

# Office of Natural Resource Restoration

## Notice of Grant Funding Availability for Paulins Kill and Pequest Watersheds Natural Resource Restoration Projects

Announcement Date: July 1, 2020

Application Due Date: September 21, 2020

State of New Jersey

Department of Environmental Protection Division of Parks and Forestry

Office of Natural Resource Restoration

Mail Code 501-04, PO Box 420, Trenton, NJ 08625

## Purpose

Natural resource restoration is administered by the New Jersey Department of Environmental Protection (NJDEP) through the Office of Natural Resource Restoration (ONRR), which was established in the early 1990s to oversee and coordinate restoration necessary as the result of environmental injury caused by discharges of hazardous substances, including oil spills. The authority for addressing injuries to the public's natural resources stems from the Public Trust Doctrine. This common law provides that public lands, waters, and living resources are held in trust by the government for the benefit of its citizens. NJDEP has additional authority to address natural resource injuries under the New Jersey Spill Compensation Control Act, N.J.S.A. 58:23.11a-1 *et seq.* and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.* In New Jersey, the Commissioner of the Department of Environmental Protection is the designated trustee charged with administering and protecting the state's natural resources.

ONRR coordinates with those responsible for injuries to natural resources to ensure that an appropriate restoration project is implemented to compensate the public for the loss of or injury to natural resources as well as their use and enjoyment.

ONRR also partners with other trustees and environmental organizations and solicits input from environmental and local community groups with special resource expertise and knowledge of the restoration project. ONRR brings together the necessary scientific and legal expertise within the state to pursue natural resource restoration.

Funding for selected restoration projects through this grant solicitation is provided through the Office of Natural Resource Restoration's natural resource damages settlements. ONRR grants are awarded on a competitive basis to encourage projects that provide public access and enjoyment and/or substantial ecological restoration as well as achieve the stated criteria for grant proposal selection. The ONRR webpage can be accessed at <http://www.nj.gov/dep/nrr/index.html>.

Grant information can be found at <http://www.nj.gov/dep/grantandloanprograms>.

### **Eligibility (Applicants and Project)**

Eligible applicants are:

- Government agencies, including, municipalities, counties, regional entities or organizations, municipal utility authorities, economic development corporations, redevelopment authorities or government entities authorized by, municipalities or counties; and
- Non-profit organizations.

Eligible Projects must:

- Be located in New Jersey;
- Be located on the Paulins Kill or Pequest Rivers or tributaries thereof;
- Provide significant ecological uplift through the restoration or enhancement of natural river habitat, improve surface water quality, or create fish passage;
- Not be a project, project component or activity associated with wetland mitigation required under the Freshwater Wetland Protection Act, N.J.S.A. 13:9B-1 *et seq.*, the Coastal Wetlands Act, N.J.S.A. 13:9A-1 *et seq.*, the Waterfront Development Act, N.J.S.A. 12:3-5 *et seq.*, or by the United States Army Corps of Engineers; and
- Not be a project required by any other authority.

### **Grant Funding Allocation**

This current notice of funding availability is for the purpose of providing funding for projects which will restore or enhance natural river habitat, improve surface water quality, or create fish passage on the referenced waterways.

Selected projects will be required to meet all eligibility and grant selection criteria and pre-disbursement requirements prior to execution of a Grant Agreement. The Grantee will be required to meet all requirements and timelines specified in the Grant Agreement. The general terms and conditions of the Grant Agreement are included in this Grant Announcement for reference, however, the actual terms and conditions included in the post-award grant agreement shall control in the event of any conflict with this announcement. Grant awards will only be made available upon the grantee's execution of a grant agreement and verification that all necessary funding is available to completely construct the project.

NJDEP is making \$8,000,000.00 available under this grant for design and/or construction work. The maximum grant available to any one project is \$5,000,000.00. There is no minimum grant request. Grant money shall not be used towards land acquisition. Matching funds are not required but will be factored into the scoring of applications (see Proposal Selection). Based on the scoring criteria, preference will be given to proposals that include funding for construction. However, proposals to fund the design of a project will also be considered.

Publication of this announcement does not obligate NJDEP to award a grant or to fund any specific project and is subject to the availability of grant funds at the time of an award of grant. DEP further reserves its right to decline to award a grant if NJDEP determines that a proposed project does not meet the grant criteria or it is not in the public interest to do so. In the event that all available grant funds are not awarded under this solicitation, NJDEP may elect to advertise additional grant solicitations.

## **Grant Requirements**

All ONRR grant recipients must comply with the general terms and conditions as defined in the post-award grant agreement including, but not limited to, the following:

- Grantees agree to comply with all applicable federal, state and municipal laws, rules, regulations and written policies.
- The work period for completion of design or completion of construction of a fully designed and permitted project is two years from the date of the Notice of Intent to Award. If the proposal includes both design (including permitting) and construction, the work period for completion is three years from the date of the Notice of Intent to Award. No more than a single one-year extension will be granted at the discretion of ONRR.
- All expenditures will require prior NJDEP approval. Costs associated with land acquisition are not eligible. Costs associated with design, permitting, and construction are eligible.
- Funding cannot be used to reimburse expenses incurred outside of the work period defined in the Grant Agreement.
- Grantees will use their own procurement procedures that reflect applicable State and local laws and regulations. Applicable State requirements shall be incorporated into any subcontracts under the Grant Agreement.
- The salaries or wages of an employee of the grantee are not eligible for reimbursement from grant funding, even though the employee may be engaged in work that is necessary for grant preparation or for the oversight or implementation of the grant. Only the cost of project design and/or construction-related services provided by the vendor or contractor that the grantee hires to carry out the work plan may be reimbursed.
- All grantees must maintain records that adequately identify the source and application of funds provided for the project. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
- All grantees are required to comply with all financial and performance reporting requirements in the Grant Agreement including interim and final financial and performance reports.
- All grantees are required to post a sign during construction indicating that the source of project funding is natural resource damage recovery funds from the NJDEP ONRR.
- Upon completion of the project, all grantees are required to post and permanently maintain signs at the project site indicating that the project was funded using natural resource damage recovery funds from the NJDEP ONRR. This may be included on interpretive signs.
- Upon completion of the project, all grantees shall record a Department approved conservation easement to protect the project area in perpetuity.

## **Proposal Requirements**

- The ONRR Grant Proposal Application must be filled out in its entirety.
- Only one project may be presented per proposal.
- Applicants must be one entity; co-applicants are prohibited. Other organizations or entities with a significant role in the project may be identified as partners.
- The grant request cannot exceed the funding allocations described in this solicitation.
- Proposals that include design and permitting must include conceptual or preliminary design plans and be accompanied by a narrative description of the project that is proposed to be designed and an estimated schedule for completing the design and permitting process.

- Proposals for construction only must include 100% design plans, specifications, and all necessary permits accompanied by a narrative description of the proposed project and an estimated schedule for project completion.
- Proposals must also include a monitoring plan and a plan to implement adaptive management if necessary.
- All proposals must include a preliminary but detailed budget that identifies project components and associated costs and addresses monitoring and adaptive management to be implemented after completion of construction.
- If the grant request does not fully fund the project, applicants must demonstrate capacity to fund balance of project.
- All proposals from a government agency will require three (3) signed and sealed originals of the governing body resolution or other official authorization that authorizes commitment to the proposed project. If the applicant is a non-profit, three (3) signed and sealed originals from the board authorizing the document will be required. If you are unable to include this information in the application, it will be required by the NJDEP in the Notice of Intent to Award and prior to signing the Grant Agreement.
- All proposals must identify a project manager who will have primary responsibility for coordinating project work, communicating with ONRR, and reporting on implementation and performance.
- Projects may be determined to be ineligible based on the presence of known or suspected hazardous or toxic substances.

### **Reporting and Accountability**

Funded projects must comply with accounting, progress, and accomplishment reporting requirements defined in the grant agreement. At a minimum, all grants will require:

- Quarterly reports submitted every three months beginning three months after the effective date of the Notice of Intent to Award until the end of the work period. Reports must include information in the Interim Performance Report Form provided within the Grant Agreement.
- A final report at the end of the work period pursuant to the Grant Agreement.

### **Criteria for ONRR Grant Proposal Selection**

The primary criteria for evaluation of proposals are:

1. **Project Applicability (25 points)**
  - Project vision as it relates to the degree of ecological uplift for the water resource;
  - Magnitude of the proposed ecological enhancement and restoration of injured natural resources;
  - Context of the proposal as it relates to a broader watershed restoration initiative; and
  - Integration of project with federal, state and local programs, plans and policies.
2. **Project Readiness (25 points)**
  - Project feasibility;
  - Proposed design completion date;
  - Level of completion of any necessary preliminary design elements (e.g. contamination tests, historic surveys, habitat assessments, planting plans, specifications, permits etc.);
  - Proposed construction completion date; and
  - Current level of public engagement and support for the proposed concept.

3. Likelihood of Success (30 points)

- Likelihood of success (i.e. the methods of construction, planting materials, and restoration techniques should be appropriate for the goals of the project);
- Ability of the grantee to contract with a design and construction firm;
- Qualifications of the proposed personnel (in-house and contracted) to ensure grant agreement compliance as well as completing project design and construction; and
- Ability of the Grantee to perform long-term maintenance if the proposal includes funding for construction.

4. Application Contents (10 points)

- Individual elements of Application Contents as defined below.

5. Cost Share/Matching Funds (10 points)

- Level of matching funds; and
- Cost detail (funding source allocation per project component).

**Application Contents**

The following are required as part of a complete grant proposal application. Applicants must adhere to specified page limits and fonts size must be no smaller than 11 pt.

1. Project Overview (1 page maximum)

Provide a narrative describing the project and explain how it directly supports the goals of the grant. There should be a direct link between the project objectives and the Purpose and Eligibility Criteria described above.

2. Work Plan (8 pages maximum, excluding location map)

The project should be presented with a clear plan for the proposed work and how it will be carried out, as described below.

- Describe the project location and existing site conditions. Include a map showing the project location as it relates to the Paulins Kill or Pequest River and other locational landmarks such as nearby towns or major roads.
- Describe the need to carry out the work.
- Describe the proposed conditions and habitat types being created, enhanced, or restored. Include a detailed description of the types and size of proposed habitats, planting schedules, and other proposed habitat features. For wetland creation or restoration, include details of the proposed hydrology.
- If the proposal includes funding for design and permitting, provide conceptual site plans that detail, to the greatest extent possible, the proposed project concept and identify permits already acquired and additional permits that are necessary as well as the plan to obtain those permits.
- If the proposal is for construction only, 100% design plans, specifications, and permits are required.
- Clearly identify the roles and responsibilities of any project partners.
- Provide a project timeline/schedule via a diagram (i.e., Gantt chart) that clearly illustrates when project tasks and milestones will be carried out within the defined work period for this grant.

Significant project milestones must be indicated. Milestones for design can include but are not limited to issuing an RFP for work, awarding a contract, obtaining permits, interim design, final design and construction specifications. Milestones for construction can include starting construction, completion of earthwork, completion of planting, demobilization, and submitting reports. This schedule shall be updated on an as needed basis and will be used to ensure compliance with the work period defined above.

3. Monitoring, Evaluation and Long-Term Maintenance (2 pages maximum)

- Identify specific, significant, and measurable on-the-ground success criteria that will be used to measure the project outcome.
- Describe the project's monitoring and evaluation plan. The monitoring plan should directly relate to the success criteria and expected project outcomes.
- Describe the financial capacity, plans, and timeframe for long-term maintenance of the project and the capacity of the applicant to implement the maintenance plan, including the applicant's ability to implement corrective action if monitoring indicates it is needed.

4. Budget (5 pages maximum)

Applicants must complete the Grant Project Budget Form for estimated design and/or construction costs in its entirety. In addition, applicants must provide a detailed narrative describing each budget item and clearly demonstrating how the grant funds will be spent, any other funds that will be used to implement the project, and how those funds will be used.

5. Grant Proposal Application Form

Applicants must complete the grant proposal application form in its entirety.

6. Governing Body Resolution

If the applicant is a government agency, three (3) signed and sealed originals of the governing body resolution or other official authorization that authorizes commitment to the proposed project. If the applicant is a non-profit, three (3) signed and sealed originals from the board authorizing the document will be required. If you are unable to include this information in the application, it will be required by the NJDEP in the Notice of Intent to Award and prior to signing the Grant Agreement.

7. Project Partner Letters

If there are project partners, letters of support from all partners clearly identifying their role in the project.

8. Capacity Demonstration

Demonstration of the applicant's capacity to conduct the scope and scale of the project, as indicated by the qualifications and previous experience of the project leaders and/or partners in designing, implementing, and effectively managing and overseeing similar projects.

9. Property Owner Approval

Proposals must include formal documentation of approval for project construction from the property owners where the proposed project will be constructed if the applicant is not the property owner.

### **Pre-disbursement Conditions**

Selected projects shall meet the following requirements prior to the execution of the Grant Agreement.

- The Grant Agreement must be completed before NJDEP can disburse any funds.
- All NJDEP grant funding shall fund only design and/or construction components of the selected project.
- If the proposed project is substantially reduced or altered, or the likelihood of success of the project is determined to be substantially less than expected between the conceptual site drawings submitted with the grant application and the final, permitted design, ONRR reserves the right to revoke or modify the award. In addition, ONRR reserves the right to revoke or modify the award if design specifications are not provided or construction is not begun in a timely manner.
- A final approved budget will be required prior to the execution of the Grant Agreement.
- The work period for completion of design or completion of construction of a fully designed and permitted project is two years from the date of the Notice of Intent to Award. If the proposal includes both design (including permitting) and construction, the work period for completion is three years from the date of the Notice of Intent to Award. No more than a single one-year extension will be granted at the discretion of ONRR.
- A detailed schedule is required. Provide a project timeline/schedule via a diagram (i.e., Gantt chart) that clearly illustrates when project tasks and milestones will be carried out within the defined work period for this grant. Significant project milestones must be indicated. Milestones for design can include but are not limited to issuing an RFP for work, awarding a contract, obtaining permits, interim design, final design and construction specifications. Milestones for construction can include land acquisition, starting and ending work, and submitting required grant reports. This schedule shall be updated on an as-needed basis and will be used to ensure compliance with the work period defined above.

### **Grant Application Question and Answer Period**

Any questions regarding this grant announcement may be submitted by email (preferred) to [onrrgrantspaulinskillpequest@dep.nj.gov](mailto:onrrgrantspaulinskillpequest@dep.nj.gov) or in writing to Stacey MacEwan at the mailing address below. Please include the phrase "Paulins Kill and Pequest Watersheds" in the subject line. Questions may be submitted until August 21, 2020. Questions and ONRR responses will be posted at <https://www.nj.gov/dep/grantandloanprograms/>. ONRR will not respond to questions by phone.

### **Project Submission**

Grant proposal applications shall be submitted via email to [onrrgrantspaulinskillpequest@dep.nj.gov](mailto:onrrgrantspaulinskillpequest@dep.nj.gov) or traditional post to:

Stacey MacEwan  
NJDEP Office of Natural Resource Restoration  
Mail Code 501-04  
PO Box 420  
501 East State Street Trenton, NJ 08625-0420

The complete grant proposal application must be received by 5:00 P.M. on Monday, September 21, 2020. Grant applications received after 5:00 P.M. shall be rejected. The applications shall include all information required as identified in the Application Contents section of this Request for Proposals. Four complete copies of each application shall be submitted. Unless otherwise notified by DEP, applicants will

be notified whether they will receive funds within six months of the grant application submission deadline.

An evaluation team may be comprised of NJDEP staff from programs such as ONRR, Land Use Regulation, and Natural and Historic Resources to review project proposals. A preliminary review will reject any ineligible or incomplete applications. Applicants may be contacted to address minor, non-material administrative completeness issues or to clarify submitted information during the review process. Eligible and complete applications will be ranked according to criteria defined in this solicitation. Grant funds will be awarded by DEP to projects that are deemed most beneficial to the state according to the criteria contained herein. DEP reserves the right to make no award if, at its sole discretion, no acceptable proposal is received or grant funds are no longer available.