



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State
Department of Environmental Conservation
Hudson River Estuary Program
and
Division of Marine Resources

Round 23
2018 Grants for Tributary
Restoration and Resiliency

NYS Grants Gateway Application ID No.:
Hudson River Estuary: DEC01-HRER23-2018
Division of Marine Resources: DEC01-DMRTRB-2018

Application Due Date: (3:00 P.M. EST, April 18, 2018)

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Introduction

The New York State Department of Environmental Conservation is pleased to announce funding for projects to support restoration of free-flowing waters to benefit water quality, conserve and restore habitat, and help communities with existing and projected impacts of localized flooding. The Hudson River Estuary Program and Division of Marine Resources are collaborating in this Request for Applications (RFA). Eligible areas for each program are shown in the maps in Appendix I. Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>).

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. For more information about Grants Gateway, please visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

Grant application information is also available on the Department's website at: www.dec.ny.gov/lands/5091.html and <http://www.dec.ny.gov/lands/84428.html>.

Timetable of Key Events

Event:	Date:
Application Period Begins	February 2, 2018
Question & Answer Period Ends	April 11, 2018
Applications Due	April 18, 2018; 3:00 p.m. EST
Award(s) Announced By (anticipated)	Approximately August 2018

Applicant Eligibility

For the purposes of this grant program, the following entities are considered eligible applicants: Governmental Entities, Municipalities, and Quasi-Governmental Entities, including but not limited to Counties, Cities, Towns, Villages, 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, Public Benefit Corporations, Public Authorities, Municipal Corporations, Soil and Water Conservation Districts, School Districts, and Community Colleges, and 501(c)(3) not-for-profit corporations whose projects are located within the eligible geographic boundaries defined in this RFA.

For this grant opportunity, a "Not-For-Profit Corporation" (NFP) is subject to New York State's Not-For-Profit Corporation Law and is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has an IRS 501(c)(3) determination letter to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

Individuals and unincorporated groups are not eligible for this grant opportunity. However, an eligible applicant may apply on behalf of an individual or unincorporated group as a fiscal sponsor. The fiscal sponsor accepts responsibility of the grant, and serves as a fiscal conduit for a DEC-funded project, receiving and disbursing funds related to the grant, and administering the requirements throughout the DEC grant process, including final reporting of grant activity.

For Multi-Partner and Inter-Municipal Projects: If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead applicant must submit the application for grant funding.

The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants (MCG). Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the Grants Gateway in a single PDF (see “Applicant Partners” on page 14).

Grant Opportunity General Information and Conditions

1. Funding

Approximately \$1,400,000 is available for the two programs under this grant opportunity as follows:

Projects for Hudson River Estuary Program (total \$1,025,000):

- NYS Environmental Protection Fund, Hudson River Estuary Program – approximately \$525,000
- NYS Environmental Protection Fund, Ocean Great Lakes Program – approximately \$500,000

Projects for Division of Marine Resources priority areas:

- NYS Environmental Protection Fund, Ocean Great Lakes Program – approximately \$375,000

However, in the event funding remains for either program after all qualified awards are made in accordance with the scoring criteria outlined starting on page 19 of this RFA, the DEC may at its discretion, fund additional qualifying projects with the other program’s remaining allocation of Ocean Great Lakes Program funds (the \$525,000 in funds earmarked for the Hudson River Estuary are not transferable). Furthermore, the DEC may partially fund an application (for example by funding one phase of a two phase project, or one barrier of a multi-barrier project) to the extent that the partially-funded portion of the application meets the criteria for this RFA.

2. Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a three-year contract period/term. Applicants should not begin their projects or incur costs until a MCG has been fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the DEC based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

3. Minimum and Maximum Award Amounts

The minimum grant amount for both grant programs is \$10,500.

The maximum grant amount for projects in the Hudson River Estuary is \$1,025,000. The maximum grant amount for projects in the Division of Marine Resources priority areas is \$375,000.

Grants can incorporate engineering/feasibility/planning components as well as construction, but these limits must still be reflected in the application budget.

4. Application Limit/Award limit

Applicants may submit up to five applications. Multiple applications may not be for the same project or project location.

5. Eligible Project Locations

Two distinct project areas are applicable under this RFA:

- i. HUDSON RIVER ESTUARY PROGRAM: Eligible projects for grant funding must be located within

defined geographic boundaries of the Hudson River Estuary watershed (see map in Appendix I). “Hudson River Estuary” refers to the legislatively designated Hudson River Estuarine District established in Environmental Conservation Law §11-0306, which extends from the Troy dam to the Verrazano Narrows and includes Upper New York Bay to Kill Van Kull and the East River to Hell Gate, focused on the tributaries that flow into any of these waters. The map of eligible boundaries may also be viewed at www.dec.ny.gov/docs/remediation_hudson_pdf/hregrantmap.pdf. A searchable Google Maps version is also available for download at: <http://www.dec.ny.gov/pubs/103459.html> (Data Set titled “Hudson River Estuary Grant Program boundaries” listed under the “Misc. Environmental Maps” Section).

- ii. **DIVISION OF MARINE RESOURCES:** Eligible projects for grant funding must be located within the defined geographic boundaries of the Division of Marine Resource priority areas, as mapped for this RFA (see map in Appendix I). The boundary for eligible projects includes the Long Island Sound watershed, the Peconic Estuary watershed, the South Shore Estuary Reserve watershed, and Jamaica Bay. The map of eligible boundaries may also be viewed at <http://www.dec.ny.gov/lands/84428.html>.

6. Match Requirement and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match can be from local and/or in-kind contributions. Local sources can include funding from other non-state and/or non-federal grant sources or from project partners. In-Kind contributions are non-cash donations provided by non-state and/or non-federal third parties, which can include equipment, supplies, services, and other expendable property. Matching share contributions must support the objectives outlined in the work plan.

Eligible sources of match funds cannot come from other New York State or federal funding sources. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the Grants Gateway.

For this grant opportunity, applicants must match at least 5% of the grant funding amount.

7. New for this Grant Round

- Projects in tributaries of Division of Marine Resources priority areas, as mapped, are now eligible.
- Fish ladders have been added as an eligible cost for projects in the Marine Resources priority areas.
- All projects involving construction or deconstruction require one season of upstream post-construction monitoring for the target species.

8. Inquiries & Designated Contact Information:

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact:

Susan Pepe, Hudson River Estuary Program Grants Coordinator
HREPgrants@dec.ny.gov

Include **2018 Tributary RFA** in the **subject line** of the email. Questions regarding this grant opportunity will be accepted by the DEC until C.O.B. April 11, 2018. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

9. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Partially fund an application if the partially-funded portion can be demonstrated to meet the

criteria for this RFA.

- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Reduce an award from the amount requested in the application, so long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at DEC's sole discretion.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with DEC within 60-90 days of a grant award.
- 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.

10. Application Submission:

Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>). Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted.

All Applicants must be **Registered** with Grants Gateway to submit an application. In addition to registration, **not-for-profits** must also be **Prequalified** at the time and date that the application is due. If you are not Prequalified at that time and date, your application will not be considered. For more information about Grants Gateway and Prequalification, please visit the Grants Reform website (<https://grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE
PREQUALIFICATION PROCESS.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED
PREQUALIFICATION APPLICATIONS. PREQUALIFICATION
APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS
THAN 5 DAYS PRIOR TO THE DEADLINE FOR THIS APPLICATION
MAY NOT BE CONSIDERED.

APPLICANTS SHOULD NOT ASSUME THAT THEIR
PREQUALIFICATION INFORMATION WILL BE REVIEWED IF THEY
DO NOT ADHERE TO THIS TIMEFRAME.

Applicant Prequalification

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 contract process which require nonprofits to register in the Grants Gateway and complete the Vendor Prequalification process in order for applications to be evaluated. Information on these initiatives can be found on the Grants Reform Website.

All Applicants must be Prequalified in the Grants Gateway at the time and date that the application is due. Applications received from nonprofit Applicants that have not registered and are not Prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. If you are not Prequalified at that time and date, your application will not be considered. **Such applications will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and Prequalification requirements. The Vendor Prequalification Manual on the Grants Reform Website details the requirements and an online tutorial is available to further explain the process.

PLEASE NOTE: The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Reform website (<https://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team (grantsreform@its.ny.gov) for more information about Grants Gateway and Prequalification. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

1. Register for the Grants Gateway

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the NYS Grants Reform Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username please email grantsreform@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.

2. Complete your Prequalification Application

- Log in to the Grants Gateway. **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 SAVE.
- 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 *Required Documents*. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.
- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

3. Submit Your Prequalification Application

- After completing your Prequalification application, click the **Submit Document Vault** link 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.

Once you are Prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Refer to Grants Reform Guide entitled [Monitoring and Updating Your Organization's Prequalification Status](#). **Expired documents will lead to the loss of Prequalification status.**

Applicants are strongly encouraged to begin the prequalification process as soon as possible in order to participate in this grant opportunity. Please do not delay in beginning and completing the prequalification process. The State reserves 5 days to review submitted Prequalification applications. Prequalification applications submitted to the State for review less than 5 days prior to the application deadline may not be considered. Applicants should not assume that their Prequalification information will be reviewed if they do not adhere to this timeframe.

If you are not yet registered with Grants Gateway, there are many resources available to help you understand how to register and become Prequalified:

- [The NYS Grants Reform Website](#)
- [Video: Grants Gateway Registration](#)
- [New York State Prequalification System for Grants Contract Vendors: A Resource Manual and Users Guide for Not-for-Profit Vendors](#)
- [Biweekly Document Vault webinars. All information can be found on the Grants Reform website - Training Calendar](#)

The Grants Reform Team offers regular live webinars for anyone who is interested in additional information about Grants Gateway, the Prequalification process, or submitting online applications. Learn more including times and dates for these webinars: <http://grantsreform.ny.gov/training-calendar>. Any additional technical training related to this application will also be posted to the training calendar.

You can also contact the Grants Reform Team for additional assistance:

Phone: (518) 474-5595; Email: grantsreform@its.ny.gov

Grant Application Requirements and Conditions

1. Project Objectives

This Hudson River Estuary Program and Division of Marine Resources RFA for Tributary Restoration and Resiliency seeks to achieve one or more of the following objectives of the *Hudson River Estuary Action Agenda* (<http://www.dec.ny.gov/lands/5104.html>), Division of Marine Resources' *Mission Statement* (<http://www.dec.ny.gov/about/796.html>), and the *New York State Ocean Action Plan* (<http://www.dec.ny.gov/lands/84428.html>).

Hudson River Estuary Action Agenda:

- Conserve and restore habitat for migratory fish in tributary streams of the estuary;
- Support the restoration of free-flowing waters to benefit water quality, stream habitat and aquatic connectivity in tributary streams of the estuary;
- Help communities with existing and projected impacts of localized flooding along tributary streams of the Estuary; and
- Conserve for future generations the rich diversity of plants, animals and habitats of the Hudson River estuary ecosystem.

Division of Marine Resources' Mission Statement

- Managing, restoring and enhancing indigenous marine, estuarine and anadromous resources and their habitats.

New York State Ocean Action Plan

- Protect and restore sensitive inshore, offshore and estuarine habitats;
- Improve the management of ecologically and economically important species; and
- Evaluate, prioritize and remove or modify known impediments to diadromous fish passage.

This RFA addresses state priorities for protection of Species of Greatest Conservation Need (SGCN) and for mitigation of damages to natural resources. The priority SGCN under this RFA are river herring and American eel. However, other SGCN species include those that may benefit from tributary restoration projects such as brook trout, wood turtle, northern red salamander, longtail salamander, alewife floater, eastern pearlshell and yellow lampmussel. The complete list can be viewed at: <http://www.dec.ny.gov/animals/9406.html>.

2. Definitions

- "Planning" is defined as any activity, such as design, engineering, permitting, feasibility study, stakeholder engagement, and/or assessments, which will result in improved likelihood that the barrier will be mitigated to allow passage for herring or eel. Planning does not need to go as far as making the project shovel-ready, but planning that results in a shovel-ready project is eligible to receive extra points in the scoring.
- "Construction/deconstruction" includes barrier removal, as well as any planning activity defined above which leads to and includes construction/deconstruction.
- An "artificial barrier" is a dam, or a road-stream crossing (culvert or bridge) ranked as Severe, Significant, or No AOP (No Aquatic Organism Passage) under the North Atlantic Aquatic Connectivity Collaborative (NAACC) (<https://streamcontinuity.org/>). A naturally occurring waterfall is not considered to be an artificial barrier.
- A "herring barrier" is any structure which is known to restrict the upstream movement of herring and must be the first barrier upstream of tidal waters.
- "Dam removal" means complete removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting

configuration has the same conveyance as the natural stream channel, and reconnects up and downstream stream habitat.

- “Fish ladder” means any structure which allows migrating fish passage over or around an obstacle on a river (NOAA).

3. Minimum Eligibility (Pass/Fail criteria)

Level 1 Review:

- The applicant must be eligible, as shown on page 3 of this RFA. A not-for-profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- Location: The project must be located within the defined geographic boundaries of this RFA (see maps in Appendix I). The applicant must provide a map and photos of the current location and condition of the site, uploaded to the Grants Gateway. GPS coordinates are strongly recommended.
- The uploaded project time line indicates completion on or before September 30, 2021.
- All project funding sources are eligible and at least 5% in eligible match is identified.
- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- Proof of property ownership or landowner permission must be provided as an upload to the application, as outlined in “Required Permissions” on page 14.
- Application completeness: The application is broken out into four sections in the Grants Gateway: Program Information, Expenditure Budget, Work Plan, and Pre-Submission Uploads. To be eligible, applicants must complete all of these sections and upload the required documentation. See the checklist on the last page of the RFA as a reference.

Level 2 Review:

- Projects must conserve and restore aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring. In reviewing applications for eligibility, DEC will rely primarily on information provided by the applicant, but will also use reviewer knowledge, to determine if the proposed habitat improvement will benefit these species.
- The project must be located on a perennial stream.
- The project must implement one of the specified eligible project types (next section below).
- With exception of projects for Fish Ladders, projects must be designed to pass, at a minimum, a 1% annual chance storm (100-year flood).

4. Project Types (Program Question 5)

Funding must be used to implement one of the following project types to meet the above Project Objectives. Applicants will identify the project type number for the Program Question. Based on eligibility review Level 2, the DEC may require re-assignment of the project type. For all project types, preference is given to projects that benefit herring and eel, and are in closest sequential proximity to tidal waters. For example, higher priority will be given to the first dam or barrier upstream from tidal waters than one involving the fourth dam or barrier. This same logic holds true for culverts, where mitigating one closer to the Hudson is more beneficial than mitigating one farther upstream.

HUDSON RIVER ESTUARY PROJECT TYPES

(Use Grants Gateway Opportunity ID No. DEC01-HRER23-2018 to apply)

Project Type 1, Dam Removal (construction/deconstruction): A shovel-ready project to remove a dam affecting eel or herring migration on tributaries, within tributary watersheds in the geographic areas of this RFA. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget.

Project Type 2, Dam Removal (planning and construction/deconstruction): A project that proposes both engineering/planning, and construction/deconstruction to remove a dam affecting eel or herring migration on tributaries, and within tributary watersheds within the geographic boundaries of this RFA. Applications that propose this type of phased project must provide a breakdown of costs that shows the allocation of the budget between engineering/planning and construction/deconstruction activities, with detailed budgets for each phase. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget.

Project Type 3, Multi-Barrier (planning and/or construction/deconstruction): A comprehensive project that proposes any combination of:

- removing one or more dams affecting eel or herring migration on tributaries, within tributary watersheds in the geographic areas of this RFA, and/or
- mitigation/right sizing of one or more culverts at a site that is a recorded location for eel habitat, and is a barrier to fish movement as assessed through [NAACC road-stream crossing protocols](#) (rated severe, significant, or No AOP) or would qualify as such.

To be eligible for this project type, the barriers included in the application must be within close proximity and must directly impact each other (otherwise, they must be submitted as separate applications under this RFA). Applications that propose this type of multi-component project must result in barrier removal and may include, as needed, a planning/engineering phase. A breakdown of costs that shows the allocation of the budget associated with each barrier must be provided. If the project involves both planning and construction/deconstruction, the application must provide a breakdown of costs that shows the allocation of the budget between engineering/planning and construction/deconstruction activities, with detailed budget for each phase. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget for capital projects.

Project Type 4, Dam Removal (planning): Engineering and planning for removal of a dam affecting eel or herring migration above the confluence of a stream with the tidal waters.

Project Type 5, Culvert Mitigation/Right-sizing (construction/deconstruction): Mitigation/right-sizing of a single culvert at a site that is a location for eel habitat, and is a barrier to fish movement as assessed through [NAACC road-stream crossing protocols](#) (rated severe, significant, or No AOP) or would qualify as such. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget for capital projects.

- For projects in the Hudson River Estuary watershed: Use the web map at <https://wri.cals.cornell.edu/hudson-river-estuary/watershed-management/aquatic-connectivity-and-barrier-removal-culvert-dams>, for detailed information on assessed crossings in the Hudson watershed, and contact DEC staff (josh.thiel@dec.ny.gov) for help on this requirement.

DIVISION OF MARINE RESOURCES PROJECT TYPES

(Use Grants Gateway Opportunity ID No. DEC01-DMRTRB-2018 to apply)

Project Type 1, Dam Removal (construction/deconstruction): A shovel-ready project to remove a dam affecting eel or herring migration on tributaries, within tributary watersheds in the geographic areas of this RFA. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget.

Project Type 2, Dam Removal (planning and construction/deconstruction): A project that proposes both engineering/planning, and construction/deconstruction to remove a dam affecting eel or herring migration on tributaries, and within tributary watersheds within the geographic boundaries of this RFA. Applications that propose this type of phased project must provide a breakdown of costs that shows the allocation of the budget between engineering/planning and construction/deconstruction activities, with detailed budgets for each phase. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget.

Project Type 3, Dam Removal (planning): Engineering and planning for removal of a dam affecting eel or herring migration above the confluence of a stream with the tidal waters.

Project type 4, Fish Ladders (construction): A shovel-ready project to construct a fish passage structure for herring migration at herring barriers on tributaries, within the geographic area of this RFA. One season of upstream post-monitoring for the target species must be included in the project time line and budget.

Project type 5, Fish Ladders (planning and construction): A project that proposes both engineering/planning, and construction of a fish passage structure for herring migration at herring barriers on tributaries, within the geographic area of this RFA. Applications that propose this type of phased project must provide a breakdown of costs that shows the allocation of the budget between engineering/planning and construction/deconstruction activities, with detailed budgets for each phase. One season of upstream post-monitoring for the target species must be included in the project time line and budget.

Project type 6, Fish Ladders (planning): Planning to construct a fish passage structure for herring migration at herring barriers on tributaries, within the geographic area of this RFA. Planning should result in permit ready, 90% design completion. One season of upstream post-monitoring for the target species must be included in the project time line and budget.

Project Type 7, Culvert Mitigation/Right-sizing (construction/deconstruction): Mitigation/right-sizing of a single culvert at a site that is a location for eel habitat, and is a barrier to fish movement as assessed through [NAACC road-stream crossing protocols](#) (rated severe, significant, or No AOP) or would qualify as such. One season of upstream post-construction monitoring for the target species must be included in the project time line and budget for capital projects.

- For projects in the Division of Marine Resources priority areas: No culverts have yet been assessed through NAACC in the Division of Marine Resources priority areas. However, projects which meet the same NAACC criteria (rated severe, significant, or No AOP) will qualify for Division of Marine Resources priority area funds.

5. Priority Projects (Program Questions 2, 3, 7, 8)

In order to provide the most benefit to target species, priority will be assigned as shown below, which is reflected in the scoring and detailed further starting on page 19 of this RFA.

- **Priority by Project Type**

Projects will first be prioritized by project type:

DEC01-HRER23-2018 Hudson River Estuary Program	DEC01-DMRTRB-2018 Division of Marine Resources
Project Type 1 (highest priority)	Project Type 1 (highest priority)
Project Type 2 (second priority)	Project Type 2 (second priority)
Project Type 3 (third priority)	Project Type 3 (third priority)
Project Type 4 (fourth priority)	Project Type 4 (fourth priority)
Project Type 5 (fifth priority)	Project Type 5 (fifth priority)
	Project Type 6 (sixth priority)
	Project Type 7 (seventh priority)

All qualifying projects in Project Type 1 will be funded before Project Type 2. Qualifying projects in Project Type 2 will be funded before Project Type 3, and so on. If there are no qualifying projects in Type 1, projects in Type 2 will become the highest priority, and so on. See the Application Evaluation, Scoring and Selection starting on page 19 of this RFA for further information.

- **Priority for increase in habitat value (Tier Assignment)**

Projects will then be prioritized based on habitat value, including impact and species benefit. Projects that improve habitat for herring will be eligible for higher points in the scoring. Barrier location from tidal waters is also a substantial factor in the scoring (the first barrier is awarded higher points, followed by the second barrier, and so forth).

Greater points will be awarded to projects that will significantly improve the quality of habitat for the target species (when evaluating the overall scale and design of the project, such as the acres of reconnected habitat, location of the barrier and type of removal). The number of feet/miles of stream reconnected and restored will also be a consideration in the scoring.

6. Project Timeline (Program Questions 10, 11, 12)

Applicants must provide a timeline for meeting project objectives and identified tasks between October 1, 2018 and September 30, 2021.

Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.

Projects that include Construction/Deconstruction:

- Applicants that do not submit design plans at the time of application must include a task in the timeline for consultation with the DEC Estuary Program and/or Marine Resources staff to review project design and project completion during the design phase.
- Applications for barrier removal should include a task for site restoration that includes riparian tree and shrub plantings where appropriate.
- Applicants should include a task in the timeline for DEC on-site inspection at completion of the approved project work plan.
- **Monitoring:** All projects involving construction or deconstruction require one season of upstream post-construction monitoring for the target species. Failure to include monitoring in the work plan

will result in a disqualifying score.

Planning Projects:

- Project timelines should include consultation with DEC Estuary Program and/or Marine Resources staff for project management purposes as step one in the time line.

7. Applicant Partners (Program Question 14)

The Applicant Partner is a collaborator who has a significant role in the conduct of the project, and is fundamentally a co-applicant for the grant. Projects involving an Applicant Partner (i.e. multi-partner and inter-municipal projects, pp. 3-4) require letters substantiating the commitment to collaborate that include the designation of a “Lead” applicant from each partner. A single PDF file of all letters should be uploaded to meet this requirement, if applicable for your project.

8. Required Permissions (Program Questions 15, 16)

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site. Proof of ownership or permission for work to be conducted on the property is required for ALL projects. **To avoid disqualification, applicants must provide proof of property ownership and/or landowner permissions at the time of application.** An applicant must upload in the Grants Gateway proof of ownership and/or landowner permissions (in a single PDF file) as follows:

- If the property is owned by the applicant, and the applicant IS NOT a municipality – Proof of ownership, such as a copy of the current deed or a current tax parcel map.
- If the property is owned by the applicant, and the applicant IS a municipality – A resolution by the municipality supporting the project.
- If the property is not owned by the applicant and the property owner is not a municipality – 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.
- If the property is not owned by the applicant and the property owner is a municipality -
 - i. A resolution by the municipality supporting the project.
 - ii. A signed Municipal Endorsement. A municipal endorsement provides authorization for the not-for-profit to conduct the proposed project on municipal property. A sample municipal endorsement can be downloaded and viewed in the Pre-submission Upload section in the Grants Gateway.
 - iii. A letter on municipal letterhead from the municipal chief operating officer providing authorization for the applicant to conduct the proposed project on municipal property.

9. Stakeholder Engagement & Implementation Commitment (Program Questions 17, 18)

Applicants are encouraged to secure the support of upstream, and perhaps downstream, landowners, as well as sporting/hunting associations, municipal leaders, highway departments, elected officials, watershed councils and other stakeholders whose support may be key to project success. Brief letters indicating such support from stakeholders will improve the scoring of an application (higher points are available for applicants submitting such letters). Support letters from the government body offering the grant, or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded. If letters are submitted, the letters must be submitted at the time of application.

For projects that include planning, the applicant must demonstrate how the proposed plan/project will ultimately be implemented after completion. Identify and describe how implementation will be attained. Outreach or training to help people utilize and engage with the proposed plans or designs may be included, and is encouraged where applicable. This could include identification and demonstration of social and economic benefits, including enhanced recreational opportunities, increased public visitation,

increased property value, etc. Letters from stakeholders may be submitted to substantiate implementation commitment. Support letters from the government body offering the grant, or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded. If letters are submitted, the letters must be submitted at the time of application.

Applicants will be asked in the Grants Gateway to upload, in a single PDF file, a copy of all letters of key stakeholder support and implementation commitment.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked "Low" (tied to Bonus Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 19 of this RFA.

10. Stewardship Development (Program Questions 19, 20)

Projects that take the extra step of engaging and teaching citizens and stakeholders to become knowledgeable and effective stewards of the tributary ecosystem will be eligible for stewardship points.

11. Knowledge, Skills and Experience (Program Question 21)

Applicants must possess the knowledge, skills, and/or track record to successfully implement the project, including any experience with and understanding of aquatic organism passage. Priority is given to applicants with excellent qualifications or a track record with this type of project.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked "Low" (tied to Bonus Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 19 of this RFA.

12. Project Cost Effectiveness (Program Question 22)

The cost-effectiveness of the proposed project will be evaluated as provided in the Application Review and Scoring Standards in Appendix III. The answer to this question, as well as the information provided in the Expenditure Budget will be used to determine scoring for cost effectiveness. Applicants that provide more match above the minimum 5% may be eligible for additional points for cost effectiveness (see Appendix III). Applicants are encouraged to provide quotes from vendors/contractors for the work to be completed to help justify cost effectiveness. If land easements are proposed as match (see page 23), appraisal documentation must be uploaded for this Program Question 22.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked "Low" (tied to Bonus Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 19 of this RFA.

13. Project Readiness (Program Questions 23-27)

Points are available for projects that demonstrate project readiness in the following categories:

- **Permits (Program Questions 23, 24, 25)**

Permits are not required to be in place at the time of application. However, points for project readiness are available for projects that do not require permits or have all permits and determinations in place at the time of application.

Information on NYS stream permits that may be involved in a project of this type can be found at www.dec.ny.gov/permits/6042.html. The applicant is responsible for assuring that any permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained. This includes the possibility of needing to

revise Federal Emergency Management Agency (FEMA) flood elevations from the project. To receive points, applicants must show that no permits are required or upload the approved permit cover letters (in a single PDF file) into the Grants Gateway.

- **Project Design – Mandatory DEC approval (Program Questions 26, 27)**

The Hudson River Estuary Program and/or Marine Resources staff must approve all project designs before the applicant proceeds to construction to ensure that habitat and resiliency goals are met by the proposed project design. Applicants that do not submit plans at the time of application must consult with the DEC Estuary Program and/or Marine Resources staff during the design phase and include it as a task on the project timeline.

Projects with Construction Components

HREP Project Types 1, 3, and 5; and Marine Resources Project Types 1, 4, and 7

Projects with design plans at the time of application will receive points.

- For a dam removal project, plans must demonstrate removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting configuration has the same conveyance as the natural stream channel, and reconnects upstream and downstream habitat in the stream.
- For culvert/bridge replacement: Plans must include the results of a peak discharge analysis indicating the volume of flow and related recurrence interval the replacement culvert or bridge is designed to pass.
- For fish passage: Plans must include a feasibility study (which include, but are not limited to: target species monitoring; topography survey; hydrology assessment; hydraulics and design, etc.) with preferred alternative designed to 90% completion and including a cost estimate for construction.

To receive these points, applicants must upload project plans (in letter size format) and the results of the peak discharge analysis into the Grants Gateway.

Design Projects

HREP Project Types 2 and 4; and Marine Resources Projects 2, 3, 5, and 6

Planning projects will be eligible for Project Design points if the proposed project will result in a shovel-ready project.

14. Bonus Points for Minimum Standards for Key Stakeholder Support & Implementation Commitment, Qualifications, and Cost Effectiveness (Program Questions 17, 21, 22)

Applicants receiving points for all of these program questions (do not score zero points on any of these questions) will receive 97 bonus points. *Failure to earn these bonus points will result in the application being ranked “Low” (see Application Evaluation, Scoring and Selection starting on page 19 of this RFA).*

15. Statewide Priority (Program Questions 28-30)

- **Alignment with Regional Economic Development (REDC) Strategies**

Governor Andrew Cuomo directed the establishment of Regional Economic Development Councils (REDCs) to analyze the most significant business clusters in their respective areas. Any grants awarded by the State of New York shall take into consideration the recommendation of the relevant REDC or the Commissioner’s determination that the proposed project aligns within the regional strategic priorities of the region where the proposed project is located.

For Program Question 28, provide a brief narrative describing the economic benefits of the proposed project and how the project aligns with the strategies of the REDC plan for the project’s region (cite specific sections of the respective REDC plan, as applicable). The narrative must be included with the Application to receive points in the application review. If not applicable to your project, you must answer

“N/A” for Program Question 28.

Each region has a unique plan. Visit <http://regionalcouncils.ny.gov/> for information on your region's Economic Development Council.

- **Priority for Environmental Justice (EJ) Projects**

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 is located in an EJ community or will directly benefit an EJ community, or a project that gives appropriate consideration to under-served urban neighborhoods (all potential neighborhoods whose demographic, geographic, or economic characteristics impede or prevent their access to adequate canopy cover and other benefits of trees) will receive points in the evaluation of an application. Maps of EJ areas in New York State are available at:

<http://www.dec.ny.gov/pubs/103459.html>.

To qualify for EJ points, your application must include the following details:

- a.) To demonstrate location in an EJ area - The exact street location(s) where the project is to be implemented (no P.O. Box) or where the benefit will be provided; or
- b.) To demonstrate location in an underserved neighborhood - A brief description of how the project will benefit underserved populations that experience disproportionate adverse environmental impacts such as pollution from multiple industrial facilities, sub-standard water quality, concentrated diesel emissions from bus depots, or other heavy vehicle traffic, adverse health effects related to environmental impacts (high asthma), lack of access to green benefits such as open space, environmental education or parks, or other such impacts.

- **Community Support**

Applicants are encouraged to engage public officials in their application process to generate awareness of the project and its objectives. Applications which demonstrate support from a variety of local, county, or state appointed or elected officials above and beyond those essential to the project (Program Question 17), as evidenced by letters of support uploaded with the application, will receive points.

16. Expenditure Based Budget

Applicants must complete an itemized budget in the NYS Grants Gateway that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative). Eligible and ineligible costs are identified in this RFA. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

17. Work Plan

Applicants must complete a work plan in the NYS Grants Gateway that provides a clear overview of the

project. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures should include desired project outcomes or deliverables). The work plan should include anticipated time frames in meeting project objectives, tasks and deliverables. Time frames must be consistent with the timeline applicants are required to upload in the Grant Gateway for Program Question 10.

Note: A Work Plan 'worksheet' is available for applicants in the Grants Gateway (under Pre-submission Uploads). The 'worksheet' can be downloaded and used as a tool to help applicants organize their proposed project objectives, tasks and performance measures. A completed 'worksheet' should NOT be uploaded back into the Grants Gateway. The intent of the 'worksheet' is to assist applicants in developing their application work plan in the Grants Gateway.

18. Pre-Submission Upload: Smart Growth Infrastructure Policy Act

New York State's Smart Growth Public Infrastructure Policy Act (ACT), Environmental Conservation Law Article 6, requires the DEC and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the Act, or that compliance is considered to be impracticable, before making any commitment to fund such project(s).

In the Grants Gateway pre-submission upload section of the application, ALL applicants must download, complete and save the Smart Growth Assessment form, prior to uploading the completed form back into the Grants Gateway. Important note: Be sure to check the form after uploading to ensure the correct file is uploaded, and is completed as required.

19. Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

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.

20. 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 http://appext20.dos.ny.gov/coastal_map_public/map.aspx.

Application Evaluation, Scoring and Selection

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. **Applicants are strongly encouraged to read and address the Application Review and Scoring Standards in Appendix III in the process of developing an application.** Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. Scoring consists of:

Step 1: Application and Project Eligibility Determination

Pass/Fail criteria – please refer to the Application Evaluation and Scoring Standards in Appendix III.

Step 2: Project Evaluation, Scoring and Selection

If your application meets all eligibility pass/fail criteria it will be further evaluated and scored by a review team in accordance with the Evaluation and Scoring Standards contained in this RFA. These include:

- Evaluation of the project type, methods, budget and applicant qualifications;
- Assessment of the project impact, and priority project eligibility.

All eligible applications will be individually evaluated and scored by at least 3 technical review team members. Technical reviewer scores will be averaged and statewide priority points will be added to the average score to determine a final composite score.

1. Projects will first be selected based on Project Type (see pages 11 & 12 for descriptions of the Project Types for each program).
 - DEC01-HRER23-2018, Hudson River Estuary Program: Qualifying Type 1 projects will be eligible for funding first, followed by qualifying Type 2 projects, qualifying Type 3 projects, qualifying Type 4 projects, and lastly, qualifying Type 5 projects.
 - DEC01-DMRTRB-2018, Division of Marine Resources: Qualifying Type 1 projects will be eligible for funding first, followed by qualifying Type 2 projects, qualifying Type 3 projects, qualifying Type 4 projects, qualifying Type 5 projects, qualifying Type 6 projects, and lastly, qualifying Type 7 projects.
2. Projects will next be prioritized in accordance with tier assignment. Based on the average score of the Primary Project Objective Evaluation Criteria #1 on Page 32 of this RFA (corresponds with Program Questions 5, 7, and 8 in the Grants Gateway) applications will be assigned to one of six tiers.
 - Projects that mitigate or plan to mitigate the first artificial barrier and conserve or restore aquatic habitat connectivity for both river herring AND American eel will be assigned to Tier 1.
 - Projects that mitigate or plan to mitigate the first artificial barrier and conserve or restore aquatic habitat connectivity for eel (but NOT herring) will be assigned to Tier 2.
 - Projects that mitigate or plan to mitigate the second artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 3.
 - Projects that mitigate or plan to mitigate the third artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 4.
 - Projects that mitigate or plan to mitigate a barrier beyond the third artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 5.
 - Projects that do not score any points for this criteria will not be deemed eligible for funding (Tier 6).

Tiers are determined as follows:

Primary Project Objective Score Thresholds by Tier		
Tier Number	Lowest Average Score	Highest Average Score
Tier 1	17.0	20.0
Tier 2	14.0	16.9
Tier 3	9.0	13.9
Tier 4	4.0	8.9
Tier 5	1	3.9
Tier 6	0	0.9

- Applications will then be ranked within each tier as high, medium, or low based on the final composite score.

Ranks within Tiers are determined as follows:

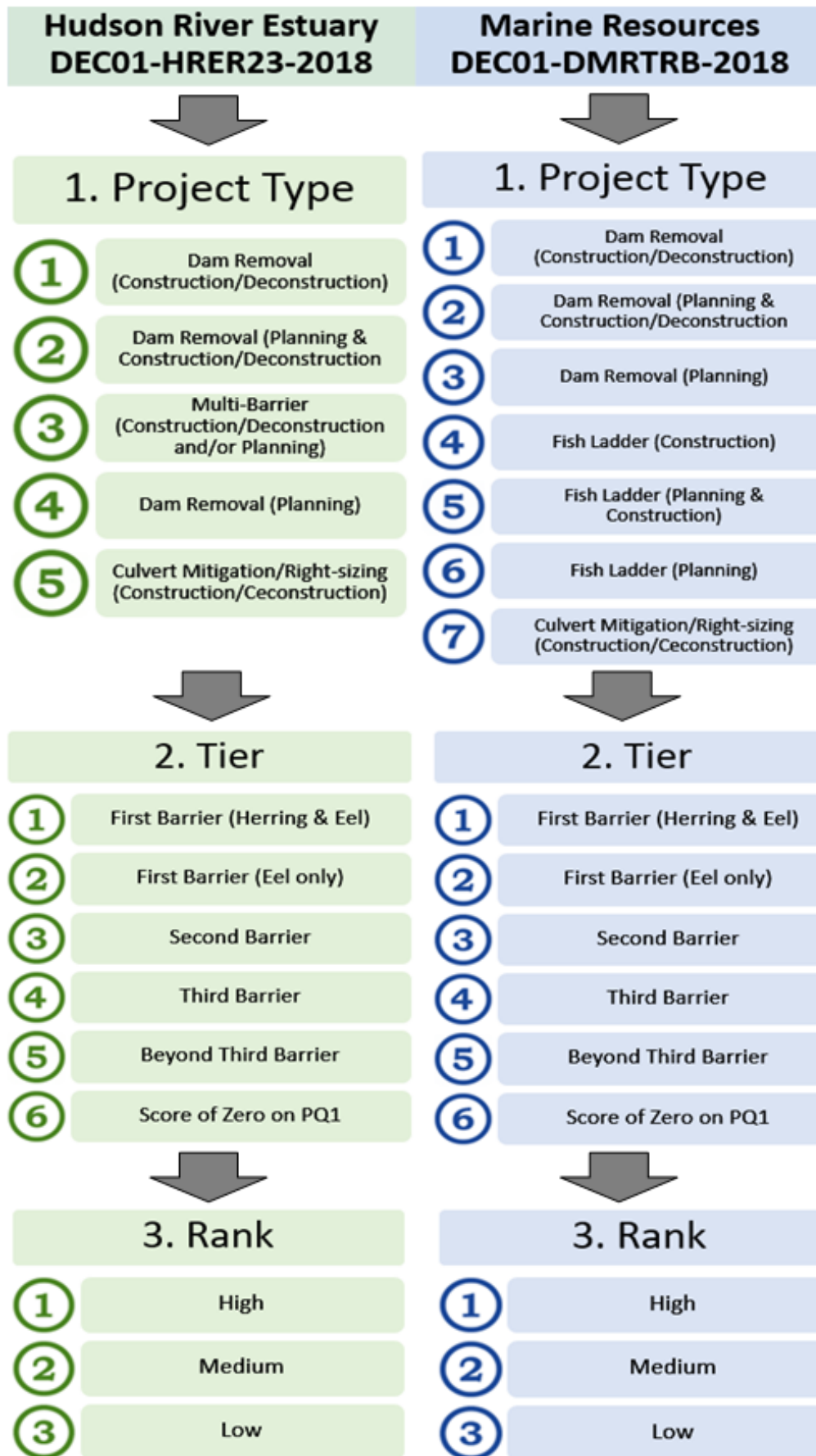
Tier Number	Rank		
	High	Medium	Low
Tier 1	275.0-220.0	219.9-171.0	≤170.9
Tier 2	270.0-215.0	214.9-166.0	≤165.9
Tier 3	265.0-210.0	209.9-161.0	≤160.9
Tier 4	260.0-205.0	204.9-156.0	≤155.9
Tier 5	256.0-200.0	199.9-152.0	≤151.9
Tier 6	N/A	N/A	N/A

- Tier placement and rank will be used to determine which projects receive funding within each Project Type. For each Project Type, applications in Tier 1 ranking high will be the first projects selected for funding, followed by Tier 1 projects with a medium rank. Applications in Tiers 2-5 will be selected for funding starting with high ranked applications in each tier, followed by medium ranked applications. Tier 6 applications and all applications ranking low (regardless of tier) will not be funded. Based on the scoring and evaluation process, these projects are deemed to be sufficiently flawed and should not be implemented with state funds.

See the graphic on the following page for a visual representation of the scoring process.

Tie breaker – If there is a numerical tie in an applications final score, the application that scores the highest in “Project Readiness Factors” in the evaluation criteria will determine placement on the ranked list. If a tie remains, the application that scores the highest in “Project Objective and Type” in the evaluation criteria number will determine placement on the ranked list.

Remaining Funds – Funds are available for each program as shown on page 4 of this RFA. However, in the event funding remains for either program after all qualified awards are made in accordance with the scoring criteria outlined in this section, the DEC may at its discretion, fund additional qualifying projects with the other program’s remaining allocation (with exception of the \$525,000 in funds earmarked for the Hudson River Estuary that are not transferable).



Grant Program Payment

Advance payments of up to 25% of the awarded grant amount may be available to not-for-profit grantees once a Master Contract for Grants (MCG) has been fully approved by all applicable State agencies. Only not-for-profits are eligible to receive advance payments under State Finance Law.

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

Eligible and Ineligible Expenditures

Eligible Project Expenditures

- Personal Services: Staff salaries including fringe benefits, directly devoted to the project. Itemize salaries according to job title and roles/responsibilities on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- Contractual Services: The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural 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 facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.) Equipment and other non-property rentals directly required to implement the project.
- Supplies and materials: Directly needed to implement the project.

Ineligible Project Expenditures

- Indirect costs: Overhead or operating expenses (space, rent, utilities, etc.).
- Travel costs
- Equipment Purchase
- Administrative salaries: Administrative salaries are NOT eligible for grant reimbursement, but may be used as match funds. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.
 - Preparation of Final Report upon project completion.

- State and/or federal funding: project costs funded from other state and/or federal funding sources are not eligible for grant reimbursement.

Match Requirement and Expenditures

Applicants must provide **5% in match funds based on the amount of grant funds.**

Formula: Requested Budget x 5% = Required Match

Eligible Forms of Match

- Cash: Includes other grants from non-state or non-federal funding sources.
- Personal Services: Staff salaries devoted to the project, including fringe benefits expenses. Itemize salaries according to job title or job assignment on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- Contractual Services: The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural 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 facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.). Equipment and other non-property rentals directly required to implement the project.
- Supplies and materials: The current market value of items warehoused (not yet installed); use value current at time items were obtained.
- Volunteer Labor: Skilled and professional labor can be computed at the job rate. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).
- Equipment Purchase: Compute the value according to its fair market rental value in the project location.
- Administrative Salaries: Administrative salaries must be documented and identified by task, and must fall within the grant contract term to be eligible as match. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.

- Preparation of Final Report upon project completion.

Applicants must clearly identify administrative salaries to be used towards match in the personal services detail section of the expenditure budget

- Value of land easements: For an easement to be considered eligible match, credible documentation proving appraised value of the easement must be uploaded to the Grants Gateway under Program Question 22 (Cost Effectiveness and Funding).

Ineligible Forms of Match

- Indirect costs: Overhead or operating expenses (space, rent, utilities, etc.).
- Travel costs
- Other State or Federal funding: Project costs paid from other state and/or federal funding sources.

Grant Program Reporting

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective 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, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

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.

Final Report must be submitted and approved by the DEC 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 use of 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 DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan (including the installation of interpretive signage, if applicable, at the project site).

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this RFA.

What to Expect If You Receive an Award

1. Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official DEC award letter. The NYS Grants Gateway will also provide you with an award status.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all MCG terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

2. State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG **within 60 - 90 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 can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties'. The MCG and attachments include:

- MCG 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 (*optional*)
- 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.

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

a. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MCG or Letter of Agreement, 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.

b. 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.

c. State Environmental Quality Review 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.

d. Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. 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>

e. 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.

f. 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.
- The following M/WBE-EEO "Fair Share" goals are established as follows:

Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:

Construction/Engineering – 20%

Commodities – 20%

Services/Technologies – 20%

Equal Employment Opportunity (EEO) Participation Goals

EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 10%

EEO Female Workforce Participation Goals (DEC Regions 1-9) 10%

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

4. Procurement of Contractors/Subcontractors

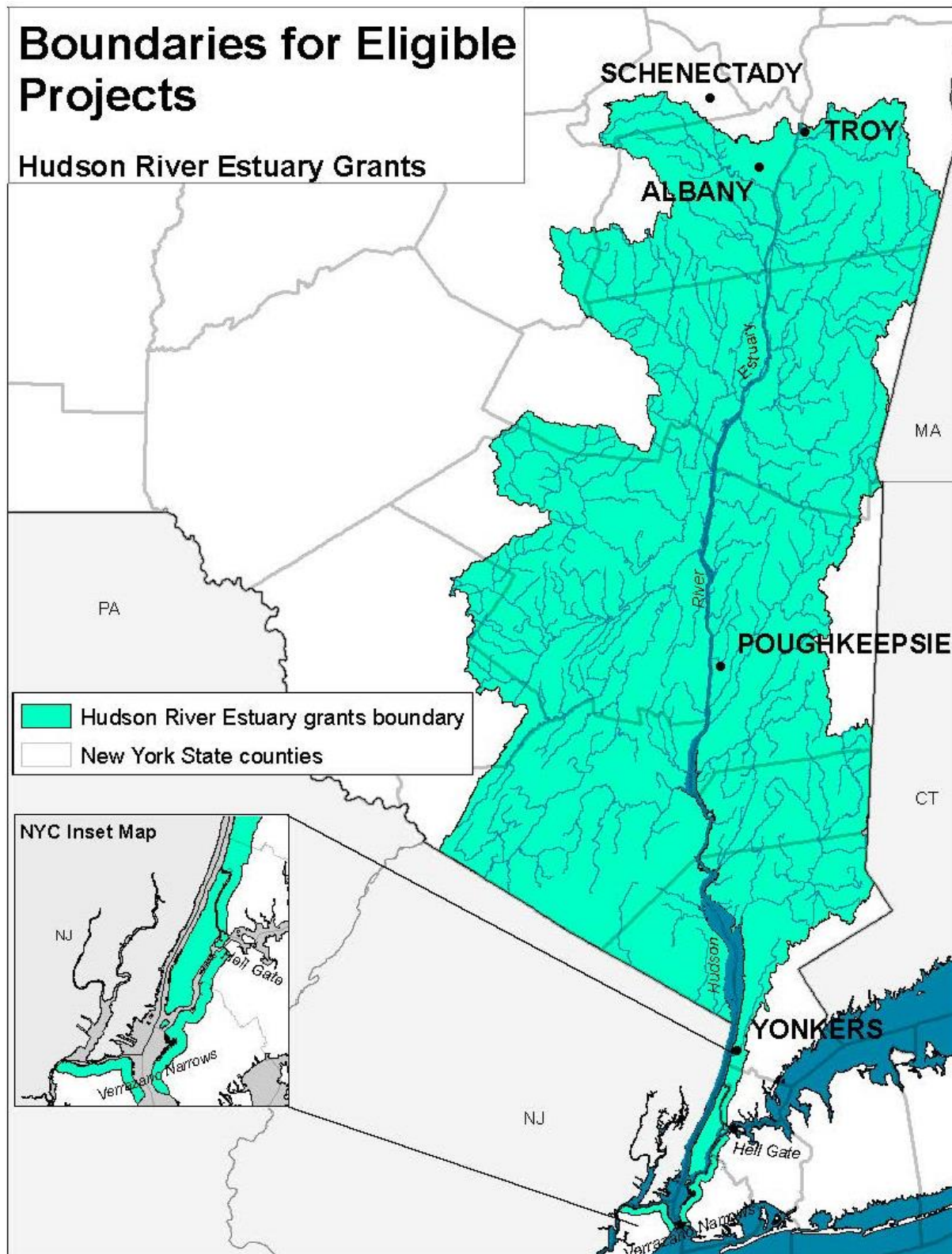
Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could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

5. 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>.

Appendix I: Maps of Eligible Project Locations

1. HUDSON RIVER ESTUARY (APP. NO.: DEC01-HRER23-2018)



2. DIVISION OF MARINE RESOURCES PRIORITY AREAS (APP. NO.: DEC01-DMRTRB-2018)



Appendix II: Budget and Work Plan Guidance

BUDGET

General:

Eligible expenditures for grant and match are noted on pages 22-23 of this RFA.

Projects proposing both planning and construction/deconstruction, and/or multiple barriers (HREP Project Types 2 and 3, and Marine Resources Project Types 2 and 5) must provide a budget that shows costs by phase (i.e., planning phase and construction/deconstruction), and/or by barrier (barrier 1, barrier, 2, etc.).

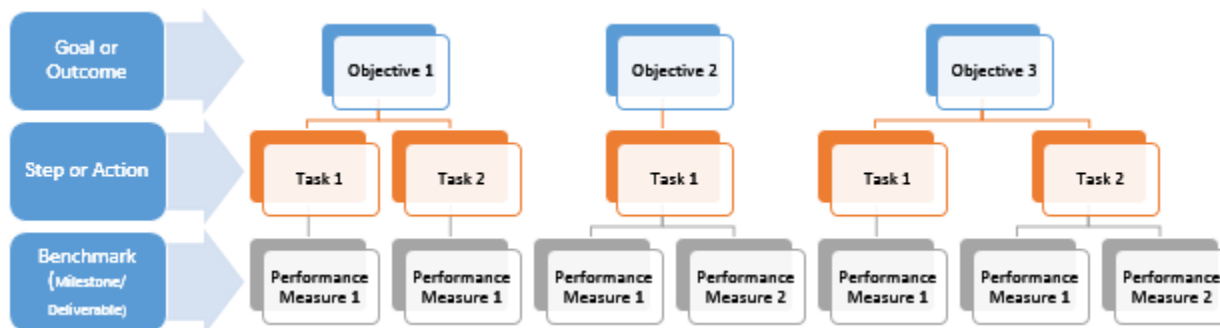
The following item must be included in the budget:

- Construction/Deconstruction projects: One season of upstream post-construction monitoring is required for the target species. The budget should include costs for monitoring the target species.

WORK PLAN

General:

The Work Plan is an outline of the project plan and consists of Objectives, Tasks, and Performance Measures. Objectives are essentially the goals or outcomes of the project. Tasks are the detailed steps or actions required to meet the Objective. Performance Measures are the benchmarks used to determine if the corresponding task is achieved (often a milestone or deliverable that will identify task completion). The majority of the detail should be included at the task level.



The Work Plan must be input using the Work Plan functionality in the Grants Gateway. Editing the Work Plan, such as re-ordering objectives and tasks, is limited in the Grants Gateway. You are encouraged to develop the Work Plan outside of the Grants Gateway to mitigate the need to make more substantial edits.

A Word Document template, 'Work Plan Worksheet', is available for download under the 'Pre-Submission Uploads' area of the application in the Grants Gateway. The Worksheet can be used to help organize proposed project objectives, tasks and performance measures. A completed Work Plan Worksheet should NOT be uploaded back into the Grants Gateway. The intention of the document is to be a tool for application development only.

The Work Plan Summary should be a brief Statement of Work that provides an overview of the

project. Although the Grants Gateway allows a large number of characters for a response, please keep the summary succinct and brief. The bulk of the information about the project should be input in the Work Plan Detail as Objectives, Tasks, and Performance Measures.

Projects proposing both planning and construction/deconstruction, and/or multiple barriers (HREP Project Types 2 and 3, and Marine Resources Project Types 2 and 5) must delineate objectives, tasks and performance measures for each phase (i.e., planning phase and construction/deconstruction), and/or barrier (barrier 1, barrier 2, etc.).

The following items must be included in the Work Plan:

Construction/Deconstruction Projects:

- Applicants that do not submit design plans at the time of application must include consultation with the DEC Estuary Program and/or Marine Resources staff to review project design and project completion during the design phase of the Work Plan.
- Applications for barrier removal should include a task in the Work Plan for site restoration that includes riparian tree and shrub plantings where appropriate.
- Applicants should include a task in the Work Plan for DEC on-site inspection at completion of construction/deconstruction.
- One season of upstream post-construction monitoring is required for the target species. The Work Plan must include monitoring of the target species.

Planning Projects:

- The Work Plan must include a task for consultation with DEC Estuary Program and/or Marine Resources staff for project management purposes at the start of the project.

Appendix III: Application Evaluation and Scoring Criteria

PROJECT PASS/FAIL CRITERIA: a “Fail” to any statement will disqualify the application

Level 1

- The applicant is eligible as provided on page 3 of this RFA. A not-for-profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- Location: The project must be located within the defined geographic boundaries of this RFA (see maps in Appendix I). The applicant must provide a map and photos of the current location and condition of the site, uploaded to the Grants Gateway. GPS coordinates are strongly recommended.
- The uploaded project time line indicates completion on or before September 30, 2021.
- All project funding sources are eligible, and at least 5% in eligible matching funds is identified.
- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- Proof of property ownership or landowner permission must be provided as an upload to the application, as outlined in “Required Permissions” on page 14.
- Application is complete and all required paperwork is submitted.

Level 2

- Projects must conserve and restore aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring. In reviewing applications for eligibility, DEC will rely primarily on information provided by the applicant, but will also use reviewer knowledge, to determine if the proposed habitat improvement will benefit these species.
- The project must be located on a perennial stream.
- The project must implement one of the specified eligible project types.
- With exception of projects for Fish Ladders, projects must be designed to pass, at a minimum, a 1% annual chance storm (100-year flood).

PROJECT OBJECTIVES AND TYPEmaximum 72 points

Primary Project Objective (habitat impact, species benefit, and methodology) (maximum 20 points):

1. How well does the project, its location, its method and its deliverables impact the primary objective of this RFA, to conserve and restore habitat for river herring and/or American eel in the watershed?
 - Project will effectively mitigate the first artificial barrier, improving habitat connectivity for both herring and eel.....20 Points
 - Project will effectively mitigate the first artificial barrier, improving habitat connectivity for eel, or herring.....15 Points
 - Project will effectively mitigate the second artificial barrier, improving habitat connectivity for herring and/or eel.....10 Points
 - Project will effectively mitigate the third artificial barrier, improving habitat connectivity for herring and/or eel.....5 Points
 - Project will effectively mitigate an artificial barrier that is beyond the third artificial barrier, improving habitat connectivity for herring and/or eel.....1 Point
 - Application meets one or more of the following:
 - (i) one or more aspects of the methodology is flawed in some way that affects meeting the primary RFA objective;

- ii) the proposed project method, statement of need, and/or deliverables are insufficiently described to determine objective or impact; and/or
- (iii) habitat impact for the target species is marginal or insignificant
- 0 points

Primary Project Objective (habitat impact and species benefit) (maximum 25 points):

2. How much stream habitat is extended upstream by implementing the project, thereby increasing passability for herring or eel?
- Stream habitat is increased by 5 miles or more.....25 Points
 - Stream habitat is increased by 1 mile or more, but less than 5 miles.....15 Points
 - Stream habitat is increased by more than 500 feet, but less than 1 mile.....6 Points
 - Stream habitat is increased by 500 feet or less.....3 Points

Primary Project Objective (habitat impact and species benefit (maximum 27 points):

3. How well does the overall project scale or design (e.g. location of barrier, width of the stream, type of removal) improve the quality of habitat for the target species?
- Significant improvement.....27 Points
 - Average improvement.....10 Points
 - Marginal or insignificant improvement.....0 Points

PROJECT SUCCESS FACTORS.....maximum 133 points

Stakeholder Engagement and Implementation Commitment (maximum 10 points):

4. How well does the project engage key stakeholders whose support is needed for the project to succeed? Does application demonstrate support from other organizations or landowners? Have concerns from potential upstream and downstream project opponents been addressed through outreach and engagement? Do planning projects demonstrate support and commitment to implement?
- Key stakeholder engagement indicates project success is very likely (examples include support of upstream and downstream landowners, municipal leaders, highway departments, sporting/hunting associations, engagement of stakeholders and organizations). Letters of support are provided. Planning projects demonstrate a clear path to implementation.....10 points
 - Letters are not provided, but acceptable engagement strategies are demonstrated and key stakeholders are identified, indicating project success is likely. Plans to implement a planning project are broadly defined, but are likely to be implemented.....5 points
 - Known, crucial key stakeholders are not engaged, or stakeholder engagement appears insufficient to assure project success. Planning project does not identify a commitment to implement the project.....0 points

Education to promote knowledgeable stewardship (maximum 4 points):

5. Does the project include elements to promote knowledgeable stewardship with the public?
- Project includes elements that engage and teach citizens and stakeholders about the project and benefits to the tributary ecosystem (e.g. signage, educational event, educating volunteers, etc.).....4 points
 - No education component.....0 points

Knowledge, Skills and/or Experience (maximum 8 points):

6. Does the applicant demonstrate the knowledge, skills, and/or track record to successfully undertake

a project of this nature? Does the applicant demonstrate experience with and understanding of aquatic organism passage?

- Exceptionally well qualified and/or superior track record for this type of project.....8 points
- Qualified and/or satisfactory track record.....4 points
- Not well qualified and/or has a poor track record.....0 points

Project readiness – permits secured (maximum 7 points):

7. Which of the following applies?

- All required permits are secured, or the project does not need permits.....7 points
- None of the above.....0 points

Project readiness – Project designs completed and shovel-ready projects (maximum 7 points):

8. Which of the following applies?

- Project design plans are provided:
 - If a dam removal is proposed, plans must demonstrate removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting configuration has the same conveyance as the natural stream channel, and reconnects up and downstream stream habitat.
 - Culvert/bridge replacement plans include the results of a peak discharge analysis indicating the volume of flow and related recurrence interval the culvert is designed to pass.
 - Fish passage plans include a feasibility study (which include, but are not limited to: target species monitoring; topography survey; hydrology assessment; hydraulics and design, etc.) with preferred alternative designed to 90% completion and including a cost estimate for construction.
-7 points
- Application is for a HREP Project Type 2 or 4, or a Marine Resources Project Type 2, 3, 5, or 6 which will result in designs for a shovel-ready project.....5 points
- None of the above.....0 points

PROJECT COST EFFECTIVENESS.....maximum 55 points

9. How well does the budget demonstrate value for cost? Cost effectiveness will be evaluated from the standpoint of both cost match, balance, and value. Applicants may compare the project costs to other similar work and explain the balance of expenses across budget categories. If applicable, provide justification for costs that exceed what is customary for the work to be completed. To sufficiently respond to this question, applicants are encouraged to upload documentation to support specific budget items, such as standard government wage rates, current market prices for equipment, and cost-estimates from potential contractors / vendors.

- Exceptional value for the cost: Projects that meet both of the following two criteria will score 55 points:
 - Project provides 10% match or more, and
 - Budget is well-balanced, and does not contain any extraneous expenses. Cost to benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget.
- Cost-effectiveness is reasonable: Budget is well-balanced, and does not contain any extraneous expenses. Cost to benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget. (42 points)
- Project is not cost effective: Budget is unreasonable, not cost-effective, is confusing, extraneous, excessive or not well aligned with the project purpose. (0 points)

Bonus points for meeting minimum standards for qualifications, key stakeholder support & implementation, and cost effectiveness (maximum 97 points):

10. Does applicant receive points in qualifications, key stakeholder support & implementation, and cost effectiveness?

- Yes.....97 points
- No.....0 points

STATEWIDE PRIORITY POINTS.....maximum 15 points

Regional Economic Development Plan:

11. Has the applicant demonstrated the project implements part of a Regional Economic Development Council (REDC) Plan?

- If yes, add.....5 points

Environmental Justice:

12. Will the proposed project benefit a designated Environmental Justice Community and has the necessary EJ application information been provided?

- If yes, add5 points

Community Support:

13. Above and beyond essential project support (Program Question 30), does the application demonstrate support from a variety of local, county, or state appointed or elected officials?

- If yes, add.....5 points

TOTAL ELIGIBLE POINTS.....275 points

Appendix IV: Application Checklist

- ☐ The **correct grant opportunity is selected** in the Grants Gateway (**DEC01-HRER23-2018** for Hudson River Estuary Program applications, or **DEC01-DMRTRB-2018** for Division of Marine Resources applications).
- **PASS/FAIL CRITERIA**
(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)
 1. ☐ Applicant is registered in the Grants Gateway as an eligible applicant for this program.
 2. ☐ **NOT-FOR-PROFIT ORGANIZATIONS:** Applicant is prequalified in the Grants Gateway by the application due date.
 3. ☐ Project is located within the defined geographical boundaries of this RFA, and a map, and photos of the current location and condition of the site are uploaded.
 4. ☐ Project implements one of the specified eligible project types under the applicable program.
 5. ☐ Project timeline indicates completion by September 30, 2021.
 6. ☐ All project funding sources are eligible and at least 5% in eligible match has been identified.
 7. ☐ If applicable, letters of collaboration are provided for all applicant partners.
 8. ☐ Property permissions are provided.
 9. ☐ Project conserves and restores aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring.
 10. ☐ Project is located on a perennial stream.
 11. ☐ With exception of projects for Fish Ladders, project is designed to pass a minimum 1% annual chance storm (100-year flood) or better.
 12. ☐ Application is complete in the Grants Gateway (make sure to "Check Global Errors").
- **GRANTS GATEWAY FORMS (Program Information, Expenditure-Based budget, and Work Plan)**
(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)
 1. ☐ Program Information: Project site information is provided, and ALL program-specific questions are answered and applicable/required documents are uploaded for each question. (Mandatory)
Mandatory uploads:
 - a. ☐ Program Question 1: Location map showing stream(s) and location(s) to be addressed.
 - b. ☐ Program Question 4: Pictures of the site that establish the current conditions.
 - c. ☐ Program Question 10: A project timeline, showing project start date of October 1, 2018 with a completion date of September 30, 2021.**Optional uploads, as applicable:**
 - a. ☐ Program Question 17: Letters of support as evidence of stakeholder engagement.
 - b. ☐ Program Question 22: Documentation (i.e. vendor quotes) for cost-effectiveness.
 - c. ☐ Program Questions 24, 27 (Project Readiness): Documentation confirming readiness in terms of permits and design plans.
 - d. ☐ Program Question 30: Letters demonstrating "above and beyond" community support.
 2. ☐ The expenditure-based budget is completed, including justifications for all budget items.
 3. ☐ The work plan is provided with clear objectives, tasks, and performance measures.
- **MANDATORY UPLOADS (found in Pre-submission Uploads section in the Grants Gateway)**
 1. ☐ *Smart Growth Assessment Form* has been completed and uploaded into the Grants Gateway.
 2. ☐ This *Application Checklist* is completed and uploaded into the Grants Gateway.
- * ☐ **CHECK ALL DOCUMENTS AFTER UPLOADING TO ENSURE THE CORRECT DOCUMENT IS UPLOADED.**