRP or LWRP Component funded by the Department. Therefore, deconstruction and removal of the dam may be eligible for use as match if the application clearly demonstrates this is project is similar in type/scope to other proposed projects included in the application and how together they addresses a common critical issue.

Q21. The Town and Village of Canton recently completed a Master Trail Plan with funding assistance through EPF LWRP. We would like to pursue funding to implement one of the highest priority trail segments indicated in the plan which will connect the Village to Taylor Park, a publicly controlled park, beach, and recreation area on the Grasse River. This would include widening a current road to add bike/pedestrian lanes and possibly creating a designated path along portions of the trail segment. Would this be an appropriate project under the LWRP?

A21. Yes, this appears to be an appropriate project. For the 2019 – 2020 EPF LWRP funding solicitation, the Canton Master Trail Plan, prepared with EPF LWRP funding, is considered an approved relevant LWRP component. Therefore, the Town or Village of Canton is eligible to apply for implementation funding for eligible activities, such as development pedestrian and bicycle lanes that connect people to parks, within the boundary described in the Plan. For more information on eligible activities, refer to the [Request for Applications](#) "Section V. Eligible Activities".